THE ORIGIN AND ESTABLISHMENT OF A
STATE BOARD OF EDUCATION
IN OHIO

Volume I
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# CONTENTS

Volume I

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>I. INTRODUCTION</strong> ................................................</td>
<td>1</td>
</tr>
<tr>
<td>Background of the Problem ........................................</td>
<td>1</td>
</tr>
<tr>
<td>The Problem ..........................................................</td>
<td>3</td>
</tr>
<tr>
<td>Method of Procedure and Sources of Data ..........................</td>
<td>5</td>
</tr>
<tr>
<td>Definitions ..........................................................</td>
<td>7</td>
</tr>
<tr>
<td><strong>II. STATE ADMINISTRATION OF PUBLIC EDUCATION</strong> ..............</td>
<td>8</td>
</tr>
<tr>
<td>The Extension of Federal Power ....................................</td>
<td>9</td>
</tr>
<tr>
<td>Centralization in National and State Governments ...............</td>
<td>11</td>
</tr>
<tr>
<td>Administrative Decentralization in Education .....................</td>
<td>14</td>
</tr>
<tr>
<td>Nature of State Education Agencies in the States ...............</td>
<td>18</td>
</tr>
<tr>
<td>State Boards of Education in Relation to State Governments ...</td>
<td>25</td>
</tr>
<tr>
<td>Summary of State Administration of Public Education ..........</td>
<td>37</td>
</tr>
<tr>
<td><strong>III. FROM EARLIEST IDEAS AND MOVEMENTS FOR A BOARD UNTIL THE DEFEAT OF THE CONSTITUTIONAL AMENDMENT OF 1939</strong> ..........</td>
<td>39</td>
</tr>
<tr>
<td>Historical Factors That Influenced Decentralization in Government ..........................................................</td>
<td>40</td>
</tr>
<tr>
<td>Movements Toward a State Board of Education Up To 1850 ..........</td>
<td>42</td>
</tr>
<tr>
<td>The State Board of Education Idea from 1851 to 1901 ............</td>
<td>57</td>
</tr>
<tr>
<td>Progress toward a State Board of Education from 1902 to 1939</td>
<td>81</td>
</tr>
<tr>
<td>The Constitutional Amendment of 1939 ..............................</td>
<td>103</td>
</tr>
<tr>
<td>A Backward Look ................................................................</td>
<td>119</td>
</tr>
<tr>
<td><strong>IV. THE APPROVAL AND ELECTION OF A STATE BOARD OF EDUCATION IN OHIO</strong> ..............................................................</td>
<td>122</td>
</tr>
<tr>
<td>Events Prior to the Campaign of 1953 ..................................</td>
<td>123</td>
</tr>
<tr>
<td>A State Board of Education is Approved ................................</td>
<td>140</td>
</tr>
<tr>
<td>The Legislature Determines the Kind of State Board of Education ..........................................................</td>
<td>165</td>
</tr>
<tr>
<td>Election of the First State Board of Education ...................</td>
<td>200</td>
</tr>
<tr>
<td>A Backward Look ................................................................</td>
<td>220</td>
</tr>
</tbody>
</table>
# LIST OF TABLES

<table>
<thead>
<tr>
<th>Table</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>I.</td>
<td>Geographical Distribution of Candidates for the First State Board of Education and the Successful Candidates.</td>
<td>214</td>
</tr>
<tr>
<td>II.</td>
<td>Campaign Receipts and Expenditures of Candidates for State Board of Education in General Elections of November 1955</td>
<td>219</td>
</tr>
<tr>
<td>III.</td>
<td>Campaign Receipts and Expenditures of Members of the First State Board of Education in Ohio in General Elections of November 1955</td>
<td>221</td>
</tr>
<tr>
<td>IV.</td>
<td>Terms of Office of Members of the First State Board of Education</td>
<td>235</td>
</tr>
</tbody>
</table>
# LIST OF ILLUSTRATIONS

<table>
<thead>
<tr>
<th>Figure</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Organization of the Department of Education Prior to the Establishment of the State Board of Education</td>
<td>300</td>
</tr>
<tr>
<td>2.</td>
<td>Proposed Reorganization of the Department of Education</td>
<td>308</td>
</tr>
</tbody>
</table>
CHAPTER I

INTRODUCTION

Background of the Problem

In 1953 the people of the state of Ohio amended their constitution to provide for the creation of a state board of education. Previous to this act the control and supervision of public education in Ohio for over one hundred years rested in a state superintendent of public instruction who was first an elected official and then a cabinet officer, also called a director, appointed by the governor. Forty-four states had a state board of education before the electors of Ohio approved this change in their central state educational agency.

The change in the state educational machinery in Ohio is in line with increased activity in the various states to improve their central state educational agencies. Between 1945 and 1955, the Office of Education reports that every state made fundamental changes in either the structure or the internal organization of its State educational machinery in order to provide greater leadership to the common school system.¹

A significant trend in the reorganization of the central state educational agency is the move toward a popularly elected state board of

education. Ohio is one of eight states, as of January 5, 1956, that selects its board membership by popular vote; in 1945, only two states provided for popular election of the board's membership. Another trend is the appointment of the chief state school officer by the state board of education: in 1951, the chief state school officer was popularly elected in twenty-six states, appointed by the state board of education in eighteen states, and appointed by the governor in four states. The number of states in which the appointment of the chief state school officer is made by the state board of education has increased from eight in 1940 to eighteen in 1954.

The Council of Chief State School Officers, an influential body that seeks to improve state school administration, accepts popular election of members of state boards of education and board-appointment of chief state school officers as the most desirable methods for selecting these officials. Since 1945, not one state has changed its system to provide for either an elected chief state school officer or one appointed by the governor.

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2 Ibid., p. 30.

3 Ibid. Since 1954 at least two states, Nevada and New Mexico, have made their chief state school officers appointees of the state board of education.


5 Ibid.
The Problem

The general field of the relationship of state governments to education has come under intensive study recently. The major emphasis in the studies made has been the evaluation of state educational agencies. The research has tended to follow standard patterns. "For the most part it represents a description of arrangements, a cataloging of functions and services, or an appraisal in terms of criteria derived from educational literature." These studies have been successful in promoting both tested and promising practices.

The existence of a state board of education in Ohio contains a story that is part of Ohio history. The state board of education is actually the end product of the progress of an idea. Behind the fruition of this idea is the influence of a host of people, individuals and groups, who participated in this story for more than a century. Though there exist some histories of central state educational agencies, they restrict themselves for the most part to accounts of the expanded functions and services of these bodies. No account apparently exists that attempts to record the progress of the idea of a state board of education in a particular state as it unfolds in the thoughts and acts of a people.


7 Ibid., p. 353.
In the light of continued and predicted change in the central state educational agency an additional and seemingly desirable goal for investigation is that of process; for example, how a state board of education is established, how its members are chosen, and how such an organization develops from its infancy. Such activities in connection with the board in Ohio are an inextricable part of the board's history, as is the record of the board's accomplishments for the limited period under examination. Apparently, no historical or other descriptive account exists to tell this particular phase of the development of a state board of education. Such an account may be of help to other central state educational agencies as they seek to reorganize themselves. With no precedent for possible use as a guide, a new or reconstituted state board of education is likely to do some unnecessary floundering in tackling its problems. The transition period, when one authority relinquishes its responsibilities and the successor takes them over, is an especially critical interim.

Avoidance of mistakes in original organization and during the early stages of procedural development is particularly important since precedents are established and practices crystallized at this stage.\(^8\)

Another aspect of state educational administration is contained in the history of the state board of education in Ohio: this is the role of state boards of education in state public administration. An elected state board of education, for example, inserts something new in public administration; it is the only state board in Ohio, and in most

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states, whose members are elected by the people. The status of elected state boards of education is in need of closer examination. In this account of the state board of education in Ohio an attempt is made to indicate the controversies concerning the role of such boards in state public administration.

In brief, the purpose of this investigation was to reconstruct the story of the origin and establishment of a state board of education in Ohio. The scope includes an account of pertinent events from early state history to a recent point where the state board of education had been in operation for eighteen months. Part of the historical account is devoted to a description of the process through which the state board took shape as an organization, commencing with the legislative act that gave it form, proceeding through the early stages of organizational growth, and noting its development as a functioning governmental agency in the state administrative structure.

Method of Procedure and Sources of Data

This historical account is divided into two parts, or volumes. In Volume I a chapter is devoted to a discussion of state school administration in general. Two chapters follow which recount in sequential fashion the ideas and activities over a century that ended with the passage of a constitutional amendment in 1953 which provided for the creation of a state board of education in Ohio, the passage of legislation in the General Assembly in 1955 which decided the composition of the board and manner of selection of its members, and finally the election of the members of the first board. Data for Volume I were secured for the most part by reference to the acts and resolutions of
the General Assemblies of Ohio for nearly one hundred years; the messages of governors; reports of the commissioners of common schools and succeeding chief state school officers; reports and minutes of educational, business, and social organizations; sundry state documents; newspapers and periodicals; interviews; and personal correspondence with some members of the state legislature.

Volume II encompasses the events that began with the first meeting of the new board in January, 1956, until the meeting of June, 1957, when the board had just selected its own executive secretary. The chapters of Volume II are topically arranged. Chapter V includes a description of the first organizational meeting, the formulation of rules of procedure, and the selection of a state superintendent of public instruction. Chapter VI contains a description of the position of the board in state public administration and the relationships it established with state governmental agencies, state school agencies, other state associations, national agencies, and the press. In Chapter VII an account is given of the many activities the board engaged in as a regulatory agency of state government. The leadership activities of the board as a unit and of individual members are discussed in Chapter VIII. A look into the future is attempted in Chapter IX. Data for Volume II were obtained mainly from the minutes of the board, the reports of the state superintendent of public instruction, and personal observations at the twelve monthly meetings of the board in 1956. Interviews with the president of the board and the acting state superintendent of public instruction furnished valuable data. Newspapers, house organs of state school agencies, and acts and resolutions of the General Assembly of Ohio also supplied pertinent information.
Definitions

Central state educational agency means the group of authorities at the state level who are directly responsible by law for the supervision and control of the state's educational system. The agency usually includes the state board of education, the state superintendent of public instruction who in most cases is the executive officer of the board, and the professional staff that helps the state superintendent carry out his responsibilities.

Department of education is identical in meaning with the central state educational agency.

State department of education is identical in meaning with the central state educational agency. In some states the state department of education refers only to the superintendent of public instruction and the professional staff of the central state educational agency.

State board of education means the organization, made up of elected or appointed members, that is normally responsible for the regulation of elementary and secondary education, and in some cases of institutions of higher learning, in a state. These boards are to be distinguished from other state boards of education of an advisory or administrative nature that are established to carry out a specific function, such as a state board acting as a building authority or a state board administering the program for a state school or college.
CHAPTER II

STATE ADMINISTRATION OF PUBLIC EDUCATION

At mid-century the conduct of public education in the United States remains the responsibility of the separate states. A state's power over public education within its domain is plenary, restricted only by the limitations imposed by the state and federal constitutions. There is no recourse from a state's jurisdiction to that of the higher federal authority, except where action is brought to protect the civil liberties and rights of a citizen or citizens guaranteed by the United States Constitution.¹ This supremacy of the state in its conduct of

1 For example, the right of liberty of conscience in regard to the flag salute (West Virginia State Board of Education v. Barnette, 319 U.S. 624 (1943)), or the right of Negro children to be free from discriminatory practices in regard to segregation in the public schools (Brown v. Board of Education, 347 U.S. 490 (1954)). The state's power over private schools cannot be exercised without respect to rights of contract as evidenced in the Dartmouth College case (4 Wheaton 518 (1819)) or the deprivation of property without due process of law as shown in the Oregon case (Pierce v. Society of the Sisters of the Holy Name of Jesus and Mary (268 U.S. 510, 45 S. Ct. 571 (1925)).

The supremacy of the state may also be subject to federal intervention under Article VI of the Constitution. A test case nearly occurred in the famous incident of the exclusion of Japanese children from the San Francisco schools by that city's school board in 1906. This was part of the movement to exclude Japanese coolie labor from California. Japan claimed the school board order was a contravention of the Treaty of 1854. Through the personal intervention of President Theodore Roosevelt the exclusion order was cancelled and the immigration question settled by the Gentlemen's Agreement of 1907. Roosevelt explained to the mayor of San Francisco that he "would use every resource of the National Government to protect the Japanese in their treaty rights... the Nation and not the individual States must deal with matters of such
education, conferred upon it by implication under the Tenth Amendment of the United States Constitution, has been an established doctrine in federal-state relations.

The Extension of Federal Power

Federal taxing power and the welfare clause

The delineation of authority between the national government and the states in the control of education, however, is not so clean and clear a division as it once was. Control of education as a power reserved to the states may be less inclusive a prerogative as has been interpreted in the past. This point of view is a result of the change in interpretation given to the taxing power of Congress by the Supreme Court in the past two decades. Article I, section 8, of the Constitution gives the Congress the power to tax and spend for the general welfare. The debate has long ensued over whether the Congress may tax for purposes other than those enumerated. Congress may do so according to recent court interpretation. In theory, Congress may perform regulatory acts in areas commonly felt to be within the rights of states in providing for the general welfare, and it has already done so in fact. Congress has the power to make laws to carry out this general welfare provision. Thus Congress may have the power to control


education in the states; the limit to which it may go is a matter yet to be determined. As stated by one student of school law:

... since the welfare clause has been held to confer substantive powers, it may well be that Congress is clothed with vast powers not only with respect to the support of education but with respect to its control as well.3

Federalism as an outmoded concept

The prerogative of a state's rights concerning education, or of state's rights in general, is challenged from another direction. The concept of a federal government, or sovereign states in a union, is said by some to be an out-moded doctrine. They claim that the long held theory of the American state is no longer a supportable one, since the ends for which the states were established are no longer the same. Powerful economic interests, according to one critic, are beyond adequate control of a single state legislature. To prevent any abuse of power by formidable economic interests, the result of an obsolescent federal system, the people of the United States need to expand the powers of their central government to cope with a highly systematized capitalism that is beyond the control of the independent powers of the separate states.4

3Ibid.

Expansion of the national government's powers

Actually, the expansion of the national government's powers has been clearly evident for some time. For example, the power of Congress to regulate interstate commerce has gone beyond the power to correct abuse of unfair competition to one of protection of the general welfare, using its delegated power over interstate commerce to regulate such matters as child labor, forbidding the transportation of impure food products, and in general, guaranteeing that the facilities of interstate commerce are not to be used to perpetrate any frauds or commit any evil. The general welfare clause may conceivably go much further than the commerce clause to extend the power of the national government over a vast area of the social and economic life of the nation whether it be in conservation, labor conditions, public utilities, public health, or providing for adequate educational opportunity for young citizens in the various states.

Centralization in National and State Governments

Increase on the national level

The continued tendency to increase the powers of the national government poses a problem in the American political system. It may be argued that this dynamic society requires a highly bureaucratic system, but opponents of this view say that the American democratic system will eventually be destroyed if bureaucracy is carried too far. In addition,

5 United States v. Darby, 312 U.S. 100; 61 S. Ct. 451 (1941).
6 For example the Mann Act (1910), Lottery Act (1895).
it is further contended that national survival in an increasing technical world requires a highly coordinated system of government, not only to meet emergencies with efficiency and dispatch but also to exercise authority in order to marsha! the total resources of the nation to carry out long range programs in vital areas. In this highly regimented system the individual citizen may find himself out of communication with his government. The argument follows that if the traditional political structure, based on democratic principles and ideals, is to be perpetuated, the individual citizen should remain an active participant in his local, state, and national governments. As a compromise to this problem of centralization on the national level, David E. Lilienthal, the former Tennessee Valley Authority administrator, suggests that policy making be centralized in the national government but that this policy be administered locally. He believes it possible to have regulation without lessening citizen participation; he advocates decentralization of administration. 7

Increase at the state level

There seems to be some similarity in the shifting of powers from local governmental subdivisions to the state to the shifting from the states to the national government. Administrative control exercised by local governments in various matters such as public roads, pollution of streams, and other areas in public health has wholly or partially shifted to the state government, the usual explanation being that these

activities have transcended the ability of local subdivisions to care for them adequately and efficiently. By extending this argument the state may eventually assume complete administrative control of all its local subdivisions, for the burden of proof as to the ability of local governments to do a better job than the state government rests with the former. Since states are held to be sovereign within their borders, the centralization of powers in state governments may be achieved more easily than in the case of the national government which was established through delegation of powers from sovereign states.

Local subdivisions are creatures of the state and therefore vulnerable as to their exercise of powers. Even though the state is in fact the handmaiden of the people, the drift to administrative centralization is reducing the reason for being of local governments. One of Ohio's noted senators, the late Robert A. Taft, called attention to the lessening influence of local government in a letter to a private citizen wherein he expressed his point of view on federal influence in education. He wrote:

Education has been peculiarly the concern of the states and the local government. The people take an intense interest in the operation of their local schools, and if they cannot retain complete control of education and operate the schools efficiently, then there is no function which can any longer be left to local subdivisions for independent treatment. I believe very strongly that any further weakening of local self-government will make it impossible to continue in this country a truly democratic form of government.8

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8Letter to J. D. Blackford, Secretary, the Ohio Superintendent's Association, August 3, 1943. (In the files of the association, now called the Ohio Association of School Administrators.)
Administrative Decentralization in Education

The conduct of public education is perhaps the best example of administrative decentralization of a particular function of state government. State legislatures, operating under constitutional provisions for the establishment and maintenance of free public schools, exercise this responsibility by enacting legislation for education and transferring the state's power of administration of that legislation to state agencies. These state agencies are the familiar state boards of education, state departments of education, and county and local governing boards of education. The local boards of education preceded the creation of the state educational agencies. The former may be traced back to the New England town selectmen of early American colonial history, and the latter to the Board of Regents of the University of the State of New York, established in 1794 for the administration of colleges and academies in that state.

State and local government relations in early times

Several factors led to the dominance of local school boards in the administration of public education within the states. In early American history, the development of small communities based on an agricultural economy and with poor means of communication naturally called for an emphasis upon local control of affairs. Aiding this development was a strong distaste for centralization of government, the aftermath of authoritarian rule by despotic governors representing the British Crown. State legislatures merely followed current attitudes and vested increased powers in the local school boards. Where states did
establish state boards of education, they gave these boards little real authority. The influence of the Massachusetts state board of education, created in 1837, was due to the leadership of its executive secretary, Horace Mann, and not to any clear or actual delegation of administrative powers. The states, for the greater part of the nineteenth century, continued to leave the administration of education almost wholly to local boards of education. There apparently was little or no discussion of centralization of educational policy making or powers in state legislatures; as yet legislatures were not ready to move much in this direction.

The movement toward centralization in state government

Changing times about the middle of the nineteenth century, however, led to a reversal in the low degree of activity of state governments. The rising industrialism brought problems that in many cases went beyond the ability of local governments to deal with satisfactorily; local subdivisions were unable to control forces that needed to be dealt with on a state-wide basis. The regulation of business and the promotion and protection of the general welfare forced states to become active in areas where they had defaulted or had not had occasion to act. Local governments soon found themselves under closer supervision of state authorities. Today, through such devices as grants-in-aid and budgetary supervision and audits, the state may exercise wide discretion over its subdivisions in the inspection of local activities to enforce minimum standards for local functions such as health, sanitation, and education.9

This movement toward administrative centralization in the state government, then, as well as now, has resulted in the diminution of the powers of local governmental subdivisions, whether county, city, or town. In Ohio, for example, municipal home rule in respect to the control of public utilities, the fields of taxation, and the appropriation of real estate has become so confused as to constitutional interpretation that these home rule powers have been whittled away by judicial decision to the point where redefinition of them has been proposed.  

**Administrative decentralization in education persists**

Education, too, was affected by the shift to increased activity on the part of state authorities. Beginning with the regulation of federal land grants for educational purposes and the creation of school funds, states enacted more and more legislation for the support and administration of public schools.  

To implement their legislative actions, the legislatures perforce had to establish new administrative machinery or improve what they already had in existence. Local school boards learned that administrative decentralization would remain as a system, but not without these boards operating within broad policies established by their state legislatures. One by one the states, following the precedents of New York and Massachusetts, created some kind of central state educational agency to assume responsibility for

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11 See Ellwood P. Cubberley, *State School Administration* (Boston: Houghton Mifflin Co., 1927), for the history of state school administration. This volume remains the best single source for this phase of education in the nation's history.
the management, supervision, and control of education within the framework of legislation set up by the individual legislatures.

State educational agencies established

These state educational agencies took several forms. Massachusetts, for example, established a state board of education of eight members appointed by the governor, plus two ex officio members, the governor and lieutenant-governor. The appointed members were to serve for eight years and provision was made for staggering the terms of office. The board was given authority to appoint a secretary. The plan had features that are still recognizable in state boards of education today.

A second form of state educational agency which was created was the office of the state commissioner of common schools, better known today as the state superintendent of public instruction. The first office of this kind was established in New York in 1812. The creation of this office was an admission of the need of a single responsible official to act as an arm of the legislature in the execution of state laws in regard to education. This officer, the state commissioner of common schools, however, lacked true executive powers: he normally gathered information for use of the legislature and supervised the distribution of state school funds. He further attempted to advance the cause of education by traveling over the state, speaking to various groups about the advantages of schools, or writing about education in

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12 Laws of the Commonwealth of Massachusetts, Chapter 241, Sec. 1, 1837.
particular journals. Without authority to enforce regulations, the commissioner of common schools generally remained a weak state official until late in the nineteenth century. At this time the office of commissioner of common schools assumed some status, a tendency which continued until the commissioner, or state superintendent, eventually became a strong state official. In Ohio, for example, he became a cabinet officer with the title of director of the department of education.  

**Nature of State Education Agencies in the States**

In each of the forty-eight states there is either a state board of education or a state superintendent of public instruction with full or partial responsibility for administering the state's program for elementary and secondary education. Forty-five states, the last being North Dakota in 1956, have state boards of education that have full or partial responsibility for the supervision and control of elementary and secondary education. Wisconsin, Illinois, and Michigan remain with elected state superintendents of public instruction who are charged with the same responsibilities for the state's school program.

**Membership of state boards of education**

There are great variations in the memberships of state boards of education for the so-called common schools and wide differences in the scope of their responsibilities and functions. The range of members is from three in Mississippi to twenty-three in Ohio. Seven of the boards

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13 This occurred in the reorganization of state government in 1921. See *Laws of Ohio*, CIX, 105.
are elected directly by the people; the number is eight if Washington is included, where the board is elected by conventions of school board members. Thirty boards are appointed by governors of the respective states, and in New York the board is appointed by the legislature. In Florida and Mississippi the board members are all ex officio. Members of the board in Wyoming are appointed by the state superintendent of public instruction who is a member ex officio. In Arizona the board is composed of a mixed membership of gubernatorial appointments and ex officio members including school executives, the governor, and the superintendent of public instruction. Seventeen boards have one or more ex officio members. As may be expected the qualifications for membership on boards vary in the different states.

Scope of powers of state boards of education

Some state boards of education have broad powers; for example, the New York Board of Regents, University of the State of New York, is responsible for the "coordination of the State's entire system of public and private elementary, secondary, and higher education, including vocational education and vocational rehabilitation." The board also operates most units of the State University, the state school for the blind, and the Indian schools. In Kansas, however, the board for the most part acts in an advisory capacity to the state superintendent of public instruction, even though it does have joint responsibilities for the coordination of the state program for the common

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11 Beach and Will, The State and Education, p. 166.

15 Ibid., p. 113.
schools. A recent study by the Council of State Governments indicates the extent of duties and functions assigned to state boards of education. The Council reported the most common of these powers, and from the list below one may note the diverse functions in the various states.

1. Adoption of rules and regulations which have the effect of law ........................................ 37 states
2. Regulation of teacher certification .................. 37 states
3. Prescription of minimum standards in specified areas ........................................... 34 states
4. Determination of educational policies ........ 32 states
5. Adoption of courses of study ....................... 31 states
6. Determination of regulations governing the apportionment of state school funds .... 25 states
7. Regulation of teacher education other than by certification ................................. 23 states
8. Determination of the plan of organization of the state department of education .... 21 states
9. Adoption of textbooks .................................. 21 states

General class of state boards of education

Besides state boards of education for the common schools there are numerous other boards on the state level which are charged with carrying out some specific responsibility, such as the Indiana State Teachers College Board and the State School Building Authority in Georgia. These boards have limited functions.

For purposes of classification the United States Office of Education has divided all state boards, including the state boards for the common schools, into two categories: (1) state education boards for schools and colleges and (2) state education boards for supplementary programs. The state boards for schools and colleges are further classified as (1) governing boards, (2) regulatory boards, and (3) dual boards

having both regulatory and governing responsibilities. A governing board is described as one "responsible for the direct operation of one or more educational institutions," and a regulatory board as one that "heads a State system of educational institutions which are operated by governing boards." There was a total of 231 of these state education boards in the forty-eight states in July, 1954.

Also in July, 1954, there were 130 state education boards, either advisory or administrative boards, for supplementary programs in thirty-nine of the forty-eight states. New York had twenty-eight state boards of education in July, 1954, three being boards for schools, colleges, and universities, and twenty-five being boards for supplementary programs. This represents the highest number of state boards of education within one state. Idaho, at the same time, had the lowest number, having but one single state board of education, although this board does not have exclusive responsibility for all educational functions in the state. Ohio had fifteen state boards of education, eight being for schools and universities and seven for supplementary programs.

Status of the state superintendent of public instruction

Though forty-five states have a state board of education charged with full or partial responsibility for the common schools, the state superintendent of public instruction remains an influential figure. In

17 Beach and Will, The State and Education, p. 6.
18 Ibid., p. 7.  
19 Ibid., p. 12.  
three states, as noted above, he is the state official directly responsible for the supervision of the common schools. In twenty-five states, where a state board of education for the common schools has been established, he is elected by the people and thus shares responsibility with the state board of education for the supervision of the state's school system. In eighteen states, where a state board of education for the common schools has been established, he is appointed by the board as its executive officer. In this latter capacity the superintendent advises the board in the making of policy and, with the help of the professional and clerical staff in the state department of education, executes the policies established by the board for the school system of the state. The long time evolution of the state educational structure has resulted in the state board of education achieving predominance over the state superintendent of public instruction as the chief authority for the supervision and control of the common schools of the state.

Present organization of state educational agencies

The essentials, or criteria, of the state educational structure as recommended by the American Council of Education and the National Education Association seem now to be well established. These include--

1. Provisions for the appointment by the governor or election by popular vote of a state board of education of outstanding citizens of broad vision to replace the ineffective ex-officio state boards which exist in some states.

2. Provision for the appointment by the state board of education of an outstanding educational administrator to serve as its chief executive and as state commissioner of education. This would remove this important office from the serious handicaps under which it operates when its occupant is elected by popular vote on a party ticket.
3. The assignment of important policy-making functions to the state board of education.

4. The development of an adequate state department of education, both as to functions and personnel, under the general control of the state board of education and the administrative direction of the state commissioner of education.

5. The establishment of local units of school administration of adequate size under legal arrangements which exemplify accepted practices in school administration.

6. The development of sound legal and operational arrangements between the state department of education and the local units of school administration.

7. The establishment of a modern program for the financing of education, including adequate state aid, distributed to the localities according to recognized principles of school finance.21

Some problem areas of state educational agencies

In state educational administration the dilemma remains of attempting to establish a sound, efficient state educational authority and at the same time to encourage and foster local management of schools. Increases in state aid tend to bring an accompanying expansion in state inspection and supervision.22 State supervision, furthermore, becomes more effective as the number of school districts is reduced. The question is raised whether state control is more influential where the


state educational agency counsels and advises rather than gives orders. The profusion of state boards of education charged with responsibility for some aspect of the state educational program has prevented unified educational policy making in this important area of state government. The next step advocated is the establishment of a single but comprehensive state board of education to serve as a policy-forming board for the entire educational program of the state. This would include all public schools, both the common schools and the institutions of higher learning. Thus coordination of the entire program of the state for education would be effected; there would be one single state educational authority.

There seems to be some tendency to move in this direction. In 195 there were twenty-seven states in which the state board of education was exercising some governing or regulating responsibility for some of the state educational institutions. The Florida state board of education was the only one having regulatory powers over all the state educational institutions. The single state education authority, however, seems to be overshadowed by the stronger movement to have a state

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25 Beach and Will, _The State and Education_, p. 40.
board of education responsible for regulation of certain schools and
colleges and a second board established as the regulatory or governing
board for the remaining state institutions. As pointed out by Beach and
Will, having two major state boards of education brings the problem of
coordinating state educational functions. The lack of a single state
educational authority may lead to policy determination by non-educational
agencies. A final and important problem area is the relation of
state boards of education to state public administration.

**State Boards of Education in Relation to State Government**

Annual budgets of states indicate the important position accorded to education. In 1953-54 the states spent 26.5 per cent of their
total tax income for the public schools. Measured by the quantity of
dollars spent, education has become a most important function of state
governments. From the standpoint of quality for the dollars spent, the
state governments have less tangibles to measure, but the fact is that
the encouragement and support of education have long been deemed indispensa­
tle to the material and moral progress of the separate states.
The Northwest Ordinance of 1787 gave expression to this philosophy and
the state constitutions that followed restated this belief.

26 Ibid. 27 Ibid. 28 Trends in Significant Facts on School Finance, 1929-30 -
1953-54, Circular No. 498, U.S. Department of Health, Education, Wel-
Education as a unique function of state government

Because of its importance education is regarded by many citizens, especially educators, as a unique function of government to be administered apart from the usual operations of politics. On the other hand, there are many citizens, especially political theorists and practitioners, who feel that education is so integral a part of the web of government that it must be administered within the framework of the executive branch. Cubberley, years ago, thought the vital issue was the method of selecting a good state board of education and not the establishment of the most effective organization for state educational purposes within the governmental framework whether it be a state board of education, a cabinet officer or some other system.29 His point of view still prevails with educators today.

Contestation over the role of state boards of education

The state board of education, as indicated above, is now the predominant form of state educational authority and seems to be accepted as the best answer to the problem of what kind of state agency is most suitable for carrying out the obligations of the state in the field of education. The several state boards, however, as noted earlier, have obvious differences as to functions, the manner of selection of members, and scope of responsibilities. In a different vein, and fairly well removed from general discussion as yet, are the differences existing in state boards of education as agencies of state governments. The role of

29 Cubberley, State School Administration, p. 297.
the state board of education in the field of state public administration has been a subject of contention by political scientists, but educators, for the most part, have not chosen to debate this issue, believing the battle won upon seeing a state board of education established in their respective states.

State boards of education as agencies of state governments, with the many problems associated therewith, have not been objects of careful and thorough investigation. The prevailing argument for a state board of education seems to be that of removing the administration of education as far from politics as possible. There are critics, however, who argue that educational administration is not a process apart from general governmental administration. Even on the local level an old conflict still continues over the merits of the fiscal independence of school districts from municipal governments.\(^\text{30}\) On the state level the question is not one of fiscal independence -- a state board of education has no taxing power -- but one of political independence from the executive branch. Much argument is made as to whether a state board of education should be politically independent of the executive.

State boards may assume administrative functions

Constitutional and statutory provisions for state boards of education in particular states generally state that these boards are to supervise, control, and/or manage the educational interests of the state. Samples of the language used in these laws are as follows:

1. Alabama: "general control and supervision over the public schools of the State, including the State Teachers Colleges."

2. Arizona: "Governing and policy determining body of the department of education."

3. Florida: "general control of the public schools of the State."

4. California: "Governing and policy determining body of the department of education."

5. Idaho: "general supervision, government and control of all State educational institutions . . ." and "general supervision, government and control of the public schools of the State."

6. Kentucky: "management and control of the common schools . . . public higher education for negroes, and public vocational education . . . ."

7. New Hampshire: "the same powers of management, supervision and direction over all public schools . . . as the directors of a business corporation have over its business, except as otherwise limited by law."

8. North Carolina: "full power to legislate and make all needful rules and regulations in relation to free public schools and the educational fund of the State, subject to such modifications as the General Assembly may provide."

9. West Virginia: "Shall make rules for carrying into effect the laws and policies of the State relating to education."31

In Ohio, the state code, section 3301.07, provides that "the state board of education shall exercise under the acts of the legislature general supervision of the system of public education in the state of Ohio." The language of the statute further states that the board has power to exercise policy-forming, planning, and evaluative functions; to exercise leadership to improve public education; to administer the educational policies of the state; to administer and supervise the allocation and distribution of state and federal funds; to provide consultative and advisory services to school districts; to formulate and prescribe standards for elementary and secondary schools, both public and private; to adopt rules and regulations as are necessary to carry out the board's legal functions; and to appoint the state superintendent of public instruction and other divisional officers.

As indicated by the powers just mentioned, state boards of education are established either as service boards, regulatory boards, governing boards, advisory boards, or combinations of these. These boards must necessarily legislate, in the sense that they exercise administrative discretion, which authority is conferred upon them by state legislatures, though the line between an act of legislating and one of administrative discretion may be difficult to distinguish at times.\(^2\) These boards also act as judicial bodies, even though there is no constitutional provision that allows the legislature to delegate judicial powers nor legislative powers. When these boards operate schools for the blind or deaf or other educational institutions, they are governing boards. When they prescribe standards and adopt rules

for carrying out the policies of the state legislature, they are regulatory boards. When they consult, advise, and provide help to school districts through members of the staff of the state department of education, they are service boards. Except where state boards of education act as mere advisory boards, and though their activities are basically rule-making ones, they tend to act directly as administrative boards in those states where in the language of the law they administer, manage and control state educational interests. State boards of education are not meant to be expert administrative bodies; it is true that they are not full-time boards, nor are they appointed or elected to do administrative work. It is, however, true that some of these boards occupy unique positions in the state administrative structure, and a problem is raised as to where they fit in the scheme of public administration.

Should state boards be independent of the executive branch?

To further complicate the picture, the trend to the election of state school board members in place of their appointment by the governor has nearly removed the board from political control of the executive branch. The board becomes a somewhat autonomous agency, responsible as a group to the legislature, but with individual members, ironically representing the people-at-large in the state, dependent upon voter approval in their respective districts if they should seek re-election. In effect, as described by a senator in the Ohio legislature,

33 To whom an elected board is responsible is an arguable question. One group believes it to be responsible to the legislature that gives the board its powers. Another group believes it to be responsible to the people who elect it.
the administration of education through autonomous local school boards and an independent state school board makes the administration of education the "fourth branch" of government and he believes that this independence should be maintained. To let the governor choose the membership of the board, in this senator's opinion, is to abdicate the people's responsibility and is a denial of the people's ability for self-government. This argument emphasizes the uniqueness of education and the necessity of keeping it free from political influence, especially the influence of the governor. Opponents argue that education is an important state function and should be brought within the mechanism of general state policy formation.

The governor and administrative boards.--What seems to be the concern of students of public administration is the diffusion of state policy-making through the many units that make up the system of public administration. The general reorganization movement in state government in the first half of the present century has been aimed at concentrating power in the hands of the state executive officer and holding him accountable for the performance of his legal duties. The movement has been characterized by attempts to establish good practices of scientific management in a cumbersome system of state government that has grown without plan. One of the chief objections to the clumsy


machinery of state government is the large number of agencies established by the legislatures for specific purposes. Some states reached a ridiculous figure in the number of such agencies; for example, Massachusetts in 1910 had 200 agencies in its state administrative structure. Such a number makes it impossible for either the governor or the legislature to supervise these agencies with any degree of effectiveness. It remains, however, that if these state agencies are established, they must be given authority to carry out their responsibilities. Yet the unreasonable multiplication of these agencies obviously leads to duplication and over-lapping of functions. Perforce, these boards must be given a great deal of administrative discretion, but such wide latitude makes unified policy-making difficult for the state as a whole. Furthermore, the legality of the actions of these administrative agencies are challengeable in the courts. The courts insist that legislative powers may not be delegated, but they also adjudge that governmental agencies must have a very large measure of discretion to carry out the orderly processes of government.

Boards encroach upon governor’s policy-making prerogative.—The dilemma is ever present that state boards as creatures of the legislature may become more powerful than the governor in the determination of state policy. In fact, the legislature by creating certain state

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agencies can curb the power of the executive branch. Notwithstanding the abuses that may occur, the board, commission, or authority "has its place in administration as head of an agency which has relatively broad policy-making responsibilities . . ." The reorganization movement in state government has not succeeded in concentrating power in the office of the governor. The hope that administrative actions could be grouped into a reasonable number of departments by function has not actually succeeded; in fact, decentralization trends seem to be in evidence as professional and reform groups seek to take particular services out of the sphere of political influence.

Problem of supervising regulatory agencies.--The continued existence of state boards, commissions, or authorities exercising legislative, judicial, and administrative powers poses the problem of where they are to fit in the now established pattern of separate legislative, judicial, and executive branches of the American state governmental

38 Ex-Governor Frank J. Lausche (Democrat) of Ohio called the state's Legislative Service Commission, The Highway Construction Advisory Council, the Capital Improvements Committee, and the State Board of Education "mongrel satellite governments." These agencies were established by a Republican legislature. The Highway Construction Advisory Council has since been terminated with the advent of a Republican governor. Lausche claimed that these boards chip away at executive duties and responsibilities without being held accountable; he maintained that the governor should be given the responsibility for managing state affairs and that he should be held accountable. See the Toledo Blade, November 11, 1956; Cincinnati Times-Star, January 2, 1957; Cincinnati Enquirer, January 3, 1957.


As creatures of the legislature, operating within broad policies established by state legislatures, these agencies apparently should be made independent of the executive and placed under the supervision of their respective legislatures. Yet legislatures frequently are not in session and, therefore, cannot provide close and continuous supervision. Neither would this answer the problem of the coordination of policies of governmental agencies; the state boards of education, for example, are inextricably a part of the economic and social complex, and the actions of these state educational boards should be in harmony with the general state policy.

To bring such coordination suggests a common denominator, which students of public administration say should be the governor, the one individual who is responsible for the day-to-day management of the affairs of the state. In a negative sense, a grant of powers to a state board of any kind does not ensure effective performance by that board; the legislature seems more effective in directing these boards as to what they cannot do.\(^1\) The legislature is in a weak position in regard to the supervision of state boards because of its infrequent meetings and lack of expert knowledge in administrative matters. The legislature is responsible for basic state policy, but the governor is not to be excluded from influencing the policies of regulatory agencies.\(^2\)

An integrative theory of state government.—Contrary to the argument for making state agencies independent of the executive, which

\(^1\) For an informative and critical discussion of state regulatory agencies see James W. Fesler, The Independence of State Regulatory Agencies, Publication No. 80 (Chicago: Public Administration Service, 1942).

\(^2\) Ibid., p. 67.

\(^3\) Ibid.
results in diffusion of responsibility, is the plan for placing individual administrators, appointed by the governor and responsible to the governor, at the head of all departments and agencies. Boards and commissions would be used only for quasi-legislative, quasi-judicial, or advisory functions. This theory of integration finds the governor holding the reins of responsibility. If he does his job well, he is apt to be reelected; if not, he will be replaced. Thus accountability is achieved. The governor, in turn, exacts accountability from his administrative heads. Such lines of responsibility are difficult, if not impossible, to establish with independent boards; but on the other hand, independent boards make possible continuity of policy which may be less likely in the integrative plan of governor and governor-appointed administrative heads. The decision rests between responsibility and continuity of policy "since with the use of boards one cannot have both."^45

Though the plan for integration of administration under the governor is supported by many political theorists and practitioners, there remains some reservation as to the ability of one individual to deal with the many problems of state government, especially when there are so many separate units. Ohio, for example, like most states, has experienced an increase in its governmental functions. New agencies have been created to take care of added duties. Since 1921, fifty new


agencies have been added. The administrative structure and operations have become "over-complex and burdensome." Changes in the state machinery are advocated.\textsuperscript{46}

\textbf{No single formula for independence of state boards}

There is obviously no single formula to follow in solving the problem of the independence of state boards versus the integration of all administration under the governor. The latter system poses grave dangers when the governor is not competent, and, in addition, the rapid turnover in administrations makes difficult the carrying out of a continuous policy. One-man control of this type smacks too much of authoritarianism to most people. On the other hand

\begin{quote}
If he [the governor] is honest and non-political ... boards are only a hindrance to getting the job of administration done with dispatch and economy. Whether single department heads or boards are used or supervisors of administrative departments depends, then, very largely upon the type of chief executive. Generally speaking, in the states, politics have outweighed administrative efficiency, and the demand for protection of administration and the securing of continuity through a system of boards seems to be justified ... There is no general rule which can be applied under all conditions; the decision must be based upon the circumstance.\textsuperscript{47}
\end{quote}

Thus the form of organization to achieve efficiency in administration is debatable. Apparently, good government is based upon an intelligent citizenry that demands efficient and honest performance from its state officers.


\textsuperscript{47} Walker, \textit{Public Administration}, p. 96-97.
Summary of State Administration
of Public Education

In summary, states continue to control education within their boundaries, although the national government may encroach upon this prerogative by means of the general welfare clause of the United States Constitution. No state can violate the constitutional rights of a citizen in exercising its prerogative in the control of education. This control of education by the state has evolved through a succession of events from lack of any concerted state action in the first half century of this republic to a present high degree of legislative centralization. The tendency in state government, in general, is to move toward more and more administrative control of local government, except in the case of education where a comparatively high degree of administrative decentralization still persists.

The evolution of state administrative structure for education has resulted in two current predominating systems: (1) a state board of education appointed by the governor or elected by the people, aided by an executive officer, the state superintendent of public instruction, and a professional and clerical staff, or (2) a state superintendent of public instruction elected by the people or appointed by the governor who has sole responsibility, aided by a professional and clerical staff, for the supervision and control of the state's educational interests, or who shares this responsibility with a state board of education.

State boards of education have varying degrees of powers and duties; they may be regulatory boards, service boards, governing boards, advisory boards, or combinations of these. Their powers and duties in
some cases place responsibilities upon them that tend to make them function as administrative boards, an aspect far different from their usual policy-making functions.

There is, furthermore, the problem of where these boards fit in the state structure of public administration. Two schools of thought are seemingly at odds on the subject: (1) state boards of any nature, one side holds, should be brought within the control of the governor to make unified state policy and efficiency in government possible; and (2) state boards, as argued from the second point of view, should be independent of the governor, being supervised by the legislature which created them and/or gave them their powers and assigned them their duties in the first place.

Since education is claimed to hold a unique place in state administration, it is argued that it should remain free of political influence. Further complication ensues when state boards of education are elected by the people; this condition makes them unique among all state boards for they seem to be the only state boards so elected. The complexity of state government calls for continued attempts to reorganize state administrative machinery to serve the interests of the people better. Review will be made of the administrative structure, and it is almost certain that state boards of education will undergo close scrutiny as to their role in state government.

In Ohio, a state board of education was provided for by constitutional amendment in 1953 and began its operations in 1956. An understanding of the conditions leading to its creation and the various functions it performs may help to clarify the position of this board in the state government of Ohio.
CHAPTER III

FROM EARLIEST IDEAS AND MOVEMENTS FOR A BOARD UNTIL THE DEFEAT OF THE CONSTITUTIONAL AMENDMENT OF 1939

For about a hundred years after its first mention the idea of a state board of education as the governmental agency having control and supervision of the common schools in the state of Ohio was argued on the basis of centralization of power. Beginning with Caleb Atwater, a member of the Ohio General Assembly, who, in 1838, suggested a state board of education, the idea of such a state supervisory agency was proposed by individuals or groups with surprising regularity, but the issue was never debated on a state-wide basis until 1939 when a constitutional proposal was defeated in the general elections of November.

Throughout this whole period the members of the General Assembly in taking action upon bills of an educational nature consistently adhered to a policy that reflected the wishes of the majority of Ohioans to guard jealously the traditional practice of local control. Until the early years of the twentieth century, the constitutional mandate to provide a "thorough and efficient system of common schools throughout the state"¹ was followed by the general assemblies only to the point of providing a system of common schools that was less than thorough and less than efficient. There were many voices, however, that protested

¹ Article VI, Sec. 2, Ohio Constitution, 1802.
the inaction of the various state legislatures, the lack of supervision and inefficiency of administration on local and state levels, voices that went so far as to denounce bitterly "the despotism of our democratic educational policy."²

Historical Factors That Influenced Decentralization in Government

Government in the Northwest Territory

One of the major factors that influenced the course of government in Ohio was the despotic rule of Arthur St. Clair, governor of the Northwest Territory.³ Ohio as part of the Northwest Territory was governed under the Northwest Ordinance of 1787, an act of the Congress under the Articles of Confederation, which provided for the government of that territory which eventually became the states of Ohio, Indiana, Illinois, Michigan, Wisconsin, and a part of Minnesota. St. Clair may have been justified in attempting to enforce the "highly centralized and undemocratic Ordinance of 1787," but his arrogant manner, his refusal to consider any proposal coming from the Ohio territorial legislature for more local governmental control, and his attempts to gerrymander the territory into smaller parts to postpone statehood were actions bound to bestir the anger of the settlers who were noted for their courage,

²See below p. 91.

adventure, and ambition. The actions of St. Clair were especially dis-
tasteful to the inhabitants of the Scioto Valley, emigrants from Virginia, which colony had declared in its Bill of Rights of June 12, 1776, "That all power is vested in, and consequently derived from, the people; that magistrates are their trustees and servants, and at all times amenable to them." This Jeffersonian concept of a weak executive became incor-
porated into the Ohio Constitution of 1802, which Congress approved, and Ohio achieved statehood in 1803.

The Ohio Constitution provides for a weak executive

The Constitution of 1802 made the governor a figure-head; the legislature was made paramount in the state government. The Ohio legis-
slature's restriction of the executive branch was not to end until the governor was granted the veto power by constitutional amendment in 1903, although the legislature's power to appoint certain state officials and judges was taken from it in the Constitution of 1851. The notion and practice of local autonomy was to remain a dominant influence in Ohio poli-
tics for nearly a century. The complete administrative decentralization that existed in the early years of statehood inevitably was modified as Ohio grew into a more populous and active state; this brought complica-
tions in problems of economics, education, health, and intrastate as well as interstate relations. The executive arm of the government had to be

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4 The full text of the Virginia declaration may be found in Henry Steele Commager (ed.), Living Ideas in America (New York: Harper & Brothers, 1951), pp. 130-32.
placed in perspective to achieve some semblance of administrative efficiency in state affairs.  

Local autonomy prevents change

Movements toward establishing an efficient administrative organization to oversee the interests of the state in education lagged seriously behind other areas, such as health and welfare and the state's commerce. The notion of local autonomy in educational affairs, though the state is supposedly supreme in this matter, prevented the formation of an effective centralized system on all governmental levels -- state, county, and local -- until the first decades of the twentieth century. The county superintendent's office, as an effective supervisory office, was successfully resisted from the time it was first advocated by Ohio's first state superintendent of common schools in 1838 until 1912, when that office was established. The state board of education as the state's central agency for education was not approved by the voters until 1953, more than a hundred years after its first advocacy in the state. Adequate and competent administration of education on both the local and state level was almost totally lacking until the early years of the twentieth century.

Movements toward a State Board of Education

up to 1850

Article VIII, Section 3, of the Ohio Constitution of 1802 stated that "schools and the means of instruction shall forever be encouraged

by legislative provision, not inconsistent with the rights of conscience." Nothing was done in this regard between 1803 and 1820.

**First plans for a state system of common schools**

A bill for the regulation and support of common schools was introduced in 1819 by Ephraim Cutler, but it failed of passage. The only acts of the legislature, prior to this bill, in regard to education were related to the management of school lands. A substitute bill was passed in 1821 that made it permissive for trustees of townships to divide the townships into school districts upon a majority vote of qualified electors. The school was to be erected by means of property taxes levied on all properties in the district. A school committee of three members was to be elected by the householders, and the committee was to appoint a clerk and hire teachers. To collect taxes for erecting a school building was a relatively small beginning for legislation to provide for the encouragement of schools and the means of instruction.

**Report of the Committee of Five.**—As a result of the recommendations of a Committee of Five authorized by the General Assembly in December, 1821, the legislature passed a resolution to create a committee of seven school land commissioners who were to recommend a system of education. The Committee of Five adjudged that this system of education "should embrace with equal affection, the children of the poor and the rich... Without education and morality, can a republic exist

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6 *Laws of Ohio, 1821. Acts Passed at the First Session of the Nineteenth General Assembly of the State of Ohio, XIX (1821), 51ff.*
for any length of time? . . ." Unfortunately, a majority of legislators were hostile to a school system and the sale of school lands, but the elections of 1824 returned a majority who were friendly to school matters, and so an act to provide for the support and better regulation of common schools was passed in 1825. The provisions of this act were the first positive steps taken by a legislature in Ohio to establish a system of education for the common schools.

The law of 1825. — The law of 1825 involved county, township, and school district officers. No state supervision was included. Section one provided that money was to be raised annually in the counties for the instruction of youth "of every class and grade without distinction, in reading, writing, arithmetic, and other necessary branches of common education." Commissioners of counties were to levy and assess a limited ad valorem amount of money to be apportioned among the several townships. The auditor would certify to the treasurer the amount collected for school purposes. Trustees were to lay off one or more school districts in the townships. Householders were to organize and choose a clerk and elect three school directors to manage the concerns of the district for one year. The directors were to determine the site of buildings and provide the necessary fuel and employ the teachers. The Court of Common Pleas of each county was to appoint three persons as examiners of the common schools who were to certificate teachers and 

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7 Caleb Atwater, A History of the State of Ohio, Natural and Civil (Cincinnati, Ohio: stereotyped by Glazen and Shepard, 1838), p. 256.

visit the schools. The last section of the act provided that the directors were to pay the wages of the teachers. A close examination of these provisions reveals that the effectiveness of the whole act depended upon local initiative. There was no compulsion to comply with the law, except that a certain part of the proceeds from the sale of school lands accruing to a district would not be paid unless a school were maintained.

**Features added by succeeding acts.**—Successive acts for the support and better regulation of the common schools in 1827, 1829, and 1831 added a few features to the general system established in 1825. The school directors were empowered to appoint a school district treasurer and a school district clerk; the district treasurer was to collect taxes for school purposes; county commissioners were given authority to levy taxes up to a total of one mill on taxable properties; enumeration was to be made of all youths in the districts; and the county auditor was to apportion school funds.

**First attempt at state supervision**

A resolution was introduced in the General Assembly in 1837 instructing the committee on common schools to inquire into the

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expediency of creating the office of superintendent of common schools in Ohio. On March 31, 1837, Samuel Lewis was appointed to the position of superintendent of common schools for the state of Ohio. This event marked the first attempt to provide for state supervision of the common school system in Ohio. While Ohio was taking this step, Massachusetts was establishing a state board of education with Horace Mann appointed as the secretary.

Samuel Lewis' first annual report.—The poor condition of Ohio's educational system can be deduced from the first annual report which Samuel Lewis made to the General Assembly in 1838. Following the mandate of the legislature, Lewis included in his report information about school funds, effects of the school system, and a suggested plan for the better regulation and improvement of the common schools. Lewis pointed out the lack of accountability as the major weakness in the system. He thought that there were far too many school officers — 38,700 school officers in the 7,748 school districts. The school enrollment at the time was 150,402 children. Lewis suggested the reduction of officers by one-fifth or one-fourth. With five school officers in each of the school districts of the township — a range of four to eighteen districts in a township — it was apparent that general laws could not be placed into effect until the duties of officers were defined and responsibility placed on certain individuals to execute any

12 A History of Education in Ohio, A Centennial Volume Prepared by the Centennial Committee of the Ohio Teachers' Association. Published by authority of the General Assembly (Columbus, Ohio, 1876), p. 330.

legal provision. Lewis recommended that the duties and powers of the school directors be defined and that they be given more power and made responsible for certain duties, specifically, to decide on the location of schools, to levy taxes for repairs and fuel, to provide buildings, to keep the buildings and the furniture in repair with a penalty for non-compliance, to decide who must be in school, and to prevent overcrowding of facilities. He further suggested a county, township, or district authority be established to select school books.

Realizing the advantage of having a supervisory authority of some kind in the counties, Lewis advocated the appointment of county superintendents to look after such matters as the examination of teachers, the visitation of districts, and the settlement of controversies. To complete his system of state organization for the common schools, Lewis recommended that the office of state superintendent of common schools be made a permanent one, that the duties of this officer be clearly defined, that he should have an office for his headquarters, and that he should have authority to obtain correct statements of all school lands so as to detect errors or accidents in disbursements.

This visionary and enterprising first state superintendent of schools in Ohio called the attention of the General Assembly to other important matters. State funds for schools he thought should be distributed on a per pupil basis and not by valuation of districts, for the wealthy districts were getting the larger share of available funds for the common schools. In addition to this first step in the equalization principle for distribution of state moneys for education, Lewis suggested a matching principle that would require the townships to raise
funds to equal those provided by law. Lewis claimed that the townships would all support this idea for

when money is thus raised, every man feels that it is his money, and his school, and every child is placed on equal terms: the poorest man in the land can boast that the school is his and will be as anxious to receive the benefit of his own school as the man who pays the heaviest tax.\textsuperscript{14}

He went on to point out the advantages of union graded schools for towns and cities, already a successful practice in Cincinnati. He recommended the establishment of a free library in every township. He further advocated a state university and a state normal school, for he believed that unless teaching became a profession the common schools would not be successful.

The law of 1838.—As a result of Lewis' notable report, the General Assembly passed an act in 1838 for the support and better regulation of the common schools and to create permanently the office of superintendent.\textsuperscript{15} This act established a system of common schools for the state, with state, county, township, and district officers, but it did not establish the strict accountability that Lewis had sought. The duties of the directors were permissive, not mandatory. The township clerk was made the superintendent of the township schools, and the county auditor, instead of a new officer as Lewis suggested, was made the county superintendent of schools. These latter officers were never to behave satisfactorily because there was nothing in the law to direct them to do anything. The state superintendent was to gather facts about the

\textsuperscript{14} Ibid., p. 12

schools, disseminate information, and guard the school funds; he was also to publish an official school journal bi-monthly. The effectiveness of the school laws lay in the enthusiasm and dedication of the school officers.

First attempt at state supervision fails.---The system broke down as soon as Samuel Lewis retired in 1810, whereupon the office of state superintendent of common schools was abolished. Lewis had succeeded in promoting a system which established definite relationships between the state school officers, from the state superintendent through county superintendents, township superintendents, and school district officers. The channels of communication for the collection and dissemination of information from state to local level and back again had been formed, but the lack of mandatory state laws and ineffective local leadership aborted what seemed to be a promising beginning in effective administration of the common schools of the state. The abolition of the office of state superintendent seemed to reflect the wishes of the larger element of voters in preferring a decentralized system for their common schools.

Caleb Atwater suggests a state board of education

While Lewis was struggling courageously to institute a state system for the common schools, Caleb Atwater, an emigrant from New England and a member of the General Assembly of Ohio, broached the idea of a state board of education. Though he did not introduce a bill for

this purpose into the legislature, he apparently gave the idea some public­
licity by advocating it in a book he published about Ohio history in
1838. He wrote:

There ought to be a Board of Education, who should have
the superintendence of all our colleges, academies and common
schools. This board should be selected without reference to
any party in religion or politics; to be appointed by the
governor, and not liable to be removed from office. The super­
intendence of such a board would be extremely useful to our
colleges in a variety of ways. Their visits to the several
literary institutions, would produce an excellent effect on
the teachers and scholars, and diffuse among the great mass of
the people, a healthful, moral action.17

Decrying the depressed state of learning, he criticized parents
for not appreciating and rewarding competent teachers for their work,
for he saw this as the greatest difficulty to progress in education.
Ohio schools, he felt, were making only slow progress in reaching the
levels of performance of the better eastern schools. He concluded
that --

A board of education and funds at its command, would be of
immense value to us; and let us hope that the day is not far
distant, when such a board may be created and funds be set apart
for its beneficent uses.18

Since Caleb Atwater did not expound on this idea any further,
it is impossible to know how all-embracing was his notion of a state
board of education. The concept of having a state board of education
to supervise the public and private schools and all colleges was indeed
all inclusive. The state boards of that day, in New York, Massachusetts,
and North Carolina, were state agencies that were not so comprehensive

18 Ibid., p. 286.
blind, deaf, or crippled are maintained as provided in section 3323.01 of
the Revised Code, or any such children are instructed as provided in sec-
tion 3323.05 of the Revised Code, or boarded as provided in section 3323.12
of the Revised Code or in connection with which any such children are
transported as provided in section 3323.10 or 3327.01 of the Revised
Code, may certify to the *** state board of education the names and
residences of the persons instructed in such special classes and the period
of time each was instructed and the names and residences of the persons
boarded or transported under such sections at the expense of the board
and the period of time each was boarded or transported; and the amount
expended for special appliances and for the current operating cost of
the education of such pupils, together with statements showing the per
capita cost of the education of normal children in the district in the same
school grades during the same period. The *** state board of edu-
cation shall be the final authority in deciding all questions relative to
what constitutes special appliances and current operating cost under this
section.

Sec. 3323.09. If a child is handicapped by two of the defects men-
tioned in section 3323.01 of the Revised Code, the *** state board of
education may allow him to be counted as a full-time pupil among those
with each kind of defect in determining the state's contribution to the
classes for such children, provided the types of work and attention neces-
sary for both types of children are afforded him.

Sec. 3323.10. If a child who is a school resident of one school dis-
trict attends in another district, a class in which some special instruction
needed by the child because of his handicap is provided, the board of edu-
cation of the district in which he is a school resident shall pay his tuition
in a sum equal to the tuition in the district in which such class is located
for a child of normal needs of the same school grade and the determina-
tion of the amount and payment of such tuition shall be in the manner
provided for by sections 3317.05 and 3317.08 of the Revised Code. The
board of the district in which such child is a school resident may pay his
transportation to the class in the other district; and the board of the dis-
trict in which the class he attends is located may provide his transpor-
tation to the class. Upon direction of the *** state board of education
the board of the district in which such child resides shall pay for his trans-
portation and the tuition.

Sec. 3323.11. Where a child who is a school resident of one school
district attends in another district, a class in which some special instruc-
tion needed by the child because of his handicap is provided and the per
capita cost of such instruction exceeds the sum of the per capita amount
received by the district of attendance under sections 3317.01 to 3317.15,
inclusive, of the Revised Code, and the per capita amount received from
the *** state board of education, then the board of education of the
district in which such child is a legal school resident may pay directly to
the board of the school district that is providing the instruction such part
of such excess cost as agreed upon in contracts entered into by the boards
of the districts concerned at the time the district operating the special class
accepts the child for enrollment in the special class.
Sec. 3323.12. The *** state board of education may arrange with any board of education which maintains a class for the instruction of blind, deaf, or crippled persons, or affords special instruction for such children who are not school residents of the district, to pay for the board of any such persons under such standards and with such restrictions as the *** state board of education prescribed.

Sec. 3323.13. At the close of each school year, the board of education of each school district in which any classes for the education of slow learners are maintained or in which child study, counseling, adjustment, and instructional services are rendered to physically and mentally handicapped persons other than those for which provisions are made in sections 3323.03 to 3323.12, inclusive, of the Revised Code, may certify to the *** state board of education the names and residences of the persons instructed in such special classes, the period of time each was instructed, the names and addresses of persons transported at the expense of the board and the period of time during which each was transported, and the amount expended for the current operating cost of the education in such classes, together with statements showing the per capita cost of the education of normal children in the district in the same school grades during the same period of time; and the nature, extent, and cost of child study, counseling, adjustment, and instructional services rendered to physically and mentally handicapped persons. The *** state board of education shall be the final authority in deciding all questions relative to what constitutes a suitable program of child study, counseling, adjustment, and instructional services for physically and mentally handicapped and what comprises the current operating cost on the basis of which tuition rates are to be fixed.

Sec. 3323.14. The *** state board of education upon receipt and approval of the report and financial statement required by section 3323.13 of the Revised Code shall present a voucher to the auditor of state in favor of the board of education in an amount equal to seven hundred fifty dollars for each approved teaching unit of slow learners, which in no case shall be comprised of less than twelve pupils, plus any cost for the transportation of nonresident pupils to such classes; one thousand dollars for each approved teaching unit, comprised of twenty-four or more pupils served by a teacher on circuit; and such additional amount for the maintenance and supervision of child study, counseling, and adjustment services to physically and mentally handicapped persons as the financial condition of the board and funds available to the *** state board of education permits. Upon presentation of such voucher the auditor of state, if satisfied as to the correctness thereof, shall draw a warrant on the treasurer of state for the amount.

Sec. 3323.15. Payments for teacher education services shall be made directly to the board of trustees of any state supported university which has entered into a written agreement with the *** state board of education, as authorized by section 3323.01 of the Revised Code, to provide a program of classroom and in-service training, and such payments shall be made in accordance with the terms of such written agreement, provided the total payment for any instructor shall not exceed fifty per cent of
the salary of such instructor. The *** state board of education *** shall certify to the auditor of state the amount of any payment arising under this section, whereupon the auditor of state shall forthwith issue his warrant on the treasurer of state in favor of the designated board of trustees for the amount so certified. Each payment made under this section shall be from funds appropriated by the general assembly or the type of handicapped children to be served by the teacher for whose training such payment is made. All such funds shall be made immediately available to the universities and shall be used for no purpose other than the compensation of instructors provided for by contract between the *** state board of education *** and the universities.

Sec. 3325.01. *** The state school for the deaf and the state school for the blind shall be under the control and supervision of the state board of education. On the recommendation of the superintendent of public instruction, the state board of education shall appoint a superintendent for the state school for the deaf and a superintendent for the state school for the blind, each of whom shall serve at the pleasure of the state board.

Sec. 3325.011. Subject to the regulations adopted by the state board of education, the state school for the deaf shall be open to receive persons who are deaf, partially deaf, and both blind and deaf residents of this state, who, in the judgment of the superintendent of public instruction and the superintendent of the school for the deaf, due to such handicap, cannot be educated in the public school system and are suitable persons to receive instructions according to the methods employed in such school. The superintendent of the school for the deaf may pay the expenses necessary for the instruction of children who are both blind and deaf, who are resident of this state, in any suitable institution.

Sec. 3325.02. *** Subject to the regulations adopted by the state board of education, the state school for the blind shall be open to receive such blind and partially blind persons, residents of this state, who, in the judgment of the superintendent of public instruction and the superintendent of the school for the blind, due to such handicap, cannot be educated in the public school system and are suitable persons to receive instructions according to the methods employed in such school.

Sec. 3325.05. The *** state board of education *** may provide for the further and higher education of any blind pupils, who in *** its judgment are capable of receiving sufficient benefit to render them more efficient as citizens, by appointing readers for such persons to read from textbooks and pamphlets used in their studies while in attendance as regularly matriculated students in any college, university, or technical or professional school located in this state and authorized to grant degrees. Any fund appropriated for such purpose shall be distributed under the direct supervision of the *** state board of education ***. No person shall receive the benefit conferred by this section who has not had an actual residence in this state for at least one year.

Sec. 3325.06. The *** state board of education *** shall institute and establish a program of education by the department of education to train parents of deaf or hard of hearing children of preschool age. The object and
purpose of the educational program shall be to aid and assist the parents of
deaf or hard of hearing children of preschool age in affording to the
children the means of optimum communicational facilities.

Sec. 3325.07. The *** state board of education in carrying out
this section and section 3325.06 of the Revised Code shall, in so far as
practicable, plan, present, and carry into effect an educational program by
means of any of the following methods of instruction:

(A) Classes for parents or guardians of deaf or hard of hearing
children of preschool age;

(B) A nursery school where parent or guardian and child would
enter the nursery school as a unit;

(C) Correspondence course;

(D) Personal consultations and interviews;

(E) By such other means or methods as the superintendent deems
advisable that would permit a deaf or hard of hearing child of preschool
age to construct a pattern of communication at an early age.

Sec. 3329.02. When any book and the price thereof is filed in the
office of the superintendent of public instruction as provided in section
3329.01 of the Revised Code, pursuant to the regulations of the state board
of education the superintendent immediately shall fix the maximum price
at which such book may be sold to or purchased by boards of education
which price must not exceed seventy-five per cent of the published list
wholesale price thereof. The superintendent immediately shall notify the
publisher of such book so filed, of the maximum price fixed. If the pub­
lisher so notified, notifies the superintendent in writing that he accepts the
price fixed, and agrees in writing to furnish such book during a period
of two years at that price, such written acceptance and agreement entitles
the publisher to offer the book so filed for sale to such boards. It shall be
a part of the terms of any such contracts that such publisher will reduce
such net prices in Ohio whenever reductions are made elsewhere in the
United States, and that said publisher shall file in the office of the superin­
tendent within ten days, a sworn statement of such reductions made else­
where, so that at no time shall any book so filed and listed be sold in Ohio
at a higher net price than such book is sold for elsewhere in the United
States under like conditions under contract or sales made subsequent to this
filing. For failure to so file, such publisher shall pay to the state five hundred
dollars for each failure, to be recovered in the name of the state, in an
action to be brought by the attorney general in the court of common pleas
of Franklin county, or in any other place where service can be made. The
amount, when collected, must be paid into the state treasury to the credit
of the general revenue fund.

Sec. 3329.03. If a publisher who agreed in writing to furnish books
as provided in section 3329.02 of the Revised Code, fails or refuses to
furnish such books adopted as provided in sections 3329.01 to 3329.10, in­
clusive, of the Revised Code to any board of education upon the terms
provided in such sections, such board at once must notify the *** state
board of education of such failure or refusal, and the *** state board
of education at once shall cause an investigation of such charge to be made.
Even in this current day the idea of a state board of education to supervise and control all educational institutions within a state is found repugnant in many quarters. Caleb Atwater, however, was quite clear in his thought that a state board of education through closer personal contact would exhort the general public, teachers and scholars of educational institutions to a higher regard for education. His idea of a state board was soon to be considered by the legislature.

**A governor recommends a state board of education**

In his message to the Forty-fourth General Assembly in 1845 Governor Mordecai Bartley recommended the establishment of a state board of education. Since the resignation of Samuel Lewis in 1840 the duties of the state superintendent had been transferred to the secretary of state, who was given authority to hire a clerk to assist him to carry out the provisions for the common school system and make reports required by law. The lack of an active state supervising authority led to much negligence and inefficiency throughout the state school system. Recognizing the low level into which the common school system had fallen, Governor Bartley counseled the legislature that it was within the powers of this law-making body to bring the school system to a high degree of perfection. The governor in his message to the legislature said:


I respectfully commend to your consideration the expediency of establishing a State Board of Education and the appointment of a competent and suitable person as a State Superintendent of Common Schools; and also the adoption of measures that will give more energy and efficiency to the county and school district supervision, and management of the system . . . .

The governor believed that highly competent and enlightened people could be found in the state who would faithfully and diligently carry out the responsibilities placed upon them in this cause and who would serve without compensation. The governor's remarks served as further evidence of the legislature's negligence in making provisions for a thorough and efficient system of common schools. More prodding was needed.

The abortive state board of education of 1850

The legislature was again reminded of its obligations in 1849 when one of the state officials, Samuel Galloway, the secretary of state, in his annual report on the common schools forcefully presented the case for better organization of the common schools.

A state teachers' association appears.--An event in 1847 probably influenced the thinking of the secretary of state as reflected in his report. In that year the Ohio State Teachers' Association -- now known as the Ohio Education Association -- was established, an organization that from time to time to the present day has played a significant role in the cause of public education in Ohio. State officials, beginning with Secretary Galloway, have been indebted to this association for information concerning the needs of the public schools.

One of the first steps the teachers' association took was to petition the legislature to implement Samuel Lewis' recommendations of having county superintendents as state supervisory officers for the common schools. The county auditor scheme of 1837 had proven unsatisfactory. The Forty-fifth General Assembly in 1847 responded by passing the Act of 1847, supplemented in 1849, to make it permissive for county superintendents to be elected by the school district clerks in the various counties. The initiative was to be taken by county commissioners, but these officers were reluctant to levy the necessary taxes for the salaries of the superintendents. Only three counties apparently took advantage of this law; it was without consequence. The teachers' association brought its complaints and suggestions to Secretary Galloway.

The secretary of state makes recommendations.—In his annual report Secretary Galloway reminded the legislature that the school system needed a more enlarged plan than had been contemplated in earlier acts. At mid-century the total number of pupils had reached 445,997 and the number of school districts totaled 9,783, with 1,519 of these

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24A History of Education in Ohio, Ohio Teachers' Association, p. 347.

being fractional districts. He recommended that a county superintendency be made part of the common school system and that an independent state superintendency be established. He gave priority to the county superintendency, but in regard to the state superintendent he maintained:

... it is certain that our system cannot reach that consummation most devoutly to be wished for until it is invested with a Principal whose entire time and talents will be enthusiastically and energetically dedicated to the interests of the common schools.  

He mentioned that the Ohio State Teachers' Association had passed a resolution for a state board of education and attached the resolution to his report. He closed his report by saying: "it is fondly hoped that it will be decided to be both wise and expedient to provide for the appointment of at least one State Superintendent."  

A state board of education provided for but not implemented.— The legislature decided to follow the wishes of the Ohio State Teachers' Association and on March 22, 1850, passed an act for the appointment of a state board of education. A board of five members was to be appointed by joint ballot of both houses of the General Assembly for

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26 Statistics from the Annual Report of the Secretary of State on the Condition of the Common Schools, 1851, p. 8.

27 Annual Report of the Secretary of State ... 1849, p. 13.


staggered terms of five years. Each member in his last year of office was to be styled the state superintendent of common schools whose duties were to collect and arrange educational statistics in accordance with law, to make an annual report that was to include facts and suggestions, and to act as editor of a state educational paper to be provided for by law. The board was to divide the state into four districts, with each member responsible for a district in which he was to perform whatever duties assigned him by the board and to carry out any acts passed by the General Assembly in the future.

These district superintendents, as they were to be called, would cooperate with the county board of examiners in the counties of their district in the performance of their duties. The board was to meet semi-annually at the office of the state superintendent and each district superintendent was to submit a written report annually to the legislature through the state superintendent. The district superintendent's signature would be necessary to validate the certificate of the teachers in their districts; the teachers would pay one dollar as an annual fee for their certificates, which fee would entitle the teacher to a yearly subscription to the state educational paper and attendance without charge at all teacher institutes and normal classes held under the direction of the state board in any one year. The state superintendent was to make up semi-annually a list of questions for the examination of teachers who wished certificates; the questions were to be channeled to the county examiners through the district superintendents. The state board was authorized to issue life certificates to teachers upon the recommendation of the county board of examiners with
the countersignature of the district superintendents. The state board also had the power to revoke life certificates for incompetence or bad moral character.

The annual professional fee of one dollar paid by all teachers was to be collected locally and turned over to the secretary of the treasury. From this fund the state board members would be paid their salaries, with an additional sum of not over $200 in any one year for necessary expenses. The state superintendent was to receive $1,200 annually and the district superintendents, $1,000. The last section of the act directed the state board to publish monthly an educational paper, to be called "Ohio School Teacher," which was to be sent to each certificated teacher.

The chief merit of this plan seemed to be the attempt to initiate a plan for the certification of teachers. From the standpoint of a state system of common schools the plan failed to provide for effective supervision on the local, district and county levels. The district superintendents were burdened with too large an area to operate effectively and they were without authority to enforce the performance of any school law. To provide for the payment of salaries of the superintendents through a fund accumulating from teacher fees was apparently not a sound plan. The law never went into effect. The legislature adjourned without having appointed any members of the state board. More than a half century was to go by before the legislature considered another bill for a state board of education.
The most significant event in the period from 1851 to 1901 was the acceptance by the legislature and the general public of the office of state commissioner of common schools as a permanent part of the state system of school organization. Further laws were passed that indicated a definite trend toward increased state activity in providing for a more effective system of control of the common schools. The state board of education idea persisted, being advocated and supported by a number of state commissioners of the common schools. No action was taken by the legislature on the commissioners' recommendations.

State Supervision Reinstated

The Ohio State Teachers' Association failing in its efforts to have the legislature provide some kind of state educational authority selected the superintendent of the Massillon city schools, Loring Andrews, to be its agent in the field, acting in lieu of a state superintendent, to press for educational progress through advocacy of union graded schools and the establishment of teachers' institutes. The salary of Mr. Andrews, and later, that of A. D. Lord of the Columbus city schools, was paid by a fee imposed by the teachers on themselves. The teachers' agent was withdrawn in 1853 when the General Assembly acceded to the recommendations of the secretary of state and the

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30 A History of Education in Ohio, Ohio State Teachers' Association, p. 338.
influence of the Ohio State Teachers' Association by providing for a state commissioner of common schools.

The secretary of state recommends state supervision

In his annual report of 1851 Secretary of State Galloway clearly pointed out to the members of the legislature the need for renovating the common school system.³¹ So many amendments had been made to the law of 1838 that it had reached such a complicated state that to know the law one was forced to trace its history until "the last page of the last volume is reached." The secretary stated that the number of persons executing the law had reached 64,000 different officers. The number of townships, he reported, was 1,316, and school districts, 11,500. He charged there were inequalities in the rates of taxation in the several counties, townships, and school districts. As a third serious defect he singled out the lack of more efficient general and local supervision. To improve matters the secretary insisted that there should be state supervision, for, as he said, "Without thorough and constant supervision on the part of the State, the school system can never be made harmonious in all its proportions . . . ."³² He remarked that a rigorous and vigilant central influence had to be established and this central influence must be exerted through a medium of local and intermediate agents who will take a lively interest

³¹Annual Report of the Secretary of State . . . 1851, p. 20.
³²Ibid., p. 23.
in aiding the State officers or boards in accomplishing their purposes of reform or improvement.33

In his judgment, the best means of achieving this central influence would be through a state superintendent assisted by county superintendents. He advised this even though he recognized the increased cost to the state that would accrue in the addition of county superintendents to aid the chief state school officer.34

State teachers' association recommends a superintendent

In addition to the exhortations of the secretary of state there were the protestations of another voice. The source of this was The Ohio Journal of Education, the official organ of the Ohio State Teachers' Association. As advocated in the Journal, the time had come to provide a more liberal and efficient system than the one formed a quarter of a century before. The state had increased in wealth, power, and population. "There is most obviously demanded an intelligent superintending power," the writer concluded.35 The Ohio State Teachers' Association was to agitate so vigorously for reform that the most important features of the law of 1853, in the opinion of Hiram H. Barney, a state commissioner of common schools, were due to the teachers' influence.36

33Ibid. 34Ibid. 35The Ohio Journal of Education, I (March, 1852), p. 82. 36Fifth Annual Report of the State Commissioner of Common Schools to the General Assembly of Ohio, 1859, p. 94.
Law of 1853 provides for a state supervisory system

The most important feature of the law of 1853 was the reestablishment of a state school head to be known as the state commissioner of common schools.\(^\text{37}\) He was to be elected by popular vote for a three year term. The commissioner was to have general supervision of the state school fund; he was to stimulate the cause of education by visiting schools, talking to teachers, encouraging teachers' institutes, conferring with township boards of education and other school officers, and delivering lectures on educational topics. The commissioner was authorized to purchase libraries for township schools, to distribute school laws, and to prepare forms for school reports that he might require of school officials or county auditors.

A second provision of the law of 1853 concerning the organization of the common schools, was the creation of a single township district under a township board of education, with subdistricts under the management of local directors. The jurisdiction of the township board did not extend to cities and incorporated villages which had been established as special districts under the Akron Law of 1847.\(^\text{38}\) This law provided for the organization into one district and under one board of education of all districts within the incorporated city of Akron. The law was made general for any incorporated city or town in 1849, but


many did not take advantage of it. The township district idea remained an issue until the turn of the century. The dual organization of township boards of education and sub-district boards of directors did not work out well; the removal of any powers from the local directors gave rise to protests concerning "one man power" and violation of the "rights of the people."

An immediate protest was made by a small group of citizens to the law of 1853. Their petitions asked that the office of state commissioner of common schools be abolished and the provision for the township boards of education be repealed. The petitioners saw the act creating the office of state commissioner as an innovation upon established usage altogether unwarrantable, having no precedent, involving an expenditure of money exceedingly improvident, and greatly increasing the burdens of taxation.39

Though this was a small element of the state's population, a special committee of the General Assembly investigated the specific protest concerning the chief state school officer and declared that the office should stand.40

State Commissioners Advocate a State Board of Education

Six of the fifteen state commissioners who served until the end of the century advocated a state board of education. As popularly elected officials they indicated they were dissatisfied with present

39 Report of the Secretary of State · · 1853, p. 78.
40 Ibid., p. 79.
arrangements of their office and believed a state board of education would be a more satisfactory arrangement, though they had different ideas on the scope of authority and functions of the board.

John A. Norris

One of the most eloquent of these commissioners was John A. Norris. In his annual report to the governor in 1869, Norris wrote:

One of the most important and practicable functions in the administration of our school system to be accomplished by the school department is to centralize and utilize the educational and professional influence and intelligence of the State. The friends of good schools should be induced to look at the commissioner’s office as the central agency for determining and executing the school policy of the State. The office should be to the school men of the State all that the Smithsonian Institute is, and, if possible, more than the Smithsonian Institute is to the men of science in the nation.

To promote this purpose, Norris suggested a state board of education, composed of seven to eleven members, chosen from the leading educational men in the state. The governor and the state school commissioner were to be ex officio members and with the state board would form a council of administration. In his report Norris went on to say,

These men, representing the different sections of the State and our several classes of institutions of learning would make the school commissioner’s office a power for great good in the State. Surrounded by such men, guided by their counsel and reflecting largely their views on school questions, the commissioner would be enabled to be guided by a wisdom and to exercise an influence such as no single man, however devoted and able, can reasonably hope to attain. The annual reports of the office, besides being intrinsically more valuable, would have much greater weight, both with the people and the legislators. The commissioner’s recommendations would

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41 Fifteenth Annual Report of the State Commissioner of Common Schools to the Governor of the State of Ohio, 1868, p. 42.
then be indorsed and reinforced by the most reputable and influential school men in the State and the power to urge them on the attention of legislators would be correspondingly increased.42

In logical manner, Norris observed that it was the business of the people in the church, the public school, and in the family to provide for the right training of the youth of the state. To the parents' function he also added the state's obligation to train youth for right living. For the public schools to accomplish their purpose in this regard, Norris held that the school system "should be provided with a competent head and an organizing center," and that this should be a state board of education.

Commissioner Norris' concept of a state board of education was very different from that of the proponents of the board of 1850. The latter board was an administrative board, though it would have dealt almost entirely with permissive legislation. The board suggested by Norris was an advisory one, a board that would counsel the chief state school officer on policy matters. The commissioner of the common schools, in Norris' view, would be both a policy-making and policy-executing official.

Charles C. Smart

Charles C. Smart, the state commissioner of common schools, in 1877, intimated that a state board of education would be a desirable innovation for state school administration in Ohio. In his annual report he mentioned that twenty-three of the states had state boards

42 Ibid., pp. 42-43.
of education to assist the state superintendent in the administration
of the school system and general regulation of the public schools.\textsuperscript{43}

John J. Burns

To further orient the legislature on the status of current
thought about state school systems, John J. Burns, another state com­
missioner, in 1881, reported some of his findings and his own criticisms.
He thought a complete school system would have these features:

A State Superintendent, or Commissioner, holding his office
for such a term as would render his experience of most value
to the service. Ohio's Commissioners of Schools have been
officially short-lived. Among my predecessors have been some
of the ablest educators of the country, but their stay in the
office was too short for the making of a great and lasting
impress upon the educational system of the state.

As a remedy it is often urged in professional circles,
that this officer should be chosen by a State Board of Edu­
cation instead of at the popular election, that this would
"take it out of politics," as the phrase goes. That depends,
one would naturally suppose, upon how the Board itself is
constituted.

Some would have the office filled by an appointee of the
Governor. No greater permanency would be given it by this
change, if the history of state politics in Ohio means anything.
As it may be of interest to many, here is the way this thing
under consideration is done throughout the country . . . .\textsuperscript{44}

The commissioner went on to quote from a report of the national
commissioner of education that the state superintendent was elected by
the people in twenty-one states, chosen by the state board of education

\textsuperscript{43}\textit{Twenty-Third Annual Report of the State Commissioner of
Common Schools to the General Assembly of Ohio}, 1877, pp. 58 ff.

\textsuperscript{44}\textit{Twenty-Seventh Annual Report of the State Commissioner of
Common Schools to the General Assembly of the State of Ohio}, 1881,
p. 35.
in five states, appointed by the governor in eight states, and held the office because it was joined to another official position in one state.

In the remarks of the commissioner, reference was made to two arguments concerning the office of the state commissioner: (1) that the office be occupied long enough by one person to permit the implementation of a policy and (2) that the office should be taken out of politics. These arguments were to be repeated over and over again in the years ahead. The problem was no longer the advisability of having state supervision -- that battle was won, although the state commissioner still could not compel obedience to school laws. In the future, the struggle in Ohio would be over the kind of central state educational agency, the question being whether supervision and control of the state's common school system was to be in the hands of a state commissioner, or superintendent, or entrusted to a state board of education. Though state supervision was still a comparatively ineffectual force, the movement toward more state supervision seemed apparent.

As yet, the urging of more state supervision came only from the state commissioners and the state teachers' organization; the latter's membership was significantly from the cities in the main. The annual reports of the commissioners repeated the need for county superintendents, as did writers in the Ohio Education Monthly. But the proposals for a state board of education apparently came only from the state commissioners of the common schools. The commissioners who spoke out on the subject of state organization for education thought a state board of education was the best solution for the progress of education in the state.
Daniel F. De Wolf

Daniel F. De Wolf, in 1884, as another example, believed that a state board of education would be an effective agency for proposing legislation to achieve economy and efficiency in the school system of the state. He briefly stated the case for a state board of education in his annual report:

The State will also thus approximate the efforts made by most of her sister States, to furnish adequate instrumentalities for carrying on the work of education which she has assumed . . . The State will also, if this intelligent discussion proceeds, provide itself with a State Board of Education, composed, not of State officers elected for political considerations, but of leading teachers and of other men of legal and business ability. This Board will meet, as the State Agricultural Board, the Board of Public Works, the Board of Equalization, and the State Board of Charities meet, to consider the interests of education in the State. As this Board ripens plans for improved legislation in behalf of economy and efficiency in the school system, the Legislatures will be led to give the subject considerate attention and proper legislation will follow. There is little doubt that this is the wisest, if not the only way to reach school legislation, and a wise guardianship of the educational interests of the State.\(^45\)

Commissioner De Wolf did not make clear the relationships that would exist between the board and the state commissioner. The pattern of administrative boards, such as agriculture, charities and public works, established by the legislature was one of investigation and recommendation; however, the concept of boards established in regard to the policy functions of the state was changing to one of investigation with some powers of enforcement of state laws.\(^46\)

\(^45\) Thirtieth Annual Report of the State Commissioner of Common Schools to the General Assembly, 1884, p. 43.

\(^46\) See Orth, The Centralization of Administration, pp. 142-62, for a general description of Ohio's state boards at this time.
board of education as Commissioner De Wolf suggested would be established as an advisory board to the state school chief, making recommendations through him to the legislature. Though generally similar to the board proposed by Commissioner Norris in 1868, the membership of this board would not have been restricted to educators but would have included men of business and legal ability. The significant concept of lay leadership in school affairs on the state level was suggested here.

LeRoy D. Brown

LeRoy D. Brown, De Wolf's successor, was more specific in his ideas of a state board of education. Problems were arising that called for more state regulation. A fraud had been discovered in which a so-called college in Ohio was selling medical degrees in Europe; furthermore, definition was needed of what constituted a high school, a normal school, or institutions of higher learning. Commissioner Brown thought it necessary to have a state agency to make regulations in these matters. In his annual report to the legislature he said:

It is unfortunate that Ohio is without a State board of education with authority to decide what is a high school, a normal school, a college or university. This leads me to remark that the present law regarding the incorporation of educational institutions is an open invitation to fraud. But, recently, a medical college without any professors, without any property and without location, except upon paper, was incorporated under the laws of Ohio. It has been discovered that this college (?) is vigorously prosecuting the business of selling degrees in Europe to persons having "more money than time for study." Such frauds could not be practiced were there a State board of education possessing appropriate authority.
by the Senate is in my judgment the most pressing need of public instruction in Ohio. If it should become necessary to give the reasons for the foregoing statement, I am prepared to do so.\(^7\)  

The recommendation of Commissioner Brown for the definition of a high school, normal school, and a college or university was soon acted upon. No interest was shown in his proposal for a state board of education; he was not formally asked to give his reasons for having such a board. His proposal was notable for the manner of selecting members of the board and the character of the total membership, but he did not explain what the scope of the board's functions was to be.  

\underline{John Hancock}  

In the remaining years of the century only one more state commissioner of education was to advocate a state board of education; this was John Hancock in 1888. Thereafter, no other chief state school officer in Ohio was ever to propose a state board of education in his annual report to the legislature or the governor. The initiative for a state board of education was no longer to come from the office that by law was supposed to make recommendations for improvement of the public school system. By default, the job was passed on to other individuals and groups interested in public education.  

What Commissioner Hancock envisioned was a clear and pervasive plan for organizing the state's educational system. Calling attention in his report to the need for reorganization on a definite and comprehensive plan, the Commissioner adjudged the best system would be the

\(^7\) Thirty-Second Annual Report of the State Commissioner of Common Schools to the General Assembly of the State of Ohio, 1888, p. 5.
following: the townships would be the educational units with a board and a superintendent; above this unit would be a county board made up of representatives from the township boards whose duty would be to appoint a superintendent who in turn would be held accountable for duties assigned him by the appointing board; and, at the head of all, a state board of education, having general supervision of the state's school system. The commissioner argued:

Substantially, this is the system under which the States making greatest progress in educational affairs are working. Such a system provides for effective administrative force and for thorough supervision and school work at every point.\(^{18}\)

The plan suggested was not an untried one; it was successfully in operation in other states as the commissioner stated. For the legislature to agree to the plan was impossible. The township board idea had been a source of constant friction since its inception in 1853; the sub-districts in spite of that law had been able to regain much of their former powers. These subdistrict groups were not to give way for some time yet. Though Ohio's population was reflecting the trend of growth in the cities and migration from the farms, the election laws continued to favor the rural areas in representation in the General Assembly. And the rural areas were adamant in their views of local control; the people in these areas fought any movement toward centralization, only giving way where the force of circumstance or well-being dictated. The idea of a state board of education, especially, was to be rejected and would not find general popular support until the concept of "rural"

\(^{18}\) Thirty-Fifth Annual Report of the State Commissioner of Common Schools to the General Assembly of the State of Ohio, 1889, p. 22.
would substantially lose its identity and merge into the shadow of the constantly expanding "urbanity" of the population.

A commissioner opposes a state system

The opponents of an effective state supervisory plan could easily subscribe to the remarks of Oscar T. Corson, another state commissioner of the common schools, who wrote in his annual report of 1896:

Lack of a state system has resulted in the development of powerful local educational sentiment in many sections of the state, and this in turn has developed a large number of vigorous, independent thinkers and workers in the educational field . . . .

Whatever criticism may be made of our system or lack of system in the state at large, it can be truthfully said that in the majority of instances our permissive laws have produced reasonably satisfactory results in the management of the schools. 49

This was a fair statement of the point of view of those who opposed any comprehensive plan for the organization of the common schools on the state level.

The Governors and the State Board of Education

In this period from 1851 to 1901 there were two governors who recommended the establishment of a state board of education. Each of the governors in his message to the legislature on the needs and progress of the state, usually delivered near the opening of the legislative sessions, indicated his interest in the common schools. Without

49 Forty-Third Annual Report of the State Commissioner of Common Schools to the Governor of the State of Ohio, 1896, p. 66.
exception the governors expressed their belief in the necessity of a common school education for Ohio's young citizens as most vital to the well-being of the state. It must be remembered, however, that their recommendations were simply received as part of a traditional message, not obligatory in the least. The governors could only hope to educate the members of the legislature as to the needs of the state; the chief executive of the state was without the power of appointment and other extra-legal mediums that would make him the leader of his party and a force in the legislature.

**Governor Edward F. Noyes**

Governor Edward F. Noyes, in 1872, in his message to the Sixtieth General Assembly advocated a state board of education because he thought it would be useful in setting up a plan for normal schools. In a short paragraph, the governor said to the legislature:

> In my judgment, our first necessity is normal schools, permanently located, created, supported and regulated by the State; these, for the present at least, to be supplemented with normal instruction upon the institute system, reaching into every county, and under the control of a State board.\(^{50}\)

Governor Noyes' plan was, therefore, one of a state board for a limited purpose and not for the general supervision and control of the common school system.

**Governor Charles Foster**

The latter concept, however, was the meaning that another governor intended when he suggested a state board of education to the

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\(^{50}\) *Ohio Executive Documents, Part II (1873)*, p. 561.
Sixty-sixth General Assembly in 1883. The suggestion of Governor Charles Foster was expressed in general language:

Many of our sister States, as well as all European countries, have provided a perpetual body, Educational Council, or State Board of Education, who make it their business to consider and carefully digest the often valuable suggestions of active educators, boards of education, and others, and to recommend such progressive legal provisions as the demands of greater economy and greater effectiveness suggest.51

These remarks by Governor Foster were to be the last ones concerning a state board of education made by any governor of the state to the legislature until 1939.

Activities of the State Teachers' Association

After the state commissioners of common schools fell silent on the state board of education subject, there rose in the ranks of the Ohio State Teachers' Association some agitation for more centralization in the public school system. For a brief interlude, members of the teachers' association kept the idea of the board before the public in some measure, but this organization, too, was to cease its activities in this regard for more than three decades.

A commissioner by constitutional provision suggested

In plain-spoken words, Lewis D. Bonebrake, president of the department of superintendence of the State Teachers' Association, in 1896, lashed out at adherents of the old order. He said:

Our policy has been quite diffusive ... We have unswervingly adhered to the principle of local control. We

51 Ibid., Part I (1883), p. 17.
have believed it sound. Each community has been a law unto itself. . . The plain blunt fact is that the people of this state are slow to take up educational innovations. . . Years of training in the old ways, years of rich suggestive history, years of belief in the "Ohio idea," have prepared our farmers, our merchants, our mechanics to look with suspicion on any interference with the old order of things . . . .

In this address made before the teachers' association, Bonebrake went on to discuss the point of view of those favoring decentralization. He concluded that neither extreme would produce the best results. Somewhere in between, he held, was a system of instruction, some system of training and control which combines steadiness with simplicity, which gives opportunity for experimentation, which preserves inviolate the rich results of all past educational efforts.

The country districts, in his judgment, were in need of leadership and direction. The supervisory power in city districts needed relief from interference and longer tenure in office. On the state level he saw the necessity for a large discretionary power.

Bonebrake favored a state superintendent as the effective agent to bring unity and efficiency into the system. To make this office free from legislative interference, he suggested making it a constitutional office. The office, he believed, should be clothed with ample power and the superintendent be made responsible. He further suggested advisory boards to give the superintendent assistance. This was Bonebrake's plan. His thinking was notable in these respects: he would make the office of state superintendent of schools a constitutional one, freeing it, as he thought, from legislative interference, and he would

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52 Ohio Education Monthly, XLV (August, 1896), 342.
53 Ibid., p. 346.
invest the chief state school officer with sufficient power to bring unity and efficiency into the public school system. He did not elaborate on how the state superintendent was to be free from legislative interference by making the office a constitutional one.

A permanent educational commission suggested

At this same meeting, President F. Treudly of the Ohio State Teachers' Association presented his ideas for the organization of the central state educational agency. He first called attention to the establishment of a pedagogical chair at The Ohio State University, which he hoped would help train people for the higher educational positions in the state. To help the public educational system of the state generally, he advocated a permanent educational commission that would wield the largest power "by way of influence and suggestion."

The educational commission Treudly suggested was a large one: the membership would include the governor, the commissioner of common schools, the chairmen of the educational committees of the two houses of the legislature, the president of the state university, the president of one of the largest denominational colleges, representatives from six or eight of the largest cities, an unstated number of representatives from the rural schools, an unstated number of representatives from the normal schools, if established, and representatives who would be appointed from other walks of life. The commission would be appointed in such a manner that would remove it from all partisan bias. It would

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54 Ibid., pp. 346-47.
meet often enough and long enough to do its work well, the state paying the members for necessary expenses. The commission would be given power to make recommendations to the legislature concerning adequate provisions for education.\footnote{Ohio Education Monthly, XLV (August, 1896), 398-400.} To complement this advisory body, the office of the commissioner of education would be enlarged and its staff increased in order to give the necessary opportunity for special study of certain educational problems.\footnote{Ibid.}

Though Treudly's scheme would include representatives from "other walks of life," it is apparent that he preferred having the commission dominated by educators. This idea of having educators on the various boards or commissions seemed to have been common to the several proposals made previously by state commissioners of the common schools. This point of view still reflected the perennial thinking of having a state board of education that would act as an advisory board. Treudly's commission on education, if his words are taken literally, would make recommendations directly to the legislature; this condition would obviously lead to the problem of dual authority on the state level. There would be two agencies for making recommendations to the legislature, a state commissioner for the common schools and a state board or commission.
A state board of education proposed

At the meeting of the Ohio State Teachers' Association in 1898, J. W. Zeller, president of the department of superintendence, delivered the most impassionate oratory yet on the need for a strong central state educational agency. Zeller pointed to neighboring Indiana and lauded the state board of education in that state for the improvements it had brought about in establishing state normal schools and county supervision. The board, he claimed, had become a valuable agent at the weakest point of the state's educational system — its country schools.

After making this point, Zeller launched into a critical speech condemning in extremely strong terms the so-called individualism of the populace and its effect on school policy. He remarked in part:

For a quarter of a century we have bowed to our Caesar -- our so-called individualism and diffusive policy of our people . . . I do not believe that there was or is any more diffusiveness or individualism in our people than in the people of Pennsylvania or Indiana. . . We have worshipped too long and too devoutly at the shrine of this idol of individualism, we have compromised our convictions and yielded too long to this "exceedingly democratic" god, to the great detriment of our rural schools.

Our judgment has been swayed too long by the false notion that before we can have legislation on this subject there must be a very strong, general, almost universal public sentiment favorable to such legislation.

. . . A State Board of Education would not only become a "John the Baptist" of the advent of county supervision as it did in Indiana, but would become a potent factor in all educational problems in Ohio.

In 1759 Quebec fell into the hands of the English and as result the dominion and might of Great Britain was thoroughly established in America; just thirty years thereafter, in 1789, George Washington was elected President of the United States.
Might not a State Board of Education become the Revolutionary army to hasten our freedom from the despotism of our democratic educational policy?\(^7\)

**Recommendations of the legislative committee**

In a much more modified presentation the legislative committee of the Ohio State Teachers' Association recommended to its parent body the support of legislation to strengthen the state educational system by the creation of a state board of education.\(^8\) To secure better organization and supervision of the rural schools, it was necessary, the committee said, to have the school men take a more aggressive and united stand to overcome the "exceedingly democratic nature of our rural school system," and to secure this end an official and permanent educational body should be created by the state, vesting it with power to investigate and create conditions "favorable to their greater efficiency." The instrument to accomplish these ends, in the committee's opinion, was a state board of education.

The legislative committee of school men saw the board as a group of professional people who not only would collect facts and create sentiment for centralizing legislation but would also urge the necessity of such legislation upon the legislature. The membership of the board would include the president of The Ohio State University, three superintendents of town or city schools, three teachers or township superintendents of rural schools, the governor, the state school commissioner, and the chairmen of the legislature's common school.

\(^7\) *Ohio Educational Monthly*, XLVII (August, 1898), 344-48.

committees. The superintendents and teachers in the field would be recommended by the teachers' association and appointed by the governor; the board would be authorized to elect a full time secretary who would prosecute "the objects for which the board is created."

The committee in making this proposal apparently did not consider seriously the relationships that would exist between the board and the state commissioner. By law the latter had specific duties to perform, such as making an annual report and suggesting improvements for the common school system to the governor or the legislature. The problem of dual authority was inherently a part of this scheme. The prestige of this commission would far overshadow the office of the state commissioner, and it is probable that the legislature would look to it rather than the state commissioner for advice and guidance. In addition, the concept that the board should be dominated by educators was advocated as in previous proposals. The powers and duties of the board remained unclarified; the purposes for which the board was to be created also were not made clear. For reasons not stated, the legislative committee's recommendations on this subject were not endorsed by the parent body; at least, no report to this effect was contained in the minutes as they appeared in the official journal of August, 1899.

Centralizing Tendencies in State School Administration by 1901

At the turn of the century, in 1901, the school population had reached a figure of 829,857 as compared with 445,997 in 1849. The total
The number of school districts was 13,501 in 1901, as compared with 11,302 in 1849. The school district system had become much more complicated: there were five classes of city districts, besides further classifications of village districts, township districts, and subdistricts. Several attempts had been made to reorganize the many school districts into larger districts, especially by the law of 1853 and the Workman Law of 1892, which Oscar T. Corson, a former state commissioner of the common schools, claimed abolished more than 11,000 subdistricts. The tremendous growth in the number of school districts resulted in attempts to reduce the high figure by joining districts into larger units of a more reasonable size. The traditional definition and practice of local control apparently was being modified.

Another aspect of centralization was the movement begun in 1877 for compulsory school attendance. Though this law was not enforced, it eventually was to lead to more effective and comprehensive legislation on the subject. Discretionary powers would later be given to the central state educational agency to set up regulations and standards to carry out this intent of the legislature.

59 Figures for 1851 are from the Annual Report of the Secretary of State. . . 1849, p. 12; figures for 1901 are from the Forty-Eighth Annual Report of the State Commissioner of Common Schools to the General Assembly, 1901, p. 85.

60 See above, p. 71.

61 Laws of Ohio, 1892. General and Local Acts Passed and Joint Resolutions Adopted by the Seventieth General Assembly, LXXXIX (1892), 63.

In the larger area of the health and welfare of the school children, the state began to show more interest and exercise more control in the public school system by enacting legislation to protect the children against hazards in school buildings, such as fires and unsanitary conditions.

The most important steps with the largest potential for state control were the several state laws for the support of the common schools passed from time to time, beginning with the first state school tax law in 1838. The power of the state to withhold funds for school operations has been a powerful weapon, although a potentially dangerous one, to force compliance with state law. More state regulation was inherent in the action of the legislature in 1853 to include high schools as part of the common school system, though many school districts were unable to provide for this extension of their common schools for lack of funds. The question of what constitutes an elementary school, a high school, and a college was to bring legislative definition in 1902. Authority was given the commissioner of common schools to determine the grade of each high school and to issue proper certificates to the boards of education. The grading of high schools involved legislative direction in the curriculum, for the classification of high schools depended upon

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63 *Laws of Ohio, 1868.* General and Local Laws and Joint Resolutions Passed by the Fifty-Eighth General Assembly of the State of Ohio, LXV (1868), 179.

64 *Laws of Ohio, 1874.* General and Local Laws and Joint Resolutions Passed by the Sixty-First General Assembly, LXXI (1874), 82.

the number of subjects taught. Another kind of act was passed by the legislature in 1864 that foreshadowed state control of teacher certification; this was the law creating a five-man state board of examiners.66

There is little doubt as to the direction the state school system was going by the turn of the century. Whether the legislature wished it or not, whether local groups still clamored for their traditional rights, the changing times demanded more effective organization in the total governmental structure. The trend was definitely toward more centralization in governmental organization. In the public school system this meant a more potent central state educational agency and further movement toward a state board of education as a more effective agency for the supervision and control of the state’s school system.

Progress Toward a State Board of Education
From 1902 to 1939

The next phase of the history of the state board idea was marked by sporadic proposals for a state board of education, the introduction of bills in the legislature, changes in the office of the state superintendent of public instruction, and an expanding public interest which eventually prepared the stage for introduction of a resolution in the legislature for a constitutional amendment in 1939 to provide for a state board of education.

66 Laws of Ohio, 1864. General and Local Laws and Joint Resolutions Passed by the Fifty-Sixth General Assembly of the State of Ohio, LXI (1864), 33.
Sporadic Proposals for a Board up to 1931

There was little activity concerning a state board of education outside of the introduction of several bills in the legislature and a proposal by college authorities in the first three decades of the twentieth century.

Three bills introduced in the legislature

For the friends of a state board of education a more hopeful outlook seemed to be at hand with the appearance of bills in the Ohio legislature for the purpose of creating a state board. The first legislative bill to provide for a state board of education since the act of 1850 was House Bill 193, introduced into the legislature in 1902. In close succession there appeared House Bill 60 in 1904 and House Bill 150 in 1906. These bills met the same fate: they were introduced one day and on the succeeding day they were referred to the House committee on common schools where they remained without further action being taken. The apparent lack of enthusiasm for these bills must have convinced any interested legislator that it was useless to make another proposal for such a board, for it was 1931 before another bill appeared on the subject.

House Bill 193.--This bill would have created a state board of education to be composed of five professional educators, having at least ten years of experience in educational and school work, these members to be appointed by the governor by and with the advice and consent of the "most numerous branch of the state legislature." The members would have been appointed from the three political parties casting the largest number of votes in the last national election, not more than two from any
one party, for terms of three years, except that the terms of the first
board members would have been staggered for one, two, and three year
terms. The board would have had the duties of visiting schools, insti­
tutes, and teachers' meetings, and giving advice and suggestions. The
board would have recommended courses of study for city, village, and
county schools, and recommended and enforced the best system of heating,
lighting, and ventilating of school buildings. The duties of the state
board of examiners and the state school book board would have been made
the responsibility of the new board. The board would have prepared the
examinations for teacher candidates and would have been authorized to
grant professional life certificates. The board would have fixed the
contract prices for text books. Members of the board would have re­
ceived an annual salary of $2,000 and traveling expenses up to $500.
Two clerks would have aided the board. Section eight of the bill would
have abolished the office of state commissioner of common schools.

In contrast with previous schemes for a state board of education,
this bill provided for a board with fewer members than previous ones,
with the exception of the act of 1850 that had established a board of
four members. Of interest, too, were the provisions for a substantial
annual salary and for expenses. The concept of having all members be
educators, or a majority thereof, was repeated from previous plans.
Appointment of the members by the governor was an innovation; this ap­
parently was in recognition of the growing power of the state's chief
executive officer. The notion of a state educational board in con­
tinuous session was extraordinary, though the idea was incorporated in
the abortive board plan of 1850. A noteworthy feature of this bill was
the plan to bring the board of school examiners and the school book board under one office; the state board of education would assume the functions of these agencies which were of a regulatory nature. Probably the worst feature of the bill was the abolishing of the office of the state commissioner of education without making provision for a president or executive secretary. The bill failed to assign responsibilities.

House Bill 60.—This bill, introduced in 1904, attempted to create a specific kind of state board of education, one to supervise and control the normal schools of the state. The board would have established courses of study, hired and paid personnel, determined the qualifications for admission, issued diplomas in cooperation with the state board of school examiners, and organized model schools. The board would have reported annually to the legislature through the governor. The provisions for the organization of this board differed substantially from House Bill 193. The members would have been appointed by the governor with the advice and consent of the senate for terms of five years. The members would have served without compensation, except for necessary expenses. The bill did not contain any mention of the type of person qualified for the board, only that he should not occupy a teaching position at the same time.

House Bill 150.—This bill, introduced into the legislature in 1906, had some striking relationships to the bill subsequently passed in 1955 that provided for the details of a state board of education. Section one of the bill clearly stated that a state board of education be established to "more effectually supervise the educational policy of the state." Members of the board would have included the president of
The Ohio State University and the presidents of the state normal schools and four other members who would have been elected from four districts of the state, which would have been delineated by the secretary of state according to nearly equal amounts of population. The elective members would have been nominated by petition. The terms of office for the elected members would have been for eight years, except that the first board members would have their terms staggered according to plan. Section seven contained these provisions:

It shall be the duty of said state board of education to supervise the entire educational system of the state, including the schools maintained in institutions for dependent, defective, and incorrigible children; the board shall also have special charge of the normal school department of the public school system and the custody of appropriations therefor; it shall prescribe the requisites for state life certificates.67

The state commissioner of education would be ex officio the secretary of the board, reporting to the board annually the conditions and needs of the public schools of the state. Members of the board would be entitled to receive five dollars from state funds for each day engaged in official service, and six cents a mile for traveling expenses.

The bill attempted to make clear which was to be the sole agency of the state for the supervision of the state's educational system, but it actually did not define precisely the role of the state commissioner who was a statutory officer with assigned duties and responsibilities. Neither did the bill indicate the extent of delegation of authority to the board to supervise effectively the educational policy of the state.

The election of four of the board members from artificially established population districts was an innovation in the history of proposals for state boards of education in Ohio.

Activities of educational organizations

The Ohio College Association.---In 1903 the Association of Ohio College Deans and Presidents met to seek a solution to a problem raised by the non-state supported colleges. The latter claimed that the state tax-supported colleges were threatening their existence. They felt that the time had come to have the legislature define the scope of work of each of the state institutions, suggesting that the Ohio State University be restricted to graduate work, Miami University to college work, and Ohio University to normal school instruction. A committee of the association was charged with recommending a policy to the parent body, the Ohio College Association. The committee suggested a state board of education to pass upon requests for appropriations for state institutions and to recommend the field of operation for each institution. The parent body rejected the committee's report and a new committee was established to form an educational policy for Ohio. This committee eventually suggested a state council of education. The plan was approved by the Ohio College Association in 1905 and submitted for approval to the Ohio State Teachers' Association at its annual meeting in 1905. The plan was received by the teachers' association and referred to the legislative committee which was under instructions to

68 The full account of this story is reported in the Ohio Education Monthly, LIV (July, 1905), 424-32.
report on the plan at the next meeting. It is presumed that the plan was not favorably considered by the committee, for no further account of it appeared in the association's official journal.

The proposal for a state council of education as advocated by the Ohio College Association had these features. Membership would have included the state commissioner of common schools, who would have been ex officio chairman of the board, one of the three presidents of the state universities, one representative of the non-state supported colleges, one superintendent of a city school district, one high school principal, one representative of a rural or village school district, and one citizen "eminent for scholarship, breadth of view and public service." The members, other than the commissioner and the president of the state-supported university, would have been appointed by the governor with the consent of the Senate and would have held office for two years. The council would have had authority to "supervise and direct all examinations for the certification of teachers throughout the state." Another duty would have been to prepare outlines of instruction for teachers' institutes and to determine the qualifications of the participating instructors. A significant responsibility of this council would have been to

act in an advisory capacity to all departments of the public school system of the state, and to all chartered academies, colleges or universities, both state and non-state. Acting in this capacity the board shall establish standards for curricula and degrees.

The council would also have elected a permanent secretary who, under the immediate direction of the state commissioner, would

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69 Ibid., p. 425.  70 Ibid.
perform such educational work as the council may direct, among which work shall be the inspection of all public and chartered educational institutions, the investigation of school problems, the gathering and publication of statistics, and the keeping of the records of the council.\textsuperscript{71}

The remaining parts of the plan called for quarterly meetings of the council, that the members were to receive compensation only for necessary expenses, and that the legislature was to appropriate annually up to ten thousand dollars for the council's expenses.

The plan had some interesting aspects. First of all, the membership, with one exception, would have been made up of professional educators, a feature that had been common to previous plans for state boards. No proposal to date, however, was as comprehensive as this one in regard to establishing curricula and degrees for educational institutions, whether public or private. The plan also attempted to solve the difficulty of establishing relationships between the proposed council and the state commissioner of education, but the problem of dual authority -- a state commissioner and a council -- still largely remained. The annual appropriation for the council's expenses was something new as a provision for a state board of education.

\textbf{Inactivity of the state teachers' association.}--The lack of enthusiasm of the Ohio State Teachers' Association to support or urge a plan for a state board of education was probably due to several factors. The efforts of the teachers' association was concentrated in the first two decades of the century in securing the passage of a statewide pension law. The defeat of the several legislative proposals concerning a state board described above apparently convinced the

\textsuperscript{71}\textit{Ibid.}
association's leaders that the time was not yet favorable for pressing the idea. The war years also served to place the issue out of focus. The probability is strong that the passage of legislation in 1912 creating the county superintendency and strengthening the office of the state commissioner of common schools satisfied the desires of many of the association's members and minimized the desirability of having a state board of education.

Ohio State Educational Conference.—Even the suggestion of the idea for a board from a source outside the state brought no reaction. A former official of the New York state department of education, T. E. Finigan, as a guest speaker at the Fourth Annual Ohio State Educational Conference, in 1924, advocated a state board of education for Ohio to be appointed by the governor and selected from professional and business people who were not educators. The board was to select the state superintendent of schools. No action was reported on this suggestion at the conference. 72

Activities in the Legislature, 1912-1939

Several changes were made in state school administration prior to this period. A general survey was made of state public administration to effect economies in the face of the depression occurring in the 1930's. The recommendations of the survey group contained a proposal for a state board of education. This event was a very significant one for it brought the issue of a state board to a decision.

72 The Ohio State University Bulletin, Proceedings of the Fourth Annual Ohio State Educational Conference (Columbus, Ohio: The Ohio State University, 1924), p. 71.
Changes that had occurred in state school administration

In 1912, amendments were made in the Ohio Constitution and one of these, Article VI, Section 4, provided for a state superintendent of public instruction to be appointed by the governor for a four year term. The office was made a constitutional one, which meant that to abolish it in the future would require the amending of the state constitution.

In 1913, Governor James M. Cox recommended to the Eightieth General Assembly that a complete school survey of the state be made for the purpose of proposing a plan of state supervision. The Ohio School Survey Report of 1914 did suggest a few changes in the overall organization of state education: the addition of a deputy superintendent of public instruction, the creation of a bureau of efficiency and economy in the department to act as a clearing house for educational information, and the urging of a system of uniform reports for officials reporting school information.

In 1914, House Bill 13 was enacted which established the county superintendency, an improvement in the state's supervisory system that had been first advocated by Samuel Lewis in 1838 and endorsed by nearly every succeeding state commissioner of education. The bill

73 Journal of the House of Representatives, Eightieth General Assembly, 1913, CIV (1913), House Bill 237.


75 Laws of Ohio, 1914. Legislative Acts Passed and Joint Resolutions Adopted by the Eightieth General Assembly, CIV (1914).
classified school districts into four kinds: city districts, village districts, rural districts, and county districts. Each of the districts was under the responsibility of a board of education. The township districts and the special school districts were eliminated from the school system. The powers and duties of the several boards were defined. The county boards were given limited jurisdiction over the boards of education that were by law outside of the city and village district authorities. The powers of the county superintendent were also limited, but of great importance was the fact that he became an agent through whom the state superintendent could work on the lower echelon of the state administrative organization for education. In 1921, the superintendent of public instruction acquired an additional title, director of the department of education. This step placed the administration of the public school system within the framework of the governmental structure; the office of the state superintendent of schools was now recognized as a department of government equal in status to such other departments as the department of finance or the department of commerce.  

Senate Bill 190

In 1931, Senator Lowrey sponsored a bill for the purpose of creating a state board of education. The bill made provision for the continuation of the state department of education under the "general or legislative discretion of a state board of education." The


department of education was to be charged with the "general management and supervision of all the state educational functions and activities as provided by law." The board was to be bi-partisan, composed of eight members appointed by the governor for terms of eight years so arranged that one member was to be appointed each year after the first board was selected. The superintendent of public instruction was to be selected by the state board and would serve as the board's executive officer. His qualifications, tenure and compensation were to be decided by the board.

This bill was a comprehensive one and was notable for the attempts to define clearly the organization of the board itself, the role of the state superintendent, and the powers and duties of the board and the superintendent. In regard to the board's organization, the bill contained provisions for an annual organizational meeting, at which time the members would fix the time of holding the year's regular meetings, of which there would be at least four. A president and vice president were to be elected and a record of the proceedings kept by the state superintendent. In order that one member's term would expire each year, the secretary of state at the first meeting of the board would cast lots in the presence of the total membership of the board to determine the length of office of each member. The board members were to receive ten dollars for each official meeting attended plus compensation for necessary expenses.

The powers and duties of the board were described:

Section 3. The state board of education, subject and in conformity to the constitution and laws of the state, (1) shall exercise general or legislative control over the educational functions of the state department of education,
determine its policies, and establish rules for carrying into effect its policies and the laws of the state relating to education; (2) shall have general supervision of the educational departments of all charitable, penal and reformatory state institutions with power to determine policies and to make rules and regulations concerning the same; (3) shall serve as the state library board; (4) shall serve as the state board of vocational education; (5) shall serve as an advisory board on film censorships; (6) shall transmit to the governor an annual report; (7) shall transmit biennially to the General Assembly a detailed budget of the needs and expenditures of the department of education and the agencies and activities under its direction and control; (8) shall recommend to the General Assembly essential and necessary legislation; (9) shall approve of the assignments of service and the appointments to positions in the state department of education as made from time to time by the commissioner of education. The superintendent of public instruction whose appointment is otherwise provided for shall be one of the officers of the state department of education with such powers and duties and compensation as shall be provided by the state board of education; (10) shall determine the qualifications, salaries, and tenure of all officers, assistants and employees in the state department of education or under the direction thereof and shall determine what positions may come under civil service selection. All appointments shall come to the board for final approval. The said board shall have authority to adopt rules in accordance with which may be paid the necessary traveling expenses of certain of its employees.78

Section four of the bill provided in some detail for the duties of the state superintendent of public instruction: that he would exercise in person or through his assistants all the powers, perform the duties, and carry out all functions as directed by law or the state board; that he would advise and guide the officers in the school districts as to their duties and management of the schools in accordance with law; and that he would attend all state board meetings, except where his tenure or compensation was being considered, with the right to advise on questions being considered.

78Ibid.
The bill passed the Senate by a vote of twenty-two to eight but died in the lower house in the committee on education. The bill may have been defeated because it got on the House calendar too late in the session, or the issue was not as acute as the problem of financing the schools in that period of general financial troubles. The school problem was one of many that faced the legislature in those trying years.

The Ohio Government Survey

The whole fabric of state government was studied in 1935 to seek a reduction of the costs of government without lessening essential services. The Ohio Government Survey, conducted under the chairmanship of Clarence O. Sherrill, which was requested by Governor Martin L. Davey, resulted in some recommendations for the department of education. The survey was made by a group of about 130 business executives and professional men who voluntarily contributed their services over a period of five months in studying the operations of the 143 different bureaus and departments of the state government of Ohio.

In the report on the department of education the survey group criticized the long held concept of home rule:

When the Department of Education was created, presumably the objective was to further a rational program of education and public instruction in the common schools of the State. The Department was apparently conceived as an instrument to act merely in an advisory capacity. Adequate authority has not been conferred upon it, and its activities are largely

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79 For the history of the bill see the Bulletin of the Eighty-Ninth General Assembly, Regular Session, 1931-32, CXIV.

80 Clarence O. Sherrill, Chairman, The Ohio Government Survey, n.d. Economy in government had also been studied by another group -- the Joint Committee on Economy in the Public Service -- in 1929. In respect to the education department the committee recommended (Part IV, p. 7) to the legislature that if the office of the director of education was to be considered a non-political office, it would seem desirable to establish a state board of education not to exceed five members who would appoint a director of education as its executive officer.
confined to offering suggestions to and cooperating with the respective school districts. Handicapped by lack of power of compulsion, perversive political influences, and other factors, it has, from the beginning, fallen short in many ways of the intended objective.

The desired objectives cannot be reached unless the Department of Education is vested with reasonable authority instead of merely the power to suggest, and is freed from any political influence or restraint. . . .

Local School Districts still insist on the principle of home rule even though the State and Federal governments contribute heavily toward their maintenance. This is obviously inconsistent. . . .

To accomplish the purposes of a broad plan for State-wide education, the Survey believes that the Director of the Department should be removed from the sphere of political influence; that his powers should be enlarged; that there should be a State Board of Education by which the Director would be selected and which would develop a rational program for the State that would include the facilities offered by the State universities and the Public School system, and one that would be free from "frills and furbellows."

The broad functions of the Department are to set minimum standards for the curricula of the common schools of the State, for teacher qualifications, and for school plants; also, to encourage and promote education in all its phases. 61

The survey group concluded by recommending a state board of education to be established by constitutional amendment: the board was to consist of nine members, eight to be appointed by the governor, and the ninth to be the president of The Ohio State University, the latter to be a member during his tenure at the university and, also, to serve as president of the board. The eight appointed members would include one of the presidents of the other five state universities, two representatives of the public schools, and the remaining five members to be three

61 Ibid., pp. 97-100.
men and two women, who were never to be professional educators. Appointments would be for eight year terms, except the first appointed members who would have staggered terms.

The business executives and other professional people making the government survey favored a strong centralized department of education. They would have clothed the superintendent and the board with authority to carry out the legal provisions for the public school system. They believed that political influences were hindering the establishment of a broad plan for state public education, and so the recommendation was made that the state board be created by constitutional amendment with authority to select a state superintendent, thus removing the superintendent from political influences. They further believed that the board should be controlled by non-educators.

**Senate Bill 213**

Following the Sherrill Report, another bill, Senate Bill 213, was introduced into the legislature in 1935 by Senator Lowrey. The bill was similar to the one the senator had sponsored in 1931, with few exceptions. The board in this instance would have been composed of nine members, one from each court of appeals district, appointed by the district courts for terms of six years. The first board would have met at the call of the superintendent of public instruction who would have presided and distributed the appointments over a period of six years by a method approved by the board. The board members would not have received any compensation for their services, other than payments for necessary expenses. The powers and duties of the board and the superintendent were generally repeated from the 1931 bill.82

82 For the history of the bill see the Bulletin of the Ninety-First General Assembly, Regular Session, CXVI.
The nine-member board to be appointed from the nine court of appeals districts was an innovation that was to appear in later bills. The bill of 1906 had dealt with the problem of geographical representation; the secretary of state in that instance was to have divided the state arbitrarily into four districts of nearly equal populations. In the 1935 bill the existing court of appeals districts would be used. The idea of judicial appointment of board members was an entirely new proposal in the history of the state board of education in Ohio.

The bill failed to get through the legislature. Whatever the reason or reasons for this were, one factor stands out—there was no apparent state-wide support of the bill. The state teachers' association had ceased being a truly militant group in pressing for a state board of education since the turn of the century. The energies of the teachers' association during the early thirties were directed toward a better financial program for the public school system. This goal was achieved in the passage of a school foundation program in 1935. In the same year the Sherrill Report publicized its recommendations for a state board of education. The events that followed these actions may be related to the supposition that the teachers' association now felt that the time was opportune to renew the struggle for a state board. To help the educators' cause, other groups made their appearance in support of the state board idea.

State Organizations Support a Board

Support for a state board of education now came from a new quarter, the Ohio Congress of Parents and Teachers. Together with the
state teachers' organization, this group began to agitate seriously for a state board.

The Ohio Congress of Parents and Teachers

No official action was taken on the subject of the state board of education by the Ohio Congress of Parents and Teachers before 1936. The organization held state annual meetings, beginning about 1902, but records of the proceedings of these meetings begin only with the assumption of the name, the Ohio Congress of Parents and Teachers, in 1924. The house organ of this organization between 1924 and 1935 does not make mention of any official action taken by the Ohio Congress in regard to the state board; however, the minutes, beginning with 1936, attest to the organization's activities in this regard.

One of the items on the program of legislation proposed by the chairman of the organization's legislative committee to the Board of Managers at the December 4 and 5 meeting in Columbus, in 1936, was a proposal for a state board of education. The notation in the minutes reads, "No. 7. To Provide a State Board of Education carried on motion of Mr. Petree."83

At the January 15 and 16 meeting, in 1937, of the executive committee of the parent-teacher organization, a committee of the Ohio Education Association (OEA)84 appeared to urge it to sponsor a state board...
of education proposal. The OEA committee, which included two city school superintendents and Walton Bliss, the executive secretary of the OEA, was accompanied by E. L. Bowsher, the state director of education. The purpose of the plan for a state board, as stated, was to remove the state department of education from politics and make it an independent and non-partisan department. The OEA committee argued that a movement of this type should be undertaken by a disinterested group and the parent-teacher organization was the logical one to do this. Mr. Bowsher described the plan suggested by the Sherrill Report, pointing out that a constitutional amendment would be necessary. After much discussion, a motion was adopted

that the Ohio Congress sponsor the movement to take the State Department of Education out of politics and call a meeting of co-operating organizations on January 29th at the Deshler-Wallick Hotel at 1:30 p.m. 

As a result of the Ohio Congress' action, House Joint Resolution 32 to amend Article VI, Section 4, of the Ohio Constitution was introduced into the legislature in 1937. This resolution proposed a state board of education of nine members, not more than five from the same political party, appointed by the governor by and with the advice and consent of the senate, for terms of nine years. The board was to appoint the director of education. An important feature of this resolution was the provision that the powers and duties of the board and the superintendent were to be prescribed by law. The office of superintendent of public instruction was to be abolished.

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85 Minutes of the Ohio Congress of Parents and Teachers, 1933-37, Executive Committee Meeting, January 15, 16, 1937.
Due to lack of support for the bill, the Ohio Congress asked that the resolution be withdrawn. On this point the minutes of the executive committee read:

... that sufficient support could not be gained at the present time because of unforeseen conditions. Mrs. Goyert moved that the Congress ask withdrawal of the resolution until a more favorable time. ... Carried.\footnote{Ibid., Executive Committee Meeting, April 9, 10, 1937.}

The Board of Managers concurred in the action of the executive committee.\footnote{Ibid., Board of Managers Meeting, April 9, 10, 1937.} But the issue did not long remain dormant for the Board of Managers in the meeting of October 31, 1938, again approved a motion to "Urge the establishment of a State Board of Education to remove the State Department of Education from partisan politics."\footnote{Minutes of the Ohio Congress of Parents and Teachers, October 1937 - November 1943, Board of Managers Meeting, October 31, 1938.}

The Ohio Education Association again agitates for a board

As indicated earlier the state teachers' association had channeled its energies to secure a better financial plan for the support of the public schools. Having achieved this the association made the state board of education one of its immediate goals. The urging of a state board apparently came first from the district associations of teachers which were affiliated with the central body, the Ohio Education Association. The Northwestern Ohio Teachers' Association seems to have been the first to speak on the matter. This district association in 1936 adopted the following resolution:

\footnote{Ibid., Executive Committee Meeting, April 9, 10, 1937.}

\footnote{Ibid., Board of Managers Meeting, April 9, 10, 1937.}

\footnote{Minutes of the Ohio Congress of Parents and Teachers, October 1937 - November 1943, Board of Managers Meeting, October 31, 1938.}
WHEREAS, Education is a vital function of the state and all state planning should be continuous and non-political:

BE IT RESOLVED, That the Northwestern Teachers Association favor the establishment of a non-political State Board of Education whose duty it shall be to appoint a state director of education.89

The Northeastern Ohio Teachers Association followed suit in 193790 and again in 193891 by favoring the establishment of such a board which would have power to appoint the state director of education and the trustees of state-supported institutions. The Southeastern Ohio Teachers Association, also, in 193792 and 193893 adopted resolutions proposing the establishment of a non-partisan state board of education which would appoint the director of education.

The resolutions of the district associations were presented to the Representative Assembly, the law-making body of the OEA, which adopted the following resolution as part of the OEA platform of 1938:

The Association believes that the efficient administration of education in Ohio can best be secured through a state lay board of education and recommends the adoption of an amendment to the Constitution of Ohio making the establishment of such a board mandatory.94

Worthy of note in this resolution is the position of the OEA in regard to the kind of member on the board: the association expressed a clear

89 Ohio Schools. XIV (December, 1936), 386.
90 Ibid., XV (December, 1937), 458.
91 Ibid., XVI (December, 1938), 468.
92 Ibid., XV (December, 1937), 459.
93 Ibid., XVI (December, 1938), 468.
94 Ibid., XVII (February, 1939), 95.
preference for lay members. The idea of a board of professional educators had been discarded, at least by this professional organization.

On recommendation of the executive secretary of the OEA the Representative Assembly on December 28, 1938, approved a resolution to support a legislative resolution for a constitutional amendment to create a state board of education and to have such an amendment free of encumbering details.\(^{25}\)

Upon this resolution the OEA was to take its stand in the fall elections of 1939.

Both the OEA and the Ohio Congress of Parents and Teachers were on record in favoring the creation of a state board of education. Their agitation for a board helped bring the matter to a decision. The problem had achieved some proportions throughout the state because both the Republican and Democratic parties made statements about the state's educational system and politics in their platforms for the next election.

The Republican platform of 1938 contained this statement:

> We believe that partisan political influence should be completely eliminated from the activities of the State Department of Education and favor the establishment of a State Board of Education to accomplish this purpose. Therefore we pledge ourselves to legislative action which will place before the voters of Ohio the question of adopting an amendment to the Constitution of Ohio which will permit the establishment of a State Board of Education.\(^{26}\)

The Democratic platform simply stated, "We pledge legislation to take our school system out of politics."\(^{27}\) The incumbent governor, John W. Bricker, a Republican, made a further statement:

> All but nine states have a State Board of Education. Ohio is one of the nine. The system has worked successfully

\(^{25}\)Ibid., XVII (January, 1939), 4.

\(^{26}\)Reported in Ohio Schools, XVII (October, 1939), 357.

\(^{27}\)Ibid.
in other states. It should work in Ohio. Personally, I favor the Amendment and believe its adoption will be a step forward.98

The stage was set for a decision. The question was not one of major proportions, but it was an important one. Unfortunately for its supporters, the amendment was not decided on its merits alone.

The Constitutional Amendment of 1939

The first move in the campaign of 1939 for the state board of education was made by Governor Bricker in his message to the legislature on January 16. The governor called the attention of the legislature to the development of sentiment for such an agency in Ohio. He concluded:

In my opinion, the time has arrived to place this proposal before the voters of Ohio for decision. I recommend that this be done at the earliest possible date.99

The legislature adopted a resolution to submit to the electors of Ohio a proposal to amend the state constitution that would establish a state board of education. Supporters of the board worked hard for its passage; however, there were several factors that proved difficult to overcome and the amendment was defeated.

The Campaign for the Amendment

House Joint Resolution 11

Following the governor's recommendation, a joint resolution was offered in the lower chamber on January 19, 1939. A substitute

98 Ibid.

resolution was adopted, amended in the Senate, enrolled, and finally signed by the governor on June 4. The proposal for amending section 4 of Article VI of the Ohio Constitution read:

There shall be a state board of education to be constituted by law and a director of education, who shall be appointed by, and whose term of office and compensation shall be fixed by the state board of education. The respective powers and duties of the board and the director shall be prescribed by law.

The amendment was to be submitted to the electors of the state for their approval or disapproval at the general election in November, 1939.

The Ohio Chamber of Commerce states its position

Several members of the local government committee of the Ohio Chamber of Commerce were in favor of a state board of education because it followed the recommendation of the Sherrill Report, and it was in line with the Chamber's previous recommendation of reorganizing other departments of state government. A special study committee of the Chamber later, on January 30, recommended that

the board of directors take no action at this time on the Governor's recommendation for the creation of a State Board of Education, which would entail the submission of a constitutional amendment to the vote of the people. The committee recommends that this be made a matter of further study by the proper committee of the Chamber.101

The study committee was not ready to favor the constitutional amendment because it intimated that there were problems to consider in

100 For the history of this resolution see the Bulletin of the Ninety-Third General Assembly of Ohio, Regular Session, 1939-1940, CXVIII.

101 Memorandum from Helen Mohler to Herschel Atkinson, vice-president of the Chamber, in regard to past actions of the board of directors on the state board question, dated August 31, 1953. A copy of this memorandum was received on request from the Chamber's legislative affairs department.
the other functions of the state board of education. Another factor that strongly influenced the decision of the committee was the energetic struggle over the Bigelow amendments that it was undertaking. One of these amendments proposed an old age pension that roused the anger of business organizations, school groups and the Roman Catholic church.\textsuperscript{102} The committee was of the opinion that "the question was too, too important to take a secondary position and the voters would not have sufficient information upon which to make an intelligent decision."\textsuperscript{103} The board of directors adopted the committee's recommendation.\textsuperscript{104}

**The state board supporters take action**

The campaign for the state board of education began to pick up momentum in August. On August 11, according to a report in \textit{Ohio Schools}, the Women's State Committee for Public Welfare, Health, and Education sponsored a conference that met in Columbus, Ohio, to consider the state board of education amendment. About thirty organizations participated.\textsuperscript{105} Within a few days the executive committee of the OEA decided to organize and promote the amendment. Plans were made to send speakers to appear on the programs of the teachers' district associations in October to discuss what the amendment would mean for the schools.\textsuperscript{106}

\textsuperscript{102}See \textit{Columbus Evening Dispatch}, October 18, 1939; \textit{Ohio Teachers}, XVIII (November, 1939), II; \textit{Cleveland Plain Dealer}, November 2, 1939; and \textit{Columbus Evening Dispatch}, November 2, 1939.

\textsuperscript{103}Memorandum, Mohler to Atkinson, August 31, 1933.

\textsuperscript{104}Ibid.

\textsuperscript{105}Ohio Schools, XVII (October, 1939), 398.

\textsuperscript{106}Ibid.
The September issue of *Ohio Schools* carried an article written by Ward G. Reeder, Professor of Education at The Ohio State University, who was a long-time advocate of a state board of education in Ohio. The professor described the need and advantages of such a board for the state. He declared that a state board of education was needed to serve as the chief school authority of the state and to give supervision to the department of education. He argued that the functions of the department of education had been increased and that it was handling millions of dollars of funds for state aid to school districts. The advantages of a state board were listed by him: (1) The board would bring more democracy into the state's management of the schools. (2) The state director would more likely be chosen on merit than by the usual appointment by the governor, and the director would be responsible to the board without threat of political pressure. (3) The board would have greater prestige with the legislature, the governor and state officials. (4) The board would eliminate the possibility of the continual shifting of educational policies when new directors took office. In conclusion, Professor Reeder recommended a state board of education of nine members, appointed by the governor with staggered terms, not more than five members being from one political party. The board would assume the duties and powers of the department of education and the duties of the state board of vocational education, which would be abolished. 107

More support appeared for the board proposal. Thirty groups, representatives of various interests in the state, proposed a plan for

a permanent state-wide organization to work in support of the amendment to create the board. Officers were elected for the new organization. This group asked the OEA for a small campaign leaflet for distribution to the voters that would answer questions about the board. The executive committee of the OEA agreed to print 300,000 such leaflets to be used in the state board campaign.

By late September a substantial number of organizations had declared themselves in favor of the amendment or were reported in favor of it. A note in the September issue of Ohio Schools reported the following organizations as in favor of the amendment: The Ohio Congress of Parents and Teachers, Ohio League of Women Voters, Ohio Education Association, Women's State Committee for Public Welfare, Health and Education, Sigma Chapter of Phi Delta Kappa (honorary society in education of graduate students and upper classmen at The Ohio State University, including also initiated members), and the Conference of the Deans of the Colleges of Education in Ohio. Appearing on the executive committee for the support of the amendment were representatives from the Ohio Library Association and the Ohio Public Health Association, which groups were presumed to be in support of the proposal.

The Ohio Congress of Parents and Teachers once again went on record as favoring the amendment by reaffirming its position stated at

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108 The organization was called the State Board of Education Amendment Committee. See Ohio Schools, XVII (October, 1939), p. 360.

109 Ibid.

110 There were probably other groups in communities across the state who supported the amendment but evidence for these was not readily available.
the annual convention held in Columbus, Ohio, on October 11 and 12.\footnote{Minutes of the Ohio Congress of Parents and Teachers, October 1937 - November 1939, p. 148.}
The Board of Managers of the Congress had already agreed to pay up to $25.00 for pamphlets about the state board produced by the OEA that would be included in the convention materials.\footnote{Ibid., Board of Managers Meeting, October 10, 1939, p. 69.}

As evidenced by the happenings to this point the OEA was spearheading the campaign. The executive committee of this organization suggested to the committees on resolutions of the six district associations that they endorse the state board amendment and include such actions in their district resolutions. This was in line with the policy of the OEA.\footnote{Ohio Schools, XVII (November, 1939), 447.} The six district associations responded, five by resolutions to support the amendment and to recommend it to the citizens of Ohio for support and the sixth, the Southwestern Ohio Teachers' Association which had no resolutions committee, approved the idea of the state board of education.\footnote{Ibid., (December, 1939), 464-66.}

Trying still another angle, the OEA asked several of the previous directors of the department of education to comment on why they favored a state board. These comments were duly printed in Ohio Schools, copies of which went out to the 40,500 members and to libraries and
other select persons. E. L. Bowsher, the director from 1935 to 1937, was quoted as saying:

No state director of education in Ohio, regardless of the political party in power, can be free from partisan political pressure in the matter of appointment of members of his staff or making many educational decisions of an important nature under the present system in our state. . . .

Vernon M. Riegel, the director from 1920 to 1927, said:

The state board would provide a variety of educational points. . . eventuate in a better educational program and procedure than is now possible when set up by one man as is done at present.

. . . would represent different groups -- industry, labor, agriculture, education. . . .

J. C. Clifton, the director from 1927 to 1931, stated that it would give more stability to the office. B. O. Skinner, the director from 1931 to 1935, commented that a state board would insure that the conduct of the schools would be "placed in the hands of those most interested in them." 116

Several more articles appeared in Ohio Schools urging the teachers to support the proposal and listing the reasons why the teachers had an interest in the state board of education, such as standards for teacher certification, teachers' pay as related to state funds, consistent school policies, tenure, and progress in education. 117

115 Membership figure from Hobard H. Bell, "The Program and Service of the Ohio Education Association," Ohio Teacher, XVIII (September, 1939), 9-10.


117 Walton B. Bliss, "The Teacher and the State Board of Education," Ohio Schools, XVII (October, 1939), 357; and in the same issue, anon., "Answering Your Questions on State Board," p. 357.
Newspaper endorsements of the state board

Some help in support of the amendment came from newspapers. Several of these in the larger cities endorsed the proposal for the board and urged their readers to vote for the amendment. The Cleveland Plain Dealer 118 gave a simple endorsement; the Toledo Blade 119 and the Dayton Journal 120 added some arguments to their endorsements. The Ohio State Journal gave what seemed to be an unconcerned and almost cynical approval to the proposed amendment. The editor of that newspaper wrote:

Anxious to line up the teachers as well as everybody else, the Republicans at their last State convention promised, if victorious, to give the teachers a board. . . . The Republicans won and the teachers' lobby held them to their promise.

The Journal does not believe that the substituting of teacher politics for partisan politics in the appointment of the director of education would impair Ohio's historically splendid school system. And who knows but what it might carry our educational system to the point of making Ohioans a race of superpeople, intellectually, morally, and civicly [sic].

For that reason, in our opinion, the proposal for a state board of education might as well be adopted. 121

Taken in the aggregate the supporters of the amendment had amassed what seemed to be a substantial bloc of votes. Readily available figures for 1939 show the membership of the Ohio Education

118 The Cleveland Plain Dealer, November 6, 1939.

119 The Toledo Blade, October 25, 1939.

120 Dayton Journal, November 6, 1939.

121 Ohio State Journal, October 27, 1939.
Associations to be 40,500, as quoted above, and the Ohio Congress of Parents and Teachers to be 162,341.\textsuperscript{122} If the members of these organizations, along with other supporting groups, such as the Ohio League of Women Voters, would follow closely the endorsements of their organizations, the proposal for a state board of education would seem to stand a fair chance of passage. There were other forces, however, that were working in defeat of the proposal.

The Amendment Is Defeated

\textit{Negative and divisive influences}

The Chamber of Commerce as related above decided to remain inactive in the campaign on the board issue. Another organization that took a neutral position, being neither officially for the board amendment nor against it, was the Ohio Farm Bureau Federation. In 1939, the Bureau was still a young organization. Its legislative representative at the state capitol advised the membership to cast a negative vote on all amendments to the constitution, but this act was not officially endorsed by the organization's officers.\textsuperscript{123}

\textsuperscript{122}This figure taken from a report by Mrs. C. Tracy LaCost, "Report to the National Congress," \textit{Ohio Parent Teacher}, XVIII (September, 1939), 11.

\textsuperscript{123}Edwin J. Bath, "Summary of Regular Session of 93rd General Assembly," \textit{Ohio Farm Bureau News}, XVIII (July, 1939), 12-13, 22.
A group that clearly opposed the creation of a state board of education was the Ohio State Association of Boards of Education. This organization was established to protect local autonomy. "A State Board of Education," wrote the editor of its official publication, "does not promote local autonomy, and it is believed by many members of the State Association to be inimical to local autonomy." He believed that the local communities had sufficient persons with native intelligence and public spirit to serve as good local board members. The editor went on to elaborate:

Due to the fact that the proposal is vague and general, it is clear that those who believe in local autonomy should play safe and vote "no" on the amendment. . . . The Amendment should be defeated for the following reasons: (1) Because it does not provide for a non-partisan or bi-partisan board. (2) The membership may be determined by any legislature thus bringing it into politics. (3) It does not guarantee any rural representation. (4) It brings the dictator theory to Ohio.

The position of this organization recalls the long struggle by state commissioners of education for more centralized control in the public school system. Much had been done toward a more effective system through increased control at the state level, but here, in the 1930's, was the same point of view of nearly a century ago. Membership in this organization included rural, village, and city boards of education.

The history of this organization could not be learned. It was most active in the late 1930's. It published the Ohio School Board Magazine which merged with the periodical, Educational Law and Administration. The organization disappeared in the war years. It is not to be confused with the present Ohio School Boards Association.

Editorial in Educational Law and Administration, VII (October, 1939), 2.

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plus the clerks of these boards. No figures were discovered as to membership. The position of the organization was stated at the 1936 convention:

Be it resolved that we reaffirm our belief in the policy of decentralized control and local autonomy as the one most perfect safeguard against the capture of the Ohio school system by any clique designing to propagandize its economic, social, religious, or political ideas.127

One spokesman of this group charged the state legislature with trying to take away "the ancient rights of local boards of education and centralize their power in the state department of education." 128 Thus centralization was still a live issue; that people had varying ideas as to the degrees of centralization in government is evident. Placed in the context of fascism and socialism and increased regulation in the government in the United States, the fears of many citizens could be rationalized.

The ramifications of the effects of more state control were reflected in the apprehension of the Ohio School Bus Owners and Drivers' Association who inquired of Governor Bricker if one of the purposes of the amendment was to place all buses used in the transportation of school pupils under state control and state ownership. The governor denied this.129 The protest in this case was obviously based on economic reasons. Fears were also expressed that a state board of

127 Anon., Educational Law and Administration, IV (April, 1936), 48.
128 Ibid. (July, 1936), 81.
129 Letter from Governor Bricker to Jack Alder, Secretary of the Ohio School Bus Owners and Drivers' Association quoted in the Columbus Evening Dispatch, November 1, 1939.
education would lead to state adoption of textbooks. An attempt to refute such charges was made by Professor Reeder in a Columbus newspaper.

His statement read:

Anyone who affirms that a state board of education will lead to state adoption of textbooks, to state administration of transportation, and to similar centralization of power must not know that these practices are not an aftermath of state boards.

Another organization expressed its displeasure that the amendment proposal was not complete enough. The Ohio Federation of Teachers, although it had advocated a state board of education for years, opposed the proposal because it "does not contain safeguards essential to the democratic control of education." This lack of detail in the amendment proposal had been criticized by the Ohio Chamber of Commerce, by the Ohio State Association of Boards of Education as already mentioned, and was now attacked by the state director of education, E. N. Dietrich.

The state director of education sent a letter to school board members in the state setting forth his objections to the amendment proposal. The letter was quoted in the newspapers. The director opposed it for the following reasons: (1) The amendment was not specific enough to insure the removal of the board from political influence. (2) No guarantee was made for rural representation. (3) No provision was made for number of members and tenure of office. (4) The board members would be appointed on a political basis. The director did not

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130 Columbus Evening Dispatch, November 7, 1939.

131 Toledo Blade, October 20, 1939.
question the motives of those who thought the department of education would be taken out of politics. If the resolution had been drawn in more detail, this could have been achieved, he thought. He felt the legislature and the governor would make the appointment of members to the board a "political football." On this point he said:

Anyone acquainted with the selection of members of appointive boards knows that they have been made on a political basis. . . . From past experiences, isn't it fair to assume that a board appointed by a governor will be partisan.132

With the campaign nearly at an end the voters found themselves pondering an issue that was surrounded by a hodgepodge of arguments. Fears, apprehensions, and misinterpretations about the state board of education were present. The OEA charged that "bogeymen" techniques had been used to frighten school board members, rural voters, bus drivers, and the public generally. The motives of the OEA were impugned. The association was charged with having traded votes on the teacher tenure bill to secure the passage of the state board proposal in the legislature. This was refuted by showing that the amendment proposal was almost unanimously approved by a vote of 28 to 0 in the Senate and 104 to 6 in the House.133 There seemed to be no doubt that generally there was a lack of understanding of the state board proposal. If lines were drawn in the struggle so far, they were not too clear. A great many voters apparently needed a sharper and less vague composition to deal with.

132 Columbus Evening Dispatch, November 6, 1939.
Into the campaign in the last several days was projected the pervasive influence of politics. The Democratic state chairman, Arthur L. Limbach, advised Democrats to vote "no" on all constitutional amendment proposals — there were four of these. The Republican state chairman, Ed D. Schorr, counseled Republicans to vote "no" on the Bigelow amendments and "yes" on the state board of education and civil service amendments. The drawing of political lines apparently played a significant role in deciding the state board of education proposal.

On November 7, 1939, Ohio voters went to the polls. The election of state, local, city, township, and village officers was, of course, an important matter to the voters, but a further duty faced the more conscientious voters in deciding the merits of the four constitutional amendments. Of these latter the most publicity and the most apprehension were over the Bigelow amendments, -- the "ham and egg" proposals that in the thinking of many groups, especially those sensitive to the collection and distribution of state funds, were dangerous pieces of business to be voted down without fail. The state board of education proposal was unfortunately adrift in the wake of the squall over the Bigelow amendments.

The constitutional amendment for the state board of education was soundly beaten in the November 7 election by a vote of 1,137,054 to 747,545. The total number of electors voting was 2,294,908. The proposal carried in only two of the eighty-eight counties, Scioto and

\[13\] Columbus Evening Dispatch, November 5, 1939.
Ashtabula, and there with small margins. The same decision was made by the voters in regard to the three other amendment proposals; all failed to be approved by the voters, the Bigelow amendments being trounced by about a four to one vote.135

Probable reasons for defeat of the state board amendment

Several newspaper editors attempted to analyze the reasons for the defeat of the state board amendment. The editor of the Columbus Dispatch, speaking on the day of the elections, thought the proposal for the board had been almost completely overshadowed by the campaign over the Bigelow amendments, and he believed that the vote would hinge on the issue of politics.136 This was the very point that the Ohio Chamber of Commerce had feared would happen.137 The editor of the Toledo Blade, commenting after the elections, said, "Obviously the no psychology which was so strongly developed in relation to the Bigelow proposals colored the whole vote on amendments and they were all lost."138 The Columbus Evening Dispatch editor in a story after the elections suggested several more factors: that the proposal was contrary to the trend not to permit any changes in the fundamental law of Ohio, and, although the amendment was

135 Figures taken from a report by Arthur A. Schwartz, director of the legislative reference bureau, Columbus, Ohio, "Operation of the Initiative and Referendum in Ohio," (Columbus, Ohio: Legislative Reference Bureau, 1954), mimeographed.

136 Columbus Evening Dispatch, November 7, 1939.

137 See above, p. 124.

138 Toledo Blade, November 8, 1939.
correctly drawn in broad fashion, "its wording remained vague to a great many voters." 139

How important the political issue was is difficult to measure. The Democrats hailed the defeat of the state board and the civil service amendments as political victories. The Democrats had campaigned against these proposals because they were backed by the Republican administration. The governor had publicly urged the approval of both proposals. To strict party line members the board proposal may have seemed a Republican move to oust the director of education who was a holdover from the Democratic administration under Governor Davey. The director's term did not expire until July 1, 1941. 140 The political issue and the "ham and eggs" charge in regard to the Bigelow amendments served to prevent consideration of the state board amendment solely on its merits.

The "no" psychology thesis advanced by the editor of the Toledo Blade apparently had helped influence the voters to beat down the state board amendment along with the others. Some support for this "no" thesis may be seen in the history of constitutional amendments in Ohio since 1913. In twenty-one years out of twenty-eight, when constitutional amendments were being voted on, the electors of Ohio either approved them all or disapproved them all. 141

139 Columbus Evening Dispatch, November 8, 1939.
140 Ibid.
141 Calculated from the report by Arthur A. Schwartz, "Operation of the Initiative and Referendum in Ohio."
A Backward Look

The history of a state board of education in Ohio apparently began in 1838 when Caleb Atwater, a member of the Ohio General Assembly, proposed the idea. An act establishing a state board was actually passed in 1850, but it remained inoperative because the legislature failed to appoint the members. Through the balance of the nineteenth century the initiative for a state board was carried by the state commissioners of education, six of them suggesting that a state board of education be established to form some kind of effective state organization for the administration of public education. The tradition of local control and the predominance of rural influence in the legislature, however, led to the continued passage of permissive legislation, which prevented any significant growth in the centralization of power in any central state educational agency.

In this latter regard the office of state commissioner of common schools was established in 1837, abolished in 1840, and reestablished in 1853. The office was an elective one thereafter until 1912 when it became a constitutional office with the superintendent appointed by the governor. The chief state school officer also became the director of the department of education in 1921, being elevated to the status of a cabinet officer in the Ohio government. The chief state school officer in all these years worked under a severe handicap for he lacked sufficient authority for the most part to carry out the many responsibilities that gradually accrued to his office.

Because many individuals and groups thought that the chief state school officer was very much handicapped by political pressures, the
scheme for a state board of education was increasingly supported as the solution to remove him, and so, his office, from politics. Bills were first introduced in 1902, 1904, and 1906, but without success. Additional bills were introduced into the legislature in 1931 and 1935; they, too, failed to win approval. Finally, in 1939, a constitutional amendment was submitted to the people as a result of the tireless work of the Ohio Education Association and many interested groups, (such as the Ohio Congress of Parents and Teachers and the Ohio League of Women Voters,) who were now drawn into the struggle. The amendment was defeated at the polls for political reasons and because of misunderstandings of its purpose.

During the many years of this movement for a state board the ideas on the composition and purpose of the board changed. The early suggestions were for an advisory board and for the members to be selected by the legislature. For a long while professional educators were favored for membership on the board. The suggestion of members to be appointed by the governor was made in the bill of 1902, with the purpose of the board to be more regulatory than advisory in function. The idea of election of some of the board members was first suggested in 1906. The number of members on the board usually recommended was below ten. Finally, the concept of only lay members to form the board's membership was introduced and supported by the Ohio Education Association.

The 1939 amendment to establish a state board of education was framed solely to have the electors in Ohio decide if they wished a state board of education to supplant the state superintendent of public instruction as the chief state education agency; it did not include any details as to membership, appointment of members, and duties and powers of the board. These details were to be left to the legislature to decide.
In the 1939 elections a substantial number of voters had indicated that the proposition of the board had merit. In this campaign several influential groups had expressed approval of the state board idea. There remained a next step, agreement on the strategy to pursue in securing the passage of the constitutional amendment when it was presented again for consideration of the electors in the state.
CHAPTER IV

THE APPROVAL AND ELECTION OF A STATE BOARD OF EDUCATION

The defeat of the constitutional amendment for a state board of education in 1939 meant that for the time being Ohio would continue to place supervision and control of the state system of education in a state superintendent of public instruction, a constitutional officer appointed by the governor. A decade was to pass before the movement to change this by establishing a state board of education once more picked up momentum. Not that the idea was to lay dormant, for influential organizations such as the Ohio Education Association, the Ohio Congress of Parents and Teachers, and the Ohio League of Women Voters continued to be active in this regard. The war years probably toned down any coordinated push in this direction. But in the postwar years there occurred a revival of interest in educational affairs, an interest that was nation-wide. The friends of a state board of education in the state came forward once more to support a constitutional amendment to this effect and success was achieved in 1953 when the voters approved a proposal for the board. A second struggle ensued in the passage of statutory legislation to implement the amendment, culminating in the enactment of Amended House Bill 212 in 1955. The old argument of centralization of power by this time had lost most of its force; the struggle now centered upon ideas about state administrative organization and how
education was to fit into that pattern. The legislature finally decided that the issue of an appointed board versus an elected board was to be resolved in favor of the latter.

Events Prior to the Campaign of 1953

Between 1940 and 1953 there was a continued interest in the state board idea and in the postwar years the interest was so strong that eventually the legislature approved a resolution to place the issue for a constitutional amendment before the voters of the state.

The OEA continues its activities

At its meeting in February, 1940, the OEA was asked by the legislative division of the organization's educational council to give consideration to possible action on the state board of education amendment in that year.\(^1\) This latter committee polled the members of the legislature by means of a questionnaire on their attitudes in regard to several items on the legislative program of the OEA. Item four of the program read:

Creation of a state board of education composed of laymen, through the submission of a constitutional amendment specifying number of members and method of selection, such amendment to be proposed by joint resolution of the General Assembly.\(^2\)

The OEA was apparently supporting a proposal that would meet the objections of individuals and groups demonstrated in 1939. The questionnaire returns seemingly indicated that sufficient legislators approved

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\(^1\) _Ohio Schools_, XVIII (April, 1940), 200.

\(^2\) _Ibid._, p. 201.
the item on the state board of education for it was incorporated into the legislative program of the OEA and presented to the Ninety-fourth General Assembly in 1941.\(^3\)

The district associations of the OEA meanwhile reaffirmed their support of the state board of education idea. The Eastern Ohio Teachers' Association in 1941 passed a resolution that the movement to secure a state board of education be renewed whenever the executive committee deemed it timely.\(^4\) The Southeastern Ohio Teachers' Association at the same time reiterated its support of the board principle.\(^5\) In 1942 four of the five district associations went on record indicating their approval of the board.\(^6\) In response to the actions of the district associations the executive committee directed a special committee to make a report on the state board of education problem. The committee recommended that a joint resolution not be proposed in the Ninety-fifth General Assembly for several reasons: (1) the war was making it difficult to secure proper interest and concern for the issue and (2) the school survey report being made to the legislature contained many code revisions which would require much of the legislators' time and attention. The executive committee approved the special committee's report.\(^7\) At the annual meeting of that year the teachers' association endorsed the state board proposal in principle but the decision was made not to advocate

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\(^{3}\) Ibid. (September, 1941), 338.

\(^{4}\) Ibid., XIX (December, 1941), 446.

\(^{5}\) Ibid.

\(^{6}\) Ibid., XX (December, 1942), 442, 445, 451.

\(^{7}\) Ibid., XXI (January, 1943), 46.
such a change that year because of "engrossment in other legislative matters." The OEA was temporizing; the time was apparently not propitious for making a determined bid on the issue.

Concurrent acts of other agencies

Other groups in the meantime made declarations on the subject. The Ohio Congress of Parents and Teachers in a special meeting of the executive committee on November 30, 1940, attempted to make plans to sponsor another bill providing for a state board. A motion to establish a committee which in co-sponsorship with the Ohio League of Women Voters would call a meeting of all service organizations of Ohio to urge a bill for a state board of education failed of passage because of lack of sufficient members in attendance. The Ohio Congress took no further action on the state board problem until 1945.

On January 15, 1941, Governor Bricker in his message to the Ninety-fourth General Assembly, once more indicated his dissatisfaction with the existing state agency for education. On this point he said:

I hope soon to present a constructive policy in state education that will meet the approval of not only the people of Ohio, but of the public generally. That department should be taken out of narrow prejudiced political depths to which it has sunk in the past years.

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8 Ibid., p. 24.


At the end of 1941, the Ohio Chamber of Commerce repeated its affirmation of 1939. Item three on the agenda of the board of directors at its meeting of December 2 read as follows:

Does the Local Government Committee wish to take any further action with reference to the desirability or lack of desirability of creating a state board of education by means of an amendment to the constitution of the state of Ohio?\(^{11}\)

The local government committee responded with this resolution:

That the Local Government Committee of the Ohio Chamber of Commerce recommends to the Board of Directors of the Chamber that no consideration be given to the proposal to create a State Board of Education until there is a specific plan proposed. The Committee expressed the opinion that under no circumstances should the Chamber take the initiative in proposing a constitutional amendment providing for the establishment of a State Board of Education.\(^{12}\)

The board of directors approved the recommendation.\(^{13}\) The Chamber was apparently insistent that a constitutional amendment be written with a minimum of detail, but it was unwilling to make any suggestions to that end.

Another professional organization announced its support of a state board of education on December 28, 1943. This organization was the Department of Superintendence, a department of the Ohio Education Association. The December resolution concerning the board stated:

... that we recommend that while we favor a State Board of Education, 1944, a presidential election year, is not the

\(^{11}\) Memorandum, Mohler to Atkinson, August 31, 1953.

\(^{12}\) Ibid.

\(^{13}\) Ibid.
proper moment for such action and that plan be made during the year for submitting the question by referendum in 1945. Motion carried.\footnote{14}

The Miami Workshop of 1944

A specific plan for a state board was proposed in June, 1944, by a group of professional educators. A conference was held at Miami University, Oxford, Ohio, sponsored by the deans of education of Bowling Green State University, Miami University, The Ohio State University, and Ohio University, and, in addition, the Ohio superintendents' association, the Ohio Education Association, and the State Department of Education. The conference came to be known as the Miami Workshop of 1944. The educators gathered to discuss a program for public school education in Ohio. A report of the workshop was published in the hope that school and lay groups would consider its deliberations and take action on some of the recommendations.

The workshop members adjudged that state-wide educational leadership could not be provided in a system where the state superintendent of public instruction was a political appointee. They felt that as a member of the governor's cabinet, the superintendent was perforce subject to party discipline, besides being forced to choose his staff "with the insistent demands of political patronage sounding in his ears."\footnote{15} They

\footnote{14} Minutes of the Department of Superintendence of the Ohio Education Association (later known as the Ohio Association of School Administrators and hereafter to be so described), December 28, 1943.

\footnote{15} A Program for Public School Education in Ohio, developed by the Miami Workshop, June 19-30, 1944, Miami Workshop Committee (Columbus, Ohio, 1944), p. 58.
expressed the opinion that as a political appointee the superintendent was so interrupted and taken up with political matters that he was not able to give much of his time to the professional and technical duties of his office. Words of commendation were expressed in the report:

It is a tribute to the character and educational devotion of all the state superintendents of public instruction who have occupied the office during recent decades that every one of them had advocated the creation of a non-political state board of education which would determine educational policies. Every one of these state superintendents testifies to the impossibility of exercising professional, long-time, educational leadership under the conditions that prevail in Ohio.

Believing the time was now at hand for taking steps to secure a state board of education that would provide leadership and establish long-time educational programs and policies, the workshop group made the following recommendations:

... that a constitutional amendment be submitted to the electors at the general election in 1945 and that it be placed upon the ballot by initiative petition or legislative action, preferably the former. The amendment should read substantially as follows: There shall be a state board of education, consisting of nine members, not more than five of whom shall be of the same political party, appointed by the governor, by and with the advice and consent of the Senate, for terms of nine years each commencing on ________.

16 No annual report of any state superintendent of schools in the twentieth century carries a recommendation to establish a state board of education. The annual reports of the state superintendents since 1912, with the exception of a few reports, are devoid of recommendations of any kind. In fact, since 1945, they are almost relegated to statistical information. In fairness, it must be reported that Mr. Bowsher, while superintendent, urged the Ohio Congress of Parents and Teachers to sponsor an amendment for a state board, and Kenneth Ray, while still in office, wrote a doctoral dissertation at The Ohio State University in which he advocated a state board of education for Ohio.

17 A Program for ... Education in Ohio, Miami Workshop, p. 58.
and a superintendent of public instruction who shall be appointed under provisions of law, by the state board of education as the executive officer thereof.... The state board of education shall constitute the chief school authority of the state and the powers and duties of the board shall be prescribed by law.18

Further recommendations were made to the effect that the state department of education needed reorganization to meet changing needs. The Conference of Deans continued to speak out on educational problems in succeeding years.

The Ohio School Survey Report of 1945

A commission of eleven members was created by the Ninety-fifth General Assembly in 1943 to conduct a state school survey. The commission included four members of each house, three members appointed by the governor, and two ex officio members.19 The commission submitted its report to the governor and the General Assembly on January 15, 1945.

Viewing the state school survey as an opportunity to push the state board proposal, the executive committee of the OEA passed a resolution on September 15, 1945, favoring the submission of a constitutional amendment for a state board by means of a joint legislative resolution.20 It further instructed a special committee to cooperate with the school survey commission, offering whatever assistance it could. In the meantime, three of the district associations of the state teachers' organization at their October, 1945, meetings, again endorsed the state board

18 Ibid., p. 59.

19 One of the members appointed by the governor was E. L. Bowsher, a former state superintendent of schools.

20 Ohio Schools, XXII (October, 1944), 333.
proposal as evidence of their continued interest and support. The executive committee of the teachers' organization spoke out again on December 28, later in the year, favoring a short amendment on the board question, leaving details about the composition and powers of the board to later enabling legislation.

In its report the school survey commission suggested certain improvements in the state department of education, and then went on to recommend a state board of education. The report read in part:

The Commission is of the opinion that the department of education should be adequately staffed with competent personnel for the purpose of assisting school districts in matters of school district organization, school building planning, supervision of elementary and high school curriculum, and finance. The Commission is of the opinion that there is merit in the establishment of a state board of education and recommends that the legislature give serious consideration to a constitutional amendment to make it possible to establish a state board of education.

The commission did not pursue the subject any further.

Senate Joint Resolution 13 Is offered

On the heels of the school survey report Senate Joint Resolution 13 was introduced in the General Assembly in January, 1945. In its amended form it provided that a state board of education be constituted by law, that a superintendent of public instruction be appointed by the board, and that the respective powers and duties of the board and the

21 Ibid. (December, 1944), p. 393.

22 Ibid., XXIII (February, 1945), 94-95.

superintendent be prescribed by law. While the resolution was making its way in the legislature the OEA and the Ohio Congress of Parents and Teachers cooperated in trying to secure its passage. The Ohio Congress appropriated $5,000 for expenditure by the executive committee of the Congress to promote the state board of education.

The resolution passed the Senate by a vote of thirty to two on April 25. The House then considered the resolution. The committee on education in the House recommended adoption of the measure on July 6, and it was placed on the calendar. The House Journal showed no further action, but according to the OEA the House rules committee refused to place it on the calendar for action. No reason was given for the action of the rules committee, but it is probable that the end of the session was so close -- the General Assembly adjourned on July 19 -- that the House would not have had time to debate the resolution fully or, if necessary, solve any differences with the Senate if any arose. It may be deduced from what had happened that the friends of the board had nearly succeeded in their quest for a state board: the nearly unanimous action of the Senate and the approval of the House committee on education were positive and encouraging signs. The adherents of the board were not dismayed; they were soon back again, persevering in their cause.

For the history of the resolution see the Journal of the House of Representatives and the Journal of the Senate, Ninety-Sixth General Assembly of Ohio, Regular Session, 1945, CXXI.

Minutes of the Ohio Congress of Parents and Teachers, January 1944 - November 1949, Board of Managers Meeting, April 7, 1945, p. 45.

Ohio Schools, XXIII (September, 1945), 250.
Further activities in 1945 and 1946

The Conference of the Deans of Education in Ohio renewed action on the state board question. This group called a meeting of all interested organizations for the purpose of initiating another attempt for a constitutional amendment on the subject. This meeting was held on October 13, 1945. The meeting was attended by school and lay groups. A formal organization was created with both individual and organizational membership permitted. The executive committee of the OEA directed one of its own members to act as its official representative. Apparently this newly created group failed to follow through on its purpose for no additional activity was recorded in the journal of the teachers' association.

The state teachers' association, however, kept persevering. All the district associations at their meetings in October, 1945, "approved the principle of a State Board of Education and endorsed submission of a constitutional amendment for such a board through the initiative plan." At the twenty-fourth annual session of the representative assembly of the OEA several measures were taken. The platform of the state association was reaffirmed in regard to a state board: that "the efficient administration of education in Ohio can best be secured through a state lay

27 Ibid. (October, 1945), 342.
28 Ibid. (November, 1945), 392.
29 Ibid. (December, 1945), 411.
board of education. The principle of a lay board was now consistently advocated by the OEA. The representative assembly adopted a resolution that stated:

The Association again goes on record favoring a State Board of Education for the State of Ohio, the form of the amendment to the State Constitution to be determined through the cooperation of both lay and professional groups throughout the state.  

The reference to the cooperation of lay and professional groups demonstrated a realistic approach, for school men knew that a broad base of support was needed if the proposal for a board were to win. To implement its resolution, the representative assembly authorized the use of funds up to $5,000 for the campaign for the board. There seemed to be no doubt as to the intentions of the OEA -- the state board of education was one of its major goals. The association looked forward to the next session of the legislature in 1947. The executive committee at its meeting in April, 1946, decided to hold another conference with interested groups in May and let it be known that it favored the introduction of another resolution for a state board in the next General Assembly.

Rather than work at cross purposes, the Ohio Congress of Parents and Teachers rescinded its resolution of December 18, 1945, recommending

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30 Ibid., XXIV (February, 1946), 59.
31 Ibid., p. 58.
33 Ibid. (May, 1946), p. 245.
the submission of a constitutional amendment to the voters in November, 1946; the Congress further agreed to defer the presentation of the state board amendment until 1947 to match the action of the OEA. Further pronouncement of its intentions was made by the Congress at its Forty-first Annual Convention in 1946, "We continue to support a program for a State Board of Education." With this statement, though, the Ohio Congress of Parents and Teachers fell silent on the question for several years; it made no further official statements. This was probably due to successive defeats of resolutions for a state board in the next three sessions of the legislature.

Repeated failure of resolutions in the legislature

Senate Joint Resolution 13, bearing the same title as the proposal of 1945, was introduced in the Senate in February, 1947. The proposal to amend the constitution was worded as follows:

There shall be a state board of education to be constituted by law. There shall be a superintendent of public instruction, who shall be appointed by the state board of education. The respective powers and duties of the board and the superintendent of public instruction shall be prescribed by law.37

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34 Minutes of the Ohio Congress of Parents and Teachers, January 1944 - November 1949, Fortieth Annual Convention, December 17, 18, 19, 1945, p. 70.

35 Ibid., Board of Managers Meeting, p. 77.

36 Ibid., Forty-first Annual Convention, September 24 - 26, 1946, p. 102.

37 For a history of the resolution see the Bulletin of the Ninety-Seventh General Assembly of Ohio, Regular and Special Sessions, 1947-48, CXXIII.
By the time the resolution emerged from the Senate committee on education with adoption recommended, the legislature was in the last phase of its deliberations for the session. As a consequence of the time factor, the resolution was never acted upon in the Senate because it was below the line on the legislative calendar. The rules committee did not include it in the list of bills they decided were to be considered.

Notwithstanding the defeat of the resolution, the OEA continued its efforts. Most of the district associations once more endorsed the principle of a state board of education. The representative assembly in December, 1917, repeated its declaration of intent that there was urgent need for a state board and that the OEA was to continue in its plan for submitting a constitutional amendment on this subject to the voters when feasible. The legislative program, in line with this policy, proposed in December, 1918, by the legislative planning committee for action by the organization's representative assembly included a constitutional amendment providing for a state board of education. This was part of the nineteen-point program that had been discussed with the executive committee previously. The representative assembly in January, 1919, forthwith approved a legislative program which recommended a constitutional amendment establishing a state board of

38 Ohio Schools, XXV (December, 1917), 419.

39 Anon., "OEA Representative Assembly Maps Program of Action for 1918," Ohio Schools, XXVI (February, 1918), 60.

40 Anon., "OEA Legislative Proposals Ready for Final Action by Delegates," Ohio Schools, XXVI (December, 1918), 438.

41 Ohio Schools, XXVII (January, 1919), 44.
education. Another attempt was made to pass a resolution for a constitution­
al amendment on the state board question in the legislature that con­vened in January, 1949. House Joint Resolution 22 was introduced in the House on February 2. The resolution was worded exactly as Senate Reso­lution 13 in 1947. The resolution was referred to the committee on edu­cation, but it was not reported out until June 30. The resolution was not acted upon; it died on the calendar. By this time it was clear that if a resolution were to be passed by the legislature, it would have to be rescued from the delays it was encountering in the committees of education in both houses. Usually the committees recommended adoption of the reso­lutions, but the reasons for the delays were not apparent.

Again the OEA pressed for adoption of a proposal for a state board. With what seemed monotonous regularity the district associations again urged action on the issue. The representative assembly once more

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\textsuperscript{42} Ibid. (February, 1949), p. 56.
\textsuperscript{43} For the history of the resolution see the Bulletin of the Ninety-Eighth General Assembly of Ohio, Regular Session, 1949-50, CXXIII.
\textsuperscript{44} Ohio Schools, XXVII (December, 1949), 1417.
approved the legislative committee's proposal to recommend a constitutional amendment creating a state board of education to be submitted to a vote of the people through the initiative petition plan. The proposal was submitted to the Ohio General Assembly in 1951.

On January 30, 1951, House Joint Resolution 12 was introduced in the lower chamber. This resolution was written in language identical to that of the resolution of 1949. The resolution was referred to the committee on reference on January 31, taken up on March 22 and referred to the committee on education that same day, and postponed indefinitely on June 5. Three successive resolutions had now been virtually killed in committee. Ostensibly, the resolutions lacked sufficient organizational support and the leadership necessary to have them voted upon in the legislature.

Special Ohio committees make declarations about a board

Part of the indecisiveness of the legislature probably stemmed from the recommendations made by the Ohio Program Commission of 1950 which made its report to the governor and General Assembly in January, 1951. Members of the legislature and the administration, also laymen, studied various aspects of the state government. The sub-committee on education recommended a state board of education be created which would help remove

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46 For the history of the resolution see Bulletin of the Ninety-Ninth General Assembly of Ohio, Regular Session, 1951-52, CXXIV.

47 Ohio Program Commission, Biennial Report to the Governor and the 99th General Assembly, January, 1951 (Columbus, Ohio: 1951).
the state department of education from the cloud of politics. The sub-committee's recommendation was not approved by the commission. The reason given for disapproval was that another committee was studying the organization of the executive branch of the state government and proposals in regard to the organization of the various departments would come from that body.

The Ohio Program Commission that reported to the governor and the 100th General Assembly in 1953 also disapproved the recommendation for a state board of education again made by the sub-committee on education. This time the commission made a clear declaration as to the reasons for its action:

Ohio is fortunate that it has had for many years a sound, basic organizational structure. The accepted administrative principles of fixing executive responsibility and grouping related functions into single administrative units was established in the 1920's. Ohio does not need a general reorganization of its administrative house.

Previous to this last report another Ohio commission had formally supported the enactment of legislation to provide for a state board of education. This was the Ohio Commission on Children and Youth at Mid-Century. The recommendation was made by the sub-committee on general school policies and programs of the committee on school program. A large

\[48\] Ibid., p. 100.

\[49\] Ibid., p. 101.

\[50\] Ohio Program Commission, Biennial Report to the Governor and the 100th General Assembly, p. 120.

A group of influential Ohio citizens participated in the deliberations of this commission. The state board of education idea seemed to be gathering wider and wider support.

The state board is left to political fortune

In 1952 the OEA pressed again for a state board. A study committee of the organization reported back to the executive committee recommending "Initiation of a constitutional amendment by the General Assembly for establishment of a state board of education." The representative assembly of the OEA adopted the proposal at its meeting of December, 1952.

The year 1953 came and the Ohio General Assembly was once more in session. The state board proposal had been under consideration in the past four legislatures. The OEA was the only state-wide organization that consistently and actively supported the proposal for a board in this whole period. Sentiment for the board existed in the state. Interest in the bill was such that it was fairly certain that the legislature would have to deal with the matter. The political fortune of the proposed state board of education rested in the legislature.

52 Ohio Schools, XXX (December, 1952), 399.

53 Ibid., XXXI (January, 1953), 15.

54 According to Mrs. Lenore H. Treuhaft, president of the League of Women Voters in Ohio, the League continued its activity in regard to a state board after 1939. Personal correspondence from Mrs. Treuhaft, September 25, 1956.
A State Board of Education Is Approved

Passage of the Board Resolution in the Legislature

The legislative program of the OEA presented to the One Hundredth General Assembly in January, 1953, recommended, among other proposals, a constitutional amendment providing for a state board of education. In defense of the proposal the OEA maintained that the board would assure continuity in educational planning at the state level, and it would interpret the needs of the state's public schools to the legislature and the general public.55

To help implement its legislative proposals, the OEA sponsored a county organization plan for enlisting support on the local level. Each county was to have a county legislative council composed of school superintendents and presidents of local school associations. The state teachers' organization apparently was making a determined bid for the board. There is no doubt that this educational association played an influential part in the passage of a resolution for a constitutional amendment establishing a state board of education in the 1953 legislature.

House Joint Resolution 32

On February 12, 1953, House Joint Resolution 32, sponsored by Miss Ethel R. Hardy and Messrs. Joseph E. Lady and Robert W. Rider, was

55 Ohio Schools, XXXI (January, 1953), 17.
offered in the House. Its wording was the same as the 1951 resolution. The measure was sent to the committee on reference on February 16 and referred to the committee on education on March 18. The resolution was never reported out of the House committee, but it was reportedly amended by Mr. Lady to provide for a nine member board to be elected from the nine appellate court districts in Ohio.

Ohio Farm Bureau approves an elected board.—While the resolution was in the House committee on education, the executive secretary of the Ohio Farm Bureau Federation, D. R. Stanfield, appeared and made a statement about the proposal. He related that Mr. Lady asked him earlier in the session if the Farm Bureau would support House Joint Resolution 32. Stanfield answered that the Farm Bureau would support it if it were changed to a nine member board, one member to come from each of the appellate judicial districts. He mentioned that the Farm Bureau had been opposed to a state board of education for some time, but, as he stated, "We will not oppose the establishment of a State Board of Education providing the administration of the local school boards is not infringed upon." He was of the opinion that the state department of education, as

56 For the history of the resolution see the Bulletin of the 100th General Assembly of the State of Ohio, Regular and Special Sessions, 1953-54, OXXV.

57 A statement before the House education committee, May 27, 1953, by D. R. Stanfield, Ohio Farm Bureau Federation, supports this. An interview with Mr. Lady of Hardin County, Ohio, brought a claim that the original resolution called for the nine member board. Mr. Lady was calling upon his memory; the statement by Mr. Stanfield was recorded by his office and is on file there in Columbus, Ohio.

58 Statement of Mr. Stanfield before the House education committee, May 27, 1953.
constituted, did not reflect the thinking of the people of Ohio on school affairs. Mr. Stanfield stated the position of the Farm Bureau in these concluding paragraphs:

We believe a State Board of Education would be representative of all sections of the state if chosen as proposed in this resolution and that they would likely select a director of education who would want to make it a career and who, in turn, would be free to attempt to carry out the program as developed by his Board of Education.

It seems to me that this joint resolution has such merit that the people of Ohio should have an opportunity to pass judgment upon it and say whether or not they want a State Board of Education.

The resolution is held in committee. — The nine member board, one member from each of the existing judicial districts, thus, had some significant support. The nine appellate court districts made the number nine a happy solution for the size of the board. But in spite of the support the resolution had, it languished in committee, because, as Mr. Lady claimed, the chairman of the House education committee was opposed to the idea of a state board of education at that time and refused to have it considered further. The proposal at this point was virtually dead in committee again.

Senate Joint Resolution 30 adopted

At this point, Walton Bliss of the Ohio Education Association placed a copy of the resolution on the desk of Senator J. E. Simpson, who was the state senator from Mr. Lady's district. Mr. Lady then asked the senator to introduce the proposal in the Senate. Although it was late in

The account that follows was related by Mr. Lady in a personal interview on October 24, 1956, at the State House, Columbus, Ohio.
the session, a proposal could be introduced without restriction under Senate rules of the time.

On April 30, Senator Simpson offered the same resolution, now titled Senate Joint Resolution 30. The resolution was then sent to the Senate committee on health and education on May 4. The committee reported it out on June 23, recommending its adoption. The Senate adopted the resolution on June 30 by a vote of twenty-eight to two. The House received the resolution on the same day and it was referred to the committee on education, which received it on July 2. The resolution was once more subjected to delay and possible defeat.

According to Mr. Lady a trade was made. Knowing that several measures of his own could be defeated in the Senate committee on health and education, the chairman of the House committee on education agreed to expedite the resolution on the state board. The House committee amended the resolution to take out the provision for a nine member board to be elected from the nine appellate court districts. Amended Senate Joint Resolution 30, as it now read and as it finally was adopted, eliminated the old language of Article VI, Section 1, of the constitution, and substituted the following:

There shall be a state board of education which shall be selected in such manner and for such terms as shall be provided by law. There shall be a superintendent of public instruction, who shall be appointed by the state board of education. The respective powers and duties of the board and of the superintendent shall be prescribed by law.

The amended resolution passed the House on July 11 by a vote of eighty-seven to twenty, despite the efforts of Governor Lausche who allegedly sent around a confidential note to his party members in the House
requesting that the resolution be defeated. The Senate on the same day concurred in the House amendments. The bill was signed by the governor on July 18. A most important step had now been taken in the establishment of a state board of education in Ohio. For a second time within two decades the voters of the state would be asked to make a decision on the structure of the central state educational agency. The second phase of the struggle began: the campaign to persuade the voters to approve the constitutional amendment.

Organizations Endorsing the Board

The passage of the resolution for a constitutional amendment on July 10 was the signal for the friends of the amendment to organize and coordinate their efforts to secure its passage.

Committee for Amendment 2

A statewide campaign group was formed; it became the chief planning and organizing agency for the endorsement of Amendment 2, as the constitutional amendment came to be known. The new organization was composed of civic leaders and officers of various state organizations. Prominent among these groups were the Ohio Congress of Parents and Teachers, the Ohio Education Association, the Ohio League of Women Voters, the Northeastern Ohio School Boards Association, the Northwestern Ohio School Boards Association, the Southeastern Ohio School Boards Association, the Ohio Federation of Women's Clubs, the American Association of University

60 Mr. Lady in the interview of October 24, 1956, stated that one of his colleagues showed him the note as it was being passed around.
Women, the Ohio Child Conservation League, the Junior Order of United American Mechanics, the Ohio Association of School Administrators, and the Ohio Classroom Teachers Association. A plan of action was prepared which provided for the coordination of efforts from the state level down to the smallest community. The control center was the headquarters of the OEA in Columbus, Ohio.

Ohio Association of School Administrators

The school administrators provided a great deal of the leadership in the campaign. Implementation of the plan of the committee for Amendment 2 was assigned to Bernard Griffith, director of public relations of the OEA and Martin Essex, chairman of the legislative committee of the school administrators association. Local school superintendents helped in getting local newspaper editors to print the paper's endorsement of the amendment and to publicize all endorsements of the amendment made by local parents and teachers organizations, education groups, and social organizations of all kinds. The press in the entire state was contacted — the daily press, the suburban weeklies and even the foreign language papers.

Endorsements by metropolitan newspapers

The large number of voters in the metropolitan areas was an important target of the friends of the amendment. The most important

61 Reported in Ohio Schools, XXI (October, 1953), 319, 336.

62 "Plan of Action for Local Communities," Committee for Amendment 2 (Columbus, Ohio: OEA), mimeographed.
strategy, it seemed, was to urge the management of the large city dailies to endorse the amendment proposal in their editorials. The following metropolitan newspapers in the fall of 1953 printed endorsements of the constitutional amendment: Cleveland Plain Dealer, September 19; Youngstown Vindicator, October 18; Columbus Evening Dispatch, October 12; Dayton Journal-Herald, October 5; Akron Beacon Journal; Cincinnati Post; Cincinnati Times Star; Cleveland News; and the Toledo Blade. Several metropolitan newspapers, however, opposed the amendment, including the Cincinnati Enquirer, October 23, and the Cleveland Press, October 29. The large dailies were strongly in favor of the amendment for the most part.

Ohio Farm Bureau Federation

The Farm Bureau favored a state board of education whose members would be elected by popular vote. The Farm Bureau is a highly organized farmers' organization in Ohio. It is composed of about 1,500 advisory councils, which are local units of eight to twelve families that meet once a month to discuss issues considered most pressing over the state. Eighty-six of the eighty-eight counties in Ohio are represented in the organization: from local units, through county and district units, to the Ohio Farm Bureau Board. The membership indicated that they were in favor of the board as provided for in the amendment. The Bureau did not aggressively support the amendment. The members, however, were supplied with

Information about the newspapers where the particular dates of publication are not given came from a personal letter from Martin Essex to Dr. Roald F. Campbell, The Ohio State University, October 21, 1953, that was made available.
information about state boards of education, which was distributed from the Columbus office. 64

Deans of the colleges of education in Ohio

The deans of the colleges of education in Ohio were asked by Mr. Essex to work with their respective faculties and the rest of the university personnel for support of the amendment. 65 Since the deans were already on record as favoring a state board of education, it is presumed that they followed through on Mr. Essex's request. 66

Ohio State Medical Association

The Ohio State Medical Association supported the proposal for the board. This professional organization in 1953 had a membership of 8,068. 67 The organization had not taken a position in the 1939 election but strongly supported the proposal in 1953. The council of the association in the meeting of October 2, 3, and 4, 1953, adopted a resolution favoring a state board of education and "instructed the Executive

64 Information about the Farm Bureau was secured from Morris Allton, director of public relations, in a personal interview at the Bureau's Columbus office, October 12, 1956.

65 Letter, Essex to Campbell, October 21, 1953.

66 The Dean of the College of Education of The Ohio State University, did circulate a letter in this regard to members of the staff. The letter was dated October 23, 1953. A copy was made available by Dr. Roald F. Campbell.

67 Mentioned in a letter from Charles S. Nelson, executive secretary of the Ohio State Medical Association, Columbus, Ohio, September 29, 1956.
Secretary to advise the membership accordingly. A notice was also sent to the membership in a monthly bulletin which repeated the endorsement made by the council, adding that it would be of general public benefit.

Regional school boards associations

Beginning in 1951 four regional school boards associations were organized in Ohio. These school boards associations were voluntary groups drawing their memberships from the school boards over the state. The presidents of the southeastern and northeastern associations were members of the Committee for Amendment 2. Apparently each of the associations were active in support of the amendment.

The resolutions committee of the Southwestern Ohio School Boards Association endorsed the state proposal in a meeting of September 26, 1953. The resolution read:

Be it resolved by the resolutions committee, Southwestern Ohio School Boards Association that we endorse Amendment 2 as essential to improved education for the children of Ohio, and that we pledge ourselves to urge its approval by the people on November 3.

The newsletter containing this resolution was distributed to board of education members, clerks, and superintendents in twenty-two counties of southwestern Ohio.


69 Osgram, October 21, 1953. (Monthly bulletin of the Ohio State Medical Association)

70 Newsletter, The Southwestern Ohio School Boards Association, II, No. 6 (October, 1953).
The Northwestern Ohio School Boards Association sent special information folders to each member of the organization. The executive secretary at area meetings urged adoption of the amendment to create a state board of education.\footnote{Letter from Ralph H. Geer, assistant executive secretary, Northwestern Ohio School Boards Association, October 12, 1956.}

\textbf{The Junior Order of United American Mechanics}

One of the fraternal organizations supporting a state board of education, for which a record is available, was the Junior Order of United American Mechanics. The state officers of this organization met in Columbus, Ohio, and mapped plans for lodge campaigns to support the proposed amendment. A newspaper account reporting the activities of the Mechanics was made a part of the promotional literature of the Ohio Education Association, including a collection of endorsements of many county and local groups of the fraternal group. The newspaper account in part read:

State Councilor Harry E. Fetter, Springfield, said the 150 local lodges of the century-old fraternal group will cooperate with the local PTA, League of Women Voters, women's clubs and other fraternal organizations in helping to build voter support for the constitutional amendment.\footnote{The packet of promotional literature of the Ohio Education Association included a single large sheet of printed endorsements from which this item was taken. A copy is in the permanent file of the association.}
One of the largest groups that vigorously supported the state board of education proposal was the Ohio Congress of Parents and Teachers, an organization that numbered about 650,000 members in its affiliated local groups.\(^7\) At the annual convention, beginning October 4, 1953, held in Cincinnati, Ohio, the Congress adopted the following resolution:

Whereas, the 100th General Assembly has placed before the voters of Ohio at the November 3, 1953, election a proposed constitutional amendment known as Amendment 2, which would create a state board of education, and

Whereas, The Ohio Congress of Parents-Teachers, Incorporated, has long supported the creation of a state board of education in order that the State department of Education may be more receptive to the wishes of the people, and

Whereas, a state board of education, through its management of the State Department of Education, would enable the citizens of Ohio to solve more effectively the great problems facing our school system, and

Whereas, the effect of Amendment 2 would be to place the operation of the State Department of Education on the same basis as every local school system in Ohio where a board of education, representing the people, operate the school, and

Whereas, a state board of education would give Ohio much needed long range improvement planning for better schools which would benefit every school child in the state, therefore

BE IT RESOLVED, by the Ohio Congress of Parents and Teachers, Incorporated, that we endorse Amendment 2 as essential to improved education for the children of Ohio, and that we pledge ourselves to urge its approval by the people on November 3rd, and

BE IT RESOLVED, that word of this endorsement be called to the attention of the members of the Ohio Congress of Parents and

\(^7\) This figure is an estimate. An informational pamphlet distributed by the Congress in March, 1956, gave the membership figure as 657,829.
Teachers, Incorporated, and all citizens of the state through parent-teacher publications, press, radio, television, etc.

The arguments used in the resolution represent most of the major ones made in the campaign for the approval of the state board amendment.

The organizations supporting the amendment represented a substantial voting strength, an encouraging sign for friends of the board. There were other organizations that may be presumed to have endorsed the proposal, although no state-wide pronouncement was apparently made. These organizations included the following: the American Association of University Women, the Ohio Federation of Women's Clubs, and the Ohio Child Conservation League. Support from other organizations was in the doubtful category; The Congress for Industrial Organization (CIO) in Ohio, for example, did not take an official position on the issue, although some of its members participated in several study projects that led to the recommendation for a state board. But to balance this picture of apparent strength on the part of the friends of the board, there is evidence to show that substantial support existed in opposition to the amendment.

Group Opposition to Amendment 2

The Ohio Chamber of Commerce

The Ohio Chamber of Commerce did not engage in an active campaign to oppose the state board amendment, but it did take a position in

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74 Minutes of the Ohio Congress of Parents and Teachers, 1953, Meeting of the Executive Committee, October 4, 1953; see also Ohio State Journal, October 8, 1953.

75 Letter from Orville C. Jones, executive director, Ohio CIO Council, October 5, 1956.
opposition to it. The Chamber was consistent in holding to its objec-
tions stated in the 1939 campaign. The education committee of the Chamber
recommended to the board of directors that the organization adopt the
following resolution:

... that the Ohio Chamber of Commerce oppose the proposed
constitutional amendment creating a State Board of Education.
Reasons for such opposition will be furnished in a memoran-
dum. ... 76

The education committee in the memorandum attached to the reso-
lution contended that the state board would reduce home rule in the
school districts of Ohio; the committee went on to restate in the report
the Chamber's policy of favoring local autonomy in the administration of
the public school system of the state. The creation of such a board, the
committee felt, would complicate the relations of local school officials
with the state department of education. There was no reason to disturb
the present situation because there was no public dissatisfaction with
the state department of education or existing relationships between local
school officials and the department. The committee believed that ap-
proval of a blank check constitutional amendment would result in legis-
lative controversy over the details of the organization and the powers of
such a board. The committee saw no reason to be critical of a superin-
tendent of public instruction who administers the school laws with a mini-
imum of discretionary powers. "He is not a policy-forming official but
an administrator of laws enacted by the General Assembly of Ohio affecting

76 Report of the Education Committee to the Board of Directors of
the Ohio Chamber of Commerce, September 10, 1953. Memorandum on file in
the organization's office in Columbus, Ohio
the public schools," the committee affirmed. In its conclusion, the committee stated that it found no necessity for the state board of education and feared that it would lead to the "deterioration of citizen interest and control in each of the school districts in the State of Ohio."

The action of the board of directors in regard to the education committee's recommendation was reported in a private bulletin to the membership, September 24, 1953.\(^7\) The board of directors voted in opposition to the proposed constitutional amendment in consistence with the established position of the Chamber. The arguments of the committee on education were briefly stated. The report on the state board issue was concluded with the board of directors instructing its staff "not to engage in an active campaign." Members in the field were informed of the decision of the board of directors. The Ohio Chamber of Commerce, thus, did not intend to campaign beyond its membership for defeat of the constitutional amendment.

**Ohio Federation of Teachers**

Another organization that opposed the amendment was the teachers' union.\(^8\) The union opposed the amendment, taking the same position it did in 1939, because it did not contain more details than merely an enabling resolution to create a state board of education. As in the case of the Ohio Chamber of Commerce, the teachers' union was not in favor of

\(^7\)Private Bulletin to Members, No. 631 (Ohio Chamber of Commerce, Columbus, Ohio, September 24, 1953), mimeographed.

\(^8\)Information that the teachers' union opposed the amendment was contained in Mr. Essex's letter to Dr. Campbell, October 21, 1953.
a blank check amendment. The opposition of the teachers' union was presumably insignificant because the membership was very small.

The Columbus Catholic Times

The "pig in a poke" argument expressed by the Ohio Chamber and the teachers' union was repeated in another quarter, the Catholic Times of Columbus, Ohio. Since a state board of education would affect the conduct of education in all schools of the state, it was natural that some reaction would come from the parochial or other private school people. A writer in the Catholic Times charged that the amendment was "vague, non-defined and misleading." He wrote that there had been no scandal or mis-management in this area of state government and "that this has been an office singularly free of political influence and pressure." No advantage was seen in opening up the "entire educational system to the non-defined procedure which the present amendment requests." The question was asked, "Are the people of Ohio being asked to vote for a 'pig in a poke'?" The writer was of the opinion that the program of educational supervision in the state "is good, safe and progressive. Is it well to consider the abandonment of tried principle and practice for nebulous theory and political conflict?" He foresaw more politics if the system were changed. The intent of the argument was to maintain the status quo.79

Individual Opposition to Amendment 2

Governor Frank J. Lausche

One of the chief arguments made by proponents of the state board principle was the proposition that the central state educational agency

79The Catholic Times, Columbus, Ohio, October 16, 1953.
would be taken out of politics. But the idea of having a department of the state government run by a board was bluntly challenged by several individuals.

The governor of Ohio, Frank J. Lausche, was definitely opposed to the idea of a state board of education. The governor charged that board members under the state board system would be removed from answerability to the people. In reference to the supporters of the amendment he said:

They want their particular function of government separated from all other functions, believing that through a board they can obtain their demands even though other functions of government must be sacrificed.

Good government can only come when duties are fixed, powers to execute them given, and answerability to the public required.

The governor was also of the opinion that if the executive officer of the state were to appoint these members, he would have no further authority or responsibility in the matter, except where malfeasance would enter. On the other hand, if the members were elected and bad administration occurred it would be necessary "to deal at the polls with a number of individuals, which would be difficult." Lausche argued further that a state board should be dealt with by the legislature, not by the constitution; that the board type of administration would create more politics rather than less. He concluded by saying:

The pressure groups will be able to operate with greater success upon the member than they do upon the governor. Board

80 The governor's criticisms that follow were contained in a letter to Lucy Ward Stahr, Box 295, Hogan Street, Portsmouth, Ohio, reported in the Cincinnati Enquirer, October 27, 1953 and the Ohio State Journal, October 27, 1953.
members not hired on the full-time basis will give scanty attention to their responsibilities and will become rubber-stamp men for the judgments reached by the executive director.

What the governor accomplished was to insert another kind of argument into the campaign. This concerned the theory of administration of state government that was generally discussed in Chapter II above. It was an argument on a more erudite level, which probably escaped the average voter. The governor was taking a position generally held by political theorists that the affairs of state need to be dealt with on a day-to-day basis and that all departments and agencies of government should be headed by individual administrators responsible to the governor. Multi-membered bodies make it difficult to fix responsibility and removes these boards from executive control since they are usually appointed for staggered terms. The governor's position was substantially that of the administrative experts who made the survey of the organization and administration of the state government in 1948.81

The editor of the Cincinnati Enquirer

Several newspapers joined the governor in this line of criticism. The Cincinnati Enquirer was suspicious of the number of boards and bureaus now in state and national government; the editor doubted that they brought government closer to the people. He called attention to the complication in national government in the 1940's that resulted in the creation of so many bureaus that the Hoover Commission was appointed to suggest reforms and streamline government. There was danger involved, the editor thought, 81

81 Reference is to the Public Administration Service survey in 1948, see above p. 35.
in setting up a buffer between the voters and elected officials at the state level. "If a state board is good for the education branch why not balkanize the whole system of state government and make it next to impossible to fix responsibility?" the editor reasoned. He favored fixing responsibility in a governor who executed state laws through cabinet officers responsible to him. The editor further charged that the top supporter of the state board movement was the Ohio Education Association that probably "could use a state board as a powerful lever on the Legislature." The editor, in a later article, expressed his fear that a state board "would tend to remove a great tax-spending instrumentality from effective public control."  

The editor of the Cleveland Press

The editor of the Cleveland Press opposed the state board of education for reasons similar to those of the governor and the editor of the

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82 Whether or not the editor of the Enquirer knew it, there was some support for the "balkanization" he referred to. Education, health, and welfare groups have been constant critics of political influence in administration and one-man control by individual administrators. In Ohio, in the 1920's the Ohio Public Health Association tried in vain to remove the state public health department from politics and place it under a board system. Twenty or more organizations lobbied for Senate Bill 125 in the Eighty-sixth General Assembly that would have accomplished the purpose of the health association, but the bill was defeated. The Ohio Education Association, as noted above, already favored a state board of education and, in addition, cooperated with health and welfare groups in trying to secure "similar overhead structures for health and welfare departments." Other interested groups took similar stands for agriculture and highway departments. See Edwards, The Position of the Governor, pp. 930-43.

83 Cincinnati Enquirer. October 23, 1953.

84 Ibid., November 1, 1953.
He contended that Ohio at one time had had special interest boards, such as those for highways and welfare, which didn't work because they were accountable to no one. The editor wrote, "If the school lobby gets this special treatment, there is nothing to stop every other pressure group from trying to pull out from under the governor, too." The editor maintained that the department of education was well run. He countered the argument for continuity in office by calling attention to the fact that the director of education and his assistant had been in office for nine years and that nine of the thirteen division heads had been in office for periods of fifteen to thirty years. The editor subscribed to the thinking of political theorists that education is another governmental function, the same as other departments, and to give it special treatment would "remove responsibility for a major public service from the governor." The editor urged his readers to vote "no" on the constitutional amendment for a state board of education.

Summaries of Arguments on Amendment 2

Arguments for Amendment 2

The supporters of the amendment set forth a number of arguments. From the larger national standpoint they generalized that forty-two states had state boards of education, so why not Ohio? Statements were quoted from national organizations advocating state boards of education: the

85 Before the reorganization of state government in Ohio in 1920 there was a host of boards and commissions having responsibilities for certain areas of government. The ineffectiveness of many of these was a factor leading to the reorganization that took place.

86 Cleveland Press, October 29, 1953.
Committee on Education of the United States Chamber of Commerce; the United States Office of Education; the Council of State Governments; and the National Council of Chief State School Officers.  

In regard to the office of the director of education the proponents of the amendment were convinced that the job had grown too big and too varied for one man. The growth of the office was briefly described by an editorial in a metropolitan newspaper:

The State Director of Education at present oversees distribution of $120,000,000 in state school funds. He certifies all public school teachers.

He sets the standards for all elementary and secondary schools.

He charters all high schools. He allots more than $10,000,000 a year to school districts for bus transportation. He allocates more than $3,000,000 annually in state school construction and rehabilitation assistance.

He censors all motion pictures, except newsreels. He approves bus purchases by local school boards. He selects scholarship holders to receive $500,000 in help toward their education as teachers.

He supervises school lunch programs, decides on school bus routes, oversees teacher-training and veterans' training.

He has a host of other major and minor administrative duties all of which add up to a task of staggering volume and complexity.\(^88\)

Obviously, in accordance with this argument, the job was too big and too important for one man to be responsible for. To establish policies for making decisions in this important area of government, the director should have the counsel and support of a group of qualified citizens, just like the manager of a corporation has a board of directors.

Another major point made by the state board supporters was the notion that the major decisions on policy should be made by a board of citizens who represent the wishes of the people. The idea implanted here was one of more democracy in the public educational system. Thus the people would have a voice in school matters on the state level just as they have at the local level through their boards of education. The constitutional provision for education of 1912, thus, was obsolete and made to appear undemocratic.

The charge was also made that the office of the director of education was vulnerable to the play of politics, that the director, being a political appointee, was forever subject to political pressures. To bolster this argument the supporters of the board quoted several former state directors of education and their experiences with politics in the job; the directors were quoted as favoring a state board of education.\(^89\)

\(^88\) Columbus Evening Dispatch, October 12, 1953; see also the Cleveland Plain Dealer, September 19, 1953.

\(^89\) This argument appeared in most of the promotional literature. Most of the arguments for the board were summarized in the campaign guide for workers, a large mimeographed sheet, entitled "Yes on 2" prepared by the Committee on Amendment 2. A copy is on file in the office of the Ohio Education Association, Columbus, Ohio.
An additional broadside of arguments was made attacking the instability and lack of continuity in state educational programming. For lack of a state board the progress of education in Ohio was being hampered. The system was obsolete, politically subject, too big for one man, and not consistent with democratic principles; moreover, it was inefficient and tended to prevent the development of any long-range program of education because the directors of education came and went with each change in administration. More stability was needed in the state's educational policies, and this a state board would bring.

To allay the fears of certain groups, the strategists for the board made statements of reassurance. Local boards of education were assured that the change would not take any of their powers away, but the new system would help them to do their work more effectively. The relationships between the state and local school boards would remain the same. The public was told that Amendment 2 was not going to increase taxes; it was only a plan to change the organization of the central state educational agency.

In general, the arguments made were aimed at convincing the public that the state school system needed much improvement, especially was it necessary to free it from political influences. The way to do this was to approve the constitutional amendment to create a state board of education. The endorsement of Amendment 2 was essential to improved education for the children of Ohio.

**Arguments against Amendment 2**

The opponents of the constitutional amendment for a board did not conduct an organized campaign. Their efforts were on an individual
basis. Their arguments arose from different premises and were not cumulative, that is, the several arguments did not logically support each other. The teachers' union, the Ohio Chamber of Commerce, and the spokesman in *The Catholic Times* took a position that the constitutional amendment should contain more details than it did, and that, in its present form, it constituted what they described as a "pig in a poke" grab-bag. The probability existed that at least one, the teachers' union, or more of these groups would have supported the proposal if it had been written in another form. Another contention of the opposition was that the department of education was being run well, so why change? Included in the group that held to this opinion were the traditionalists, or those who preferred the status quo.

Another element, identifiable in the Ohio Chamber of Commerce but less identifiable otherwise, were the partisans of local control. The supporters of decentralization in government are an amorphous body in regard to the degree of centralization they may agree is necessary to good government. Many of the opponents of the state board were from rural areas that have been traditional in their opposition to centralized government.

Perhaps the most difficult point of rebuttal for friends of the board was the opponents' argument concerning theory of state organization and administration. The usual answer was based on current practices: a state board of education was part of the governmental structure of forty-two states and was working well, so why not have it in Ohio. Yet this did not answer the basic arguments made by Governor Lausche, the editors of the *Cincinnati Enquirer* and the *Cleveland Press* that education is a
department of government and should not be given preferential treatment, and as a department of government should be headed by an administrator responsible to the governor. There is no way of knowing how influential this line of reasoning was in the elections.

Taken together, the arguments of the opposition were not numerous enough and apparently not as clear and convincing as those made by the supporters of the state board of education. The amendment proposal, furthermore, was not made a campaign issue by either political party. Altogether, there were nine proposals to amend the constitution before the electorate: seven were to remove obsolete provisions, the eighth was to authorize the issue of bonds up to $500,000,000 for construction of an adequate highway system in Ohio, and the ninth, the state board of education. The term "ninth" used here does not refer to the actual place the amendment was placed on the ballot. The state board amendment appeared as Amendment 2 on the ballot.

Not one of these inserted any divisive elements into the campaign as the Bigelow amendments had done in 1939. All nine amendments were approved. The state board proposition, it may be said, was judged on its merits.

The Election of November 3, 1953

Amendment 2 approved

The constitutional amendment creating a state board of education in Ohio was approved by the voters at the election of November 3, 1953, by a vote of 913,134 to 693,625. The favorable vote was about statistically the same as that which approved the Bigelow amendments in 1939. The nine-state board proposition was a matter of local interest, as it was the first time that a proposal to create a state board of education had been before the electorate. The state board proposition, it may be said, was judged on its merits.

90 The term "ninth" used here does not refer to the actual place the amendment was placed on the ballot. The state board amendment appeared as Amendment 2 on the ballot.

91 Statistics in this section were taken from Ohio Election Statistics, Office of Secretary of State (Columbus, Ohio: Heer Printing Co., 1954), pp. 421-23.
56 per cent of the total votes cast. The total number of electors voting was 2,191,448. The proposal carried in fifty-one of the eighty-eight counties. An analysis of the vote showed that voters approved the amendment in nineteen counties having populations over 75,000; these counties represented about 70 per cent of the total population. The amendment lost in only one county that had a population over 75,000 -- Scioto County, with a population of 82,910. The amendment was approved in twenty-seven of the thirty counties having populations over 50,000. The urban vote was most significant in the passage of the state board of education amendment.

This conclusion is further supported by the fact that the proposal lost in twenty-eight of thirty counties having populations under 30,000. A large share of the credit for the passage of the constitutional amendment is due to the Ohio Education Association, the Ohio Congress of Parents and Teachers, and the Ohio League of Women Voters who were all long-time advocates of a board.

The new constitutional section for education

Article VI, Section 4 of the state constitution was now amended and Ohio was to have a state board of education -- the forty-fifth state to have such a board. The superintendent of public instruction was to be appointed by the board and he was to be the board's executive officer. The board members were to be "selected in such manner and for such terms as shall be prescribed by law." The powers and duties of the board and of the superintendent were also to be prescribed by law. The people acting through their representatives in the legislature were to determine these latter provisions. The "pig in a poke" amendment had been passed
and the fears of some groups that its implementation would lead to some "political footballing" were partially to be realized.

The Legislature Determines the Kind of State Board of Education

In consonance with the principle of writing constitutional provisions in general language with the details left to acts of the legislature, the people of Ohio now faced the problem of implementing the constitutional amendment by appropriate legislation. The key problems concerned the manner of selection of board members and the number of members. A great interest was shown by many groups and much discussion took place in the legislature. The Ohio School Survey Report of 1955 became an important document in the controversy. Eventually, Amended House Bill 212 was passed which contained the details for implementing the constitutional amendment for a state board of education.

Proposals of State Organizations for a Board

The OEA supports an elected board

One of the first steps taken by the OEA was to call a meeting of the groups who had helped win approval of the amendment for the board to discuss recommendations to be made to the legislature. On March 19, 1954, ninety school leaders and prominent citizens met at the Southern Hotel in Columbus, Ohio, to exchange views on what kind of state board was best for Ohio. This was called the School Affairs Round Table. The members agreed that the board should be composed of seven to eleven members, serving for terms up to nine years, with the terms being staggered. The members,
they believed, should be lay people, with no ex officio members. The
groups present disagreed on the manner of selection; the elected versus
the appointed board was to be a sharp point of contention.\textsuperscript{92}

In the meantime the legislative committee of the Ohio Association
of School Administrators had been making a study of the problem. On
August 16, 1954, it made a recommendation to its executive committee:

A State Board of nine members appointed by the Governor, one
each from a panel of three names submitted to the Governor by
the judges of each of the nine appellate court districts of Ohio.\textsuperscript{93}

The legislative committee further recommended that the term of
office of members should be six years, with three expiring at the end of
each biennium. The board was to be composed of lay members entirely and
the qualifications were to be determined by the judges submitting the
names. No compensation was to be given except an allowance for necessary
traveling expenses. The appointed board was in line with the OEA's long
held position; however, the association changed its policy.

The legislative committee of the OEA recommended an appointed
board but in its report of October 15, 1954, to the executive committee
it invited disagreement with its views. The executive committee decided
that the OEA should support the position of the Ohio School Survey Com­
mittee in its recommendation of an elective school board.\textsuperscript{94}

\textsuperscript{92}Robert Olds, "Forecast of Things to Come on Ohio's State Board,"
Ohio Schools, XXXII (May, 1954), 24.

\textsuperscript{93}Minutes of the Ohio Association of School Administrators,
August 16, 1954.

\textsuperscript{94}Ohio Schools, XXXII (November, 1954), 42.
The Ohio Congress of Parents and Teachers decides on an elected board

The board of managers of the Ohio Congress of Parents and Teachers at its meeting on April 10, 1954, established a study committee of five members to make recommendations for the composition and method of selection of state board members. The special committee reported on December 3, 1954, and recommended "that the state board of education should be composed of nine lay members one from each appellate court district, elected on a non-partisan ballot. . . ." Terms of office were to be for six years. The board of managers accepted the report of the special committee and empowered it to act on decisions with the approval of the executive committee when the legislature was in session.

League of Women Voters favors an appointed board

In June, 1954, the central office of the League of Women Voters distributed to its local units an outline for study of the problem to assist the membership in deciding what kind of state board of education would best meet Ohio's needs. On September 4, 1954, questionnaires were sent to each unit on which to record the wishes of the local members. On the basis of the returned questionnaires the League of Women Voters of Ohio decided to support an appointed board. The League declared

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95 Minutes of the Ohio Congress of Parents and Teachers, 1954, Board of Managers Meeting, December 3, 1954; see also Ohio Parent Teacher, XXXIII (January, 1955), 7.

96 Information about the League was taken from a mimeographed pamphlet titled, "Information Concerning Ohio State Board of Education," League of Women Voters of Ohio, 3494 Lee Road, Cleveland 20, Ohio (January, 1955), 35 pp.
it would support an eleven-member board appointed by the governor, nine appointed from districts conforming to the appellate court districts and two appointed from the state-at-large. Terms of members were to be from six to eleven years, preferably six and they were to be staggered. Appointments were either to require Senate confirmation or be suggested by groups of educators, delegates of local school boards meeting in convention, and judges of appellate courts. Educators under jurisdiction of the state board of education would be ineligible to serve. Compensation in addition for reimbursement of expenses was to be permitted at the rate of twenty dollars a day for a limited number of days in a year.\footnote{Ibid., p. 5.} A suggested list of responsibilities of the state board were also offered. Local league chairmen were instructed to meet with their state senators and representatives and explain the League's position, asking their consideration of the League's recommendations.\footnote{Ibid., p. 6.}

\textbf{The Farm Bureau supports an elected board}

The Farm Bureau Federation adopted a resolution in January, 1954, that was sent to the Ohio School Survey Committee. It read:

\begin{quote}
Be it resolved that the Ohio School Survey Committee make a study of the type of State Board of Education that best will meet the needs of the State of Ohio. This would involve number of members, method of selection, distribution of members, terms of office, and powers. We recommend that members be distributed in accordance with some recognized existing territorial division, corresponding perhaps to our Ohio Courts of Appeals districts. This whole question needs careful study and should not be acted upon prior to the next regular session of the Ohio General Assembly.\footnote{Ohio Farm Bureau News, XXXIII (January, 1954), 24.}
\end{quote}
Examination of the 1954 resolutions and statements of the Farm Bureau's local discussion groups and advisory councils revealed that the sentiment ran strongly for an elected board, although there was also a scattering of declarations in opposition to the state board of education. The advisory council minutes for the period of May 3 through July 2 revealed ninety-seven councils favoring an elected board; seven, appointment by the governor; four, chosen by other means; and five, stating that they were opposed to a state board of education.100

To help the members in their thinking the education department of the Farm Bureau prepared a discussion guide that drew attention to the key problems concerning the state board of education. On the basis of the advisory council reports, the Farm Bureau adopted the following resolution:

We recommend that the State Board of Education consist of 9 members, one elected by the people from each of the 9 appellate court districts for a term of six years.

We recommend that all powers and duties now held by the Superintendent of Public Instruction in the Department of Education be given to the State Board of Education. The State Board of Education should exercise policy forming, planning and evaluative functions for the public schools of the state from the lowest legally supported level through the high school. This should include adult education responsibilities except as otherwise provided by law.101

Both the Farm Bureau and the League of Women Voters had made clear their wishes as to the manner of selection of the board members and their terms

100 Minutes of the many advisory councils are sent to Columbus where they are reproduced and categorized weekly. Copies are sent back to county officials. The mimeographed copies are titled "Summary of Advisory Council Meetings" and are on file at the Bureau headquarters in Columbus, Ohio.

of office, but they also indicated their desires as to the scope of control of the board. But it remained for the Ohio School Survey Committee to make a comprehensive report on the central state educational agency.

The Ohio School Survey Report

In 1953 the General Assembly of Ohio established an eleven-member committee -- eight members from the legislature and three chosen by the governor from the ranks of citizens of the state -- to conduct a comprehensive study of all laws affecting public school education, including the school foundation program. The committee was charged with making recommendations to meet school needs as they found them existing, and authority was granted to conduct public hearings and take testimony.102

Included in the scope of the survey committee's study was that of the state educational agency. Recommendations were to be made on the number and terms of the members, the method of selecting them, the compensation to be paid them, and also the board's organization and procedure, and its powers and duties. To learn the public's wishes in this regard the committee distributed a pamphlet to organizations throughout the state which contained a summary of the various arguments concerning the implementation of the amendment for the state board. The groups were asked to submit the consensus of their memberships on the various proposals. About 600 groups responded, and, in addition, about 100 individuals submitted their opinions. This information was given serious consideration by the committee.

102 Sec. 103.41 through 103.43, Revised Code of Ohio, 1953.
The committee recommends an elected board. The survey committee made the following recommendations. The committee decided that board members should be elected by popular vote for these reasons:

1. It believed that an elective board would more directly represent the will of the people than would an appointive board. The constitutional amendment provides that the state superintendent of public instruction be appointed by the state board of education. The appointment of both board and superintendent would remove the control of the schools too far from the people.

2. It believed that an elective board would enjoy greater prestige in its dealings with the general assembly than would an appointive board. An elective board might be less subject to control by various pressure groups interested in the control of educational policy and expenditures. It would appear to be less susceptible to suspicion of such control, and consequently should inspire greater confidence on the part of the people and the general assembly.

3. It believed that appointive boards can be controlled, or at least partially controlled, by the appointing authority. This would create serious problems if the appointing authority were politically minded or dominated by a particular pressure group.

4. Organizations interested in education throughout the state strongly favored election of the state board. Of the opinion reports that were returned, 59 per cent favored the elective board, 25 per cent favored the appointive board, and 16 per cent favored having part elective and part appointive members.

Nomination of members by petition. Nomination of board members by petition was favored by the committee. The committee thought this a more democratic procedure; it followed closely the pattern of election of

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103 For the specific report of the subcommittee on state educational organization of the survey committee see the Report of the Ohio School Survey Committee to the Governor and the General Assembly, Ohio School Survey Committee (Columbus, Ohio: Heer Printing Co., 1955), pp. 59-68.

104 Ibid., p. 62.
school district board members. The committee did not wish any interest
group to control nominations; it wanted the nomination and election of
the state school board members to be directly in the hands of the general
public. To prevent cluttering of the ballot with too many candidates
having little public support, the committee proposed that a nominating
petition should contain at least one per cent of the number of votes cast
for governor in the preceding election, or 1,000 signatures, whichever
was the smaller figure; in addition, there were to be at least fifty
signatures from each county in at least half of the counties of a par­
ticular district.\footnote{105}

Qualifications of members.--As to qualifications for membership
on the board, the committee believed that any qualified voter should be
eligible except "those who by reason of their employment or special ser­
vice would be directly subject to the actions of the board and those who
hold major appointive or elective offices in the state."\footnote{106}

Election of members on geographical basis.--For basis of repre­
sentation the committee had to choose from several suggestions: (1) that
members be selected at large; (2) that they be selected from geographical
regions; or (3) that they be selected from economic or social groups. The
committee decided on selection by geographical region, the existing nine
court of appeals districts being adjudged suitable. The committee
reasoned that though the judicial districts varied in size in population --
from 497,745 to 1,389,532 -- the objection of population differences was
not serious enough to warrant the artificial creation of districts of nearly
equal populations; for, after all, state board members were to

\footnote{105}{Ibid., pp. 62-63.} \footnote{106}{Ibid., p. 63.}
represent the interests of the people-at-large and not a particular district. 107

Size of the board.—The committee recommended that the board be composed of nine members. This number the committee thought was in line with authority and common practice — a board of seven to eleven members, small enough to be effective in operation and not so small that it would lead to the danger of the board assuming executive functions. Too large a board, the committee believed, would be difficult to assemble for regular and special sessions. 108

Length of terms.—The committee recommended six year terms for board members with overlapping terms "to give stability of operation." After the election of the first board three members would be elected every two years. The committee concluded that the term of office should be long enough to attract qualified persons and give them an opportunity to serve after becoming acquainted with their duties, but short enough that the board members would not become unresponsive to the people's wishes. 109

Compensation of members.—Compensation of members posed some problems. The committee finally decided on reimbursement at the rate of twenty dollars a day for the official meetings with a twelve day maximum for any one calendar year. The committee agreed that the board members should be repaid for any expenses incurred on the official business of the board. The reimbursement rate of twenty dollars was suggested because it would give the person working for a daily wage an opportunity to run

107 Ibid., pp. 63-64.
108 Ibid., p. 64.
109 Ibid., pp. 64-65.
for the office and not eliminate him because of serious loss of income if he should serve; furthermore, the rate was not so high nor for too long a period of time so as to make the office attractive for the money involved.  

Meetings of the board.--The committee recommended that the board meet at regular intervals and have regular officers. In this manner interested parties would be able to contact board members or follow the meetings. In addition, the committee proposed that the state superintendent would be the executive secretary of the board; that if committees were necessary to the conduct of the business of the board they should be of a temporary nature to accomplish the assignment and then be dismissed; and that the board transact its business in open meetings so that the acts of the board and the positions taken by members be known to the public. The committee did make a reservation that executive sessions might be necessary at times.  

Powers and duties of the board.--In discussing the powers and duties of the board the committee mentioned several functions which required leadership and coordination at the state level: "the improvement of instruction and instructional materials, certification of teachers and the coordination of teacher education, and assistance in school building planning." The committee believed that there was need for strong state leadership in the public school system to ensure that each child would have adequate educational opportunity, yet at the same time would permit local control of educational matters in the areas where this could best be accomplished.

110 Ibid., p. 65  
111 Ibid., pp. 65-66.
Recognition was made that the increase of state money for education would make adequate supervision and accounting in the spending of school funds necessary. The committee conceived of the state board as "an agency to study major educational problems and to inform the general assembly of the problems and needs of the schools of the state, including financial needs." The committee did not take a stand on the extent of supervision and control over education in the state; it mentioned that the opinion reports from over the state favored giving the board supervision over public elementary and secondary education in the state. These same reports indicated that slightly less than fifty per cent of the groups would extend the state board's jurisdiction to educational institutions beyond the elementary and secondary schools.112

State superintendent of public instruction.—In discussing the state superintendent of public instruction and his position in the department of education, the committee believed that responsibility for administration should rest in that office, and that the superintendent be held directly responsible to the board for the execution of board policy. He would be appointed by the board and would serve as its executive secretary, attending all meetings of the board. Delegation of authority to the superintendent would come from the board and not from the legislature. The committee believed that the salary, status, and responsibilities of the office of the state superintendent of public instruction should be of such a nature that it would "attract and hold an educational administrator of national reputation and one who is second to none in the state." The

112 Ibid., p. 66.
salary of the chief state school officer would be set by the board, and he would be hired on a contract basis but have no permanent tenure.\textsuperscript{113}

The state department of education.---The survey committee conceived the state department of education -- the reference here is to the superintendent and the professional staff -- as the administrative agency through which the superintendent would execute board policies. The organization of the department would be determined by the superintendent with approval of the board. Division heads would not be given tenure, and the secretarial personnel would be hired according to state governmental regulations for this kind of state employee. The salaries of the personnel of the department would be recommended by the superintendent for board approval.\textsuperscript{114}

The school survey report in digest form was made available to the governor and the General Assembly in January, 1955, and the full report published the following May. When the General Assembly convened for its 1955 session, it had the recommendations of the survey committee at hand in regard to the state board of education. In addition, the wishes of various interested organizations, such as the Ohio Education Association, the Farm Bureau Federation, the Ohio Congress of Parents and Teachers and the League of Women Voters of Ohio, were made known to the legislators. The Ohio Chamber of Commerce had retired from the picture and was silent on the problem.\textsuperscript{115}

\textsuperscript{113} Ibid.

\textsuperscript{114} Ibid., p. 67.

\textsuperscript{115} Letter from Richard A. Blackburn, Legislative Affairs Department, Ohio Chamber of Commerce, October 15, 1956.
The Legislature Decides on an Elected Board

The most crucial issue related to the state board of education before the legislature was that of an appointive board versus an elective board. After much discussion the majority decided in favor of an elected board.

**The governor recommends an appointed board**

Governor Lausche appeared before the 101st General Assembly of Ohio on January 11, 1955, and in his message to that body he recommended that the state board of education be an appointed board. The governor expressed his views in providing for a "truly representative board." The governor said:

The members of this board must represent the people of Ohio, not separate groups or interests, and should be neither predominantly rural nor urban in their leanings.

This should be a bipartisan board, free from party politics but not beyond the reach of public opinion. Responsibility for selecting the members should be fixed in one person reachable by the people for removal at the polls if his job is not well done. That fixed and centralized responsibility should be placed in the Governor. He should appoint the board members subject to the confirmation of the Senate.116

The governor believed that the state board should select the state superintendent of public instruction, who would be its executive officer. He thought the terms of the members should be staggered, which would allow for continuity and for gradual replacement of the membership by the incumbent governor, if changes were deemed necessary. The governor

through this method would keep the board "at a high level of fairness and efficiency." If the governor did not accomplish this duty, he could be held responsible, and voters at the polls could register their disapproval.

This was the governor's answer to the problem of the new state board of education. Having been opposed to the formation of a state board of education, he sought to place it within the governmental structure as close to the governor's authority as possible. This he would do by recommending that the board members be appointed by him and subsequent governors. Though the governor tried to make the best of what he probably thought was a bad measure, it is difficult to see how he expected to exercise responsibility for the board's performance unless he had the power of removal also. He did ask that the governor be vested with authority to make changes in the board membership to keep it at a "high level of fairness and efficiency," but the practice in most states is to hedge the governor's power of removal of board members by stating that it be for cause -- a difficult matter to prove in many cases. The governor was ready to use his influence to secure an appointed board, one appointed by himself.

The Thomas bills

Within a short period after the governor's message four bills were introduced into the legislature on the subject of the state board of education: House Bills 149, 212, and 298 and Senate Bill 111. House Bill 149, introduced by Mr. Thomas Thomas, on January 19 provided for a nine member board appointed by the governor, one from each of the nine appellate
court districts. The bill was referred to the committee on education and was never reported out.\textsuperscript{117} According to a newspaper report, Mr. Thomas had neither the backing of the governor nor of the Ohio School Survey Committee.\textsuperscript{118}

Mr. Thomas sponsored another bill, House Bill 298, along with Messrs. Charles A. Longfellow and Rolland Bright. The bill was introduced into the lower house on January 31 and referred to the committee on education on February 10, where it died in committee.\textsuperscript{119} The bill provided for a nine member board appointed by the governor, with overlapping terms of six years. The board would appoint the superintendent of public instruction who was to be its executive officer and who would hold office at the pleasure of the board. Members would be reimbursed for necessary expenses and would receive twenty dollars a day for their services, with no limit to the number of days.

The Avellone Bill

Senate Bill 111 was sponsored by Senator Joseph H. Avellone; it was introduced into the Senate on January 24. The bill was referred to the committee on health and education on January 25 where it remained without being reported out.\textsuperscript{120} This bill provided for a ten member board:

\textsuperscript{117}For the history of the bill see the Bulletin, 101st General Assembly of Ohio, Regular and Special Sessions, 1955-56, CXXVI.

\textsuperscript{118}Ohio State Journal (Columbus, Ohio), January 20, 1956.

\textsuperscript{119}For the history of the bill see the Bulletin, 101st General Assembly of Ohio.

\textsuperscript{120}For a history of the bill see the Bulletin, 101st General Assembly of Ohio.
nine members to be appointed from the nine appellate court districts by
the governor from a list of three candidates nominated in convention by
the representatives of the district school boards and a tenth member to
be appointed by the governor from a list of three candidates nominated by
the administrative heads of the state universities from their departments
of education or teacher instruction. The terms of office would be for six
years with overlapping terms. Board members would be reimbursed for neces-
sary expenses and paid twenty dollars a day for their services up to
twelve days for a calendar year. The board would appoint a state superin-
tendent of public instruction who would be its executive officer and
executive secretary; he would hold office at the pleasure of the board.
Only in the case of a tie would the superintendent be authorized to cast
a vote. The bill proposed in much detail the organization of the board
and of the department of education and the powers and duties of the board
and the superintendent.

The unusual feature of this bill was the method of selection of
board members. The convention method of nomination is used to date only
in the state of Washington; it represents a compromise between appoint-
ment by the governor and election by the people. The Avellone bill prob-
ably failed to win support because it was not in line with the Ohio School
Survey Committee report which recommended an elected board, nor did the
method of selection agree with the suggestions of the OEA and other in-
fluential groups.
Amended House Bill 212 is enacted.

House Bill 212 was introduced into the legislature on January 25. The bill was sponsored by four members of the Ohio School Survey Committee: William L. Manahan, Arthur H. Milner, Ray T. Miller Jr., and Clifton L. Caryl. The bill as introduced provided for a state board of education of nine members, one elected from each of the nine appellate court districts. The bill was referred to the committee on education. The bill was reported out of committee on March 31 with passage recommended. It had its third reading on April 13. On the floor of the House an attempt was made on April 13 to amend the bill to provide for a nine member board appointed by the governor with no more than five members from one political party. The amendment was defeated 76 to 52. Another motion to amend the bill to provide for a twelve member board, nine to be elected and three to be appointed by the governor was defeated by a vote of 67 to 62. An amendment to fix the salary of the superintendent of public instruction at a figure not to exceed that of the governor was passed. The House voted on the adoption of the bill as amended and passed it by a vote of 99 to 31.

Amended House Bill 212 was sent to the Senate on April 14 where it was referred to the committee on health and education on April 18. There the bill was markedly changed to provide for a board of twenty-three members, one member to be elected from each of the twenty-three Congressional districts in Ohio. Amendments were also made in regard to various aspects of the curriculum of the public schools, certification of school

For the history of the bill see the House and Senate Journals of the 101st General Assembly of Ohio, CXXVI.
personnel, and the organization and administration of the schools. A provision was inserted that in the formulation of minimum standards for schools in the state consideration was to be given to the particular needs, methods, and objectives of non-tax supported schools. The Senate committee reported the bill out on June 20 recommending its passage.

In the debate on the Senate floor on June 20 another motion was made to amend the bill to provide for an appointed board, with no more than five members being from one political party. The motion was laid on the table by a vote of 17 to 13. The element of segregation in schools was introduced into the debate and a motion to withhold funds from school districts practicing segregation was barely defeated by a vote of 16 to 15. The bill was then passed in the Senate by a vote of 29 to 1. The names of Senators Charles A. Mosher and Joseph W. Bartunek were added to the sponsors of the bill.

The bill as amended by the Senate was returned to the House which refused to concur in the amendments made by the Senate by a vote of 99 to 6. The Senate sent a message that it would insist on the amendments. A committee of conference to resolve the differences was established, consisting of Senators Mosher, King, and Renner and Representatives Manahan, Gindlesberger, and Lantz. On June 24 the Senate accepted the report of the committee of conference by a vote of 28 to 0, and the House approved the report by a vote of 98 to 11. The amendments of the Senate were retained. Amended House Bill 212 was enrolled and signed on June 29 and became effective on July 12. The bill became a law at the expiration of the ten day limit that provides for a bill becoming automatically a law if not acted upon by the governor within ten days of his receiving it.
The governor could have vetoed the bill but the support of it in both houses was so overwhelming that it would have been easy to override his veto.

The major point of contention between the two houses over the provisions of the bill was the manner of selection of board members, whether they were to be appointed or elected. The possibility of an elected board brought the problem of what geographical basis should be used for selection of the members. The nine appellate court districts had been mentioned quite frequently as a basis for distributing the membership of the state board of education over the state; the suggestion had been made by several groups preparatory to the meeting of the General Assembly in 1955. The Ohio School Survey Committee had advocated the use of the nine appellate court district system in selecting the board members. The argument was logical enough: the judicial districts were already in existence so it was unnecessary to establish artificial districts.

Several other problems assumed some significance in the debate over the bill. One was the formulation of minimum standards for schools and their relation to the non-tax supported schools. The original bill had no safeguard for the non-tax supported schools in the formulation of school standards. The intent of the legislature on this point later became a much discussed question in the deliberations of the state board of education. Another problem that presented some difficulties in writing

122 The Journals of the House and Senate do not contain any debate on this point. The Columbus Evening Dispatch, June 19, 1955, mentioned that there would be House opposition to the Senate's amendments on the section dealing with the board's powers to set school standards.
Politics and Amended House Bill 212

The Democrats charge that politics were being played.

A great deal of controversy arose over the implementing legislation for the state board of education. A period of five months was required to get House Bill 212 through both houses. Though the Journals of both the House and the Senate do not record the discussions that took place, the inference can be drawn from the history of the bill that there were some basic differences of opinion, especially on the appointed board versus the elected board issue. Motions for an appointed board to replace the elected board provision in the bill were defeated in both houses, but the amendments had strong support. The vigorous refusal of the House to concur in the amendments to the bill made by the Senate gave the appearance that the two houses were substantially far apart on some of the provisions of the bill; yet, the differences were resolved in favor of the Senate. The concurrence of the House apparently came from the realization that the session was nearly over and there was no further time to give to resolving the differences, otherwise the bill would not be enacted.123

Claims were made of political maneuverings and compromising, making possible the enactment of the bill.

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123 This statement is supported by a member of the House education committee who believed the House concurred in the amendments rather than lose the whole bill. Letter from J. K. Weaver, Huron County, October 23, 1956.
One member of the House committee on education was of the opinion that if there had been a Democratic majority in the House and Senate, Ohio would have had an appointed state board of education. He further claimed that the state board of education bill degenerated into a partisan bill, that the supporters of the appointed board method roughly followed the ideas of the governor, a Democrat, and that the elected board proponents were members of the opposition party, the Republicans. According to this same member of the House, the Senate would not agree to Amended House Bill 212 unless the twenty-three member board idea was written into the bill. The charge is probably true since the record shows that the Senate insisted upon the amendments it had written into the bill, and the twenty-three member idea was eventually agreed to by the House.

A charge of politics was made by another member of the House committee on education. He claimed that the chairman of that committee, William L. Manahan, was determined that "under no circumstances" was the governor to have a choice in the selection of the state board members. Mr. Manahan apparently controlled the voting since there were eleven Republicans and eight Democrats on the committee. Mr. Manahan had also been the chairman of the Ohio School Survey Committee, which had recommended an elected board.

The minority leader in the Senate, Joseph W. Bartunek, who was also a member of the Senate committee on health and education was also of

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124 Letter from William F. Rofkar, Democrat, Ottawa County, October 27, 1956. Seventy-two Republicans and four Democrats voted down a motion to amend H.B. 212 to provide for an appointed board. Fifteen Republicans and two Democrats voted similarly in the Senate. See House Journal, p. 640 and Senate Journal, p. 808.

125 Letter from George M. Hook Jr., Brown County, October 20, 1956.
the opinion that the Republicans "were reluctant to place the appointing authority in the hands of a Democratic governor, particularly when they had to pass the authorization for the Board over his opposition." 126

Senator Bartunek became a co-sponsor of Amended House Bill 212, supporting the elected board over an appointed board. He objected to an appointed board because he felt that appointments are made by a governor who has little choice but to see that those having an interest in the affairs of the board would be fairly represented, such as religious groups, the several races, business and labor. The appointed board members, if such were the case, would act primarily to carry out the wishes of their particular groups; they would not attempt to make a decision on the basis of their own judgments.

The elected board more than a partisan struggle

The elected-board versus the appointed-board issue went beyond mere political loyalties. 127 The real struggle was over the sincere beliefs of people who sought a method of eliminating partisanship in the selection of the members of the state board of education. Could this be done better by appointment or by election? The League of Women Voters of Ohio took the position that an appointed board, chosen from "recommendations of groups specified by law" would lead to the appointment of the


127 For a clear presentation of the basic arguments for an elected board see the editorial, "Shall Our Schools Be Free," written by Senator Mosher in the Oberlin News-Tribune, March 24, 1955.
most qualified persons and that there would be many such persons who would accept the position by appointment but would not wish to enter into a campaign for election. The Ohio School Survey Committee, on the other hand, believed that partisanship would best be eliminated if the state board members were to be elected and thus made directly responsible to the people. Other large organizations, such as the Farm Bureau Federation, the Ohio Congress of Parents and Teachers, and the Ohio Education Association apparently supported the elected board for the same reason as the survey committee. A corollary to this argument was the probability that the appointment of members would lead to the formation of a board that would represent various interests, such as race, religion, business and labor. Minority interests favored an appointed board; the Negroes, labor unions, and the Roman Catholics, especially the latter, were reportedly outspoken supporters of the appointed board from the standpoint of representation of their interests.

A considerable amount of discussion took place in the hearings held before the House education committee. Apparently, a combination of

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129 Letter from Martin Essex, October 23, 1956. Mr. Essex was a member of the survey group's subcommittee that made the report on state educational organization.

130 Letter from Senator Mosher, 27th and 29th Senate Districts, September 22, 1956. Senator Mosher was a key figure in promoting the elected board. He was chairman of the Senate committee on health and education and through his newspaper, the Oberlin News-Tribune, debated the merits of an elected board. He later urged groups throughout the state to advance the nominations of good and competent citizens for the state board of education.
party politics and the weight of argument in favor of an elected board led to the recommendation in the House committee on education that the state board of education be elected by popular vote. This view was shared by a large majority of the members of the House who passed Amended House Bill 212 by a vote of 99 to 31.

Reasons for the twenty-three member board

In regard to the size of the board the House did not choose to debate long over nine members elected from the appellate court districts as opposed to the larger number of twenty-three asked by the Senate. When the bill went to the Senate, it ran into difficulty over the nine member provision. First of all there was strong sentiment in the Senate for an appointed board. Senator Mosher claims that there was considerable doubt that the Senate would approve an elected board of nine members. The crux of the matter was the minority interests who were well represented by the senators from the cities. To minority interests, the nine-member elected board meant that they would very likely not be represented on such a small board, elected from districts as large as those proposed. The number of counties in the appellate court districts made this argument

131 At least one member of the committee suggested a "hybrid" board, composed of six elected members and three appointed members. "The idea being that the elected members would be less subject to political and pressure groups while the appointive members would permit the Governor an opportunity to give balance and direction the Committee by having the opportunity to appoint members of groups possibly not represented by the elected groups." Letter from A. Bruce McClure, House committee on education, Hamilton County, December 7, 1956.

entirely plausible: first district, five counties; second district, eleven; third district, sixteen; fourth district, fifteen; sixth district, eight; seventh district, thirteen; eighth district, one; and the ninth district, four.

The House and Senate leadership apparently saw that a compromise on the number of members would have to be made to broaden the numerical base so as to modify the fears of minority groups to afford them a much more reasonable opportunity to be represented. A logical solution was found in using the Congressional district system in Ohio, which numbers twenty-three. Such a large board elected from these smaller areas would give the minority groups a much more likely assurance that they would have an opportunity to be represented. The House leadership apparently agreed to the change from a nine to a twenty-three member board and on the motion of Senator Raymond E. Hildebrand, the Senate committee on health and education amended the bill to provide for a larger board. The Senate committee, led by Senator Mosher, wrote in a series of amendments to the bill, which were subsequently approved in the Senate, and the bill was returned to the House.\(^{133}\) The bill was eventually approved in the House.

Though Senator Mosher admits that, in theory, the twenty-three member board seems to be a "monstrosity," he believes that this large board in practice "may have important advantages." His statement is based upon

\(^{133}\) Senator Mosher said he sought and obtained the technical assistance of Thomas O'Keefe, director of research, and Robert Drury, legal counsel, both of the OEA in writing the amendments.
his observations of the Texas State Board of Education which he studied at first hand along with Representative Manahan.\textsuperscript{134}

There were other arguments in support of the twenty-three member board. In a negative sense, the extremely large size of the judicial districts would make it very difficult for an individual to campaign for state board membership.\textsuperscript{135} Some doubts were raised over the use of the judicial districts because the legislature in 1955 was contemplating the establishment of a tenth judicial district.\textsuperscript{136} The number ten would bring the possibility of tie votes on the board and also the prospect that further changes in the population might lead to the addition of new districts. This would not occur if the existing appellate court districts would remain as a permanent scheme even though the number should be changed in the future. This idea was applied to the Congressional districts; the number for purposes of electing members of the state board of education was to remain at twenty-three notwithstanding a possible change in district number.

\textsuperscript{134} Texas in 1929 had a nine member state board of education with a popularly elected state superintendent. In 1949 Texas changed to a twenty-one member board, one member elected from each of the state's twenty-one Congressional districts; the board was also to appoint the state superintendent. See Vernon's Annotated Revised Civil Statutes of the State of Texas, VIII, Articles 2654-1, 2, 3, 5, 6, and 7 (Kansas City, Missouri: Vernon Law Book Co., 1951).

\textsuperscript{135} This was the judgment of Senators Mosher and Bartunek as expressed in their letters. Representative Weaver gave the same opinion in his letter.

\textsuperscript{136} Ohio's nine appellate court districts were established by legislative enactment, which meant they were subject to change if the legislature desired. The number was changed from nine to ten by provisions of House Bill 143 passed in the 101st General Assembly of Ohio, 1955-56.
In general, it was argued, the Congressional districts had the advantage of being simple, more familiar to the electorate, more nearly equal in population, smaller in physical size so an individual would be better known to the voters, and also small enough that minority interests would have greater opportunity to be represented.137

The state board member a sectional representative?

In the course of the debate over the elected versus the appointed board there emerged very clearly two different concepts on the functions of state board members. Lost in the discussions was the supposed original intent of the state board movement to establish an agency to supervise and control the state's educational system which would be a policy-forming body, with a superintendent of public instruction as the executive officer of the board. A state board member supposedly was to represent the state as a whole. This was the concept definitely held by the Ohio School Survey Committee; the committee saw the board as a policy-making body for the state educational system.138 Organizations such as the League of Women Voters of Ohio, the Ohio Education Association, and the Ohio Congress of Parents and Teachers apparently were of the same opinion.

The concept of a board member functioning as a sectional representative or a representative of minority interests came to view when the

137 Further support of this minority interest viewpoint was expressed by Senator Ralph L. Humphrey, Republican, member of the Senate committee on health and education, in his letter of October 25, 1956, and Representative Carol D. Long, Democrat, member of the House education committee in his letter of October 19, 1956.

bill got to the Senate. With the goal of assuaging the fears of minority interests and thus securing passage of the provision for an elected board, the Senate, whether it intended to or not, opened the door to the possibility of the state board of education operating as a representative type of organization instead of a purely policy-making body. In a sense, a little "House of Representatives" was established, save that members would be elected on a non-partisan ballot. Whether or not the members would operate as a policy-forming body without regard to sectional and minority interests is a matter which would be seen as the board went about its duties.

Major Provisions of Amended House Bill 212

Membership of the board

The Act for the implementing of the constitutional amendment establishing a state board of education provided for a twenty-three member board, one each to be elected from the Congressional districts in Ohio as existing on January 1, 1955. The members of the first board were to be elected at the general elections in November, 1955, and were to take office on January 1, 1956. The length of terms of members was to be determined at the first meeting when lots were to be drawn, with eight members to serve for six years, eight for four years, and seven for two years. Terms thereafter were to be for six years. The criteria established for qualifications for membership were threefold: (1) A member was to be a qualified elector living in the district from which

139 Sec. 3301.011 of the Revised Code of Ohio, 1953.

140 Sec. 3301.021 of the Revised Code of Ohio, 1953.
elected. (2) He was not to hold any other public position of trust or profit. (3) He was not to be an employee of any public or private educational institution. A member of the board was to receive twenty dollars a day for each day of attendance at a board meeting, not to exceed twelve days in a calendar year, and to be reimbursed for necessary and proper expenses in connection with his official duties.  

Organization of the board

The Act specified that the board was to hold its organizational meeting at the office of the state superintendent of public instruction on January 3, 1956. At this time the board would draw lots to determine the length of terms, choose a president and vice-president, adopt rules of procedure and transact any necessary business. In future years the organizational meetings were to be held in January following the general elections when new board members would be elected. The board was to hold regular meetings once every three months and special meetings at the call of the president or upon written request signed by at least a majority of the members.

Official actions of the board were to be transacted only in public meetings. Fifteen members of the board were to constitute a quorum for doing business. Vacancies occurring on the board by other than regular

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1\textsuperscript{1}\textsuperscript{1} Sec. 3301.031 of the \textit{Revised Code of Ohio}, 1953.

1\textsuperscript{1}\textsuperscript{2} Sec. 3301.04 of the \textit{Revised Code of Ohio}, 1953.

1\textsuperscript{1}\textsuperscript{3} Sec. 3301.05 of the \textit{Revised Code of Ohio}, 1953.
expired terms were to be filled by special elections called by the governor or at the next general elections. 1

Functions and duties of the board

The board was to exercise general supervision of the system of public education in Ohio. The board was to exercise policy-forming, planning, and evaluative functions for the public schools and for adult education as provided by law. In addition, the board was charged with giving leadership in all phases of public school education and providing consultative and advisory services to school districts. The supervision and administration of the allocation and distribution of state and federal funds under the provisions of law were made the responsibility of the board. Part "D" of this section placed responsibility upon the board to formulate and prescribe minimum standards to be applied to all elementary and high schools in the state. The standards were to require a "general education of high quality," and they were to provide adequately for: certification and assignment of all professional school personnel; a curriculum "sufficient to meet the needs of pupils in every community"; instructional materials and equipment; proper organization, administration, and supervision of each school; buildings, grounds, health and sanitary facilities and services; admission, promotion, and graduation of pupils; and other factors as the board deemed necessary. Non-tax supported schools were to provide a general education of high quality, but in the

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Sec. 3301.05 of the Revised Code of Ohio, 1953.
formulation and administration of standards the board was to "consider the particular needs, methods and objectives of said schools."

The remainder of this section of the school code as provided in the Act specified the following: (1) The board would prepare and submit an annual report to the governor and the legislature of the status, needs and major problems of the public schools of Ohio, with recommendations for necessary legislative action. (2) A biennial budgetary request would be prepared and submitted to the director of finance for the state board of education, its agencies and the public schools of Ohio. (3) The board would require necessary reports from school officials and other officials concerned with school matters. (4) The board could adopt whatever rules and regulations were necessary to carry out the functions imposed by law and could provide such regulations as are necessary for its government and the government of its employees, and may delegate to the superintendent of public instruction the management and administration of any function imposed on it by law. (5) The board could appoint any of its members to serve on temporary committees as necessary, but that no permanent or standing committees were to be created.

The state superintendent of public instruction

In regard to the state superintendent of public instruction the Act provided that he be appointed by the state board and serve at the


145 Sec. 3301.07 of the Revised Code of Ohio, 1953.

146 Ibid.
pleasure of the board. His salary was to be set by the board, but was not to exceed that of the governor. He was not to hold any other office or position of employment, nor be an officer or employee of any public or private school or institution of higher education. No person having a financial interest in any book-publishing or book-selling company, firm or corporation would be eligible to appointment as superintendent of public instruction.\textsuperscript{147}

The superintendent of public instruction was also to serve as secretary of the board.\textsuperscript{148} He was to be the executive and administrative officer of the state board of education and would execute, under the direction of the board

the educational policies, orders, directives, and administrative functions of the board, and shall direct, under rules and regulations adopted by the board, the work of all persons employed in the state department of education.\textsuperscript{149}

Among his other duties the superintendent was to (1) provide technical and professional assistance and advice to all school districts in all phases of education; (2) prescribe and require the preparation and filing of necessary reports by school districts, as well as prescribing and requiring the installation of essential standardized reporting forms and accounting procedures; (3) conduct studies and research projects relating to the improvement of public education in Ohio; (4) prepare and submit an annual report to the state board of education concerning the

\textsuperscript{147}Sec. 3301.08 of the Revised Code of Ohio, 1953.

\textsuperscript{148}Sec. 3301.09 of the Revised Code of Ohio, 1953.

\textsuperscript{149}Sec. 3301.11 of the Revised Code of Ohio, 1953.
activities of the department of education and the "status, problems, and needs of education in the state of Ohio"; and (5) supervise all agencies over which the board exercises administrative control. 150

The department of education

Amended House Bill 212 changed the school code in regard to the provisions for the central state educational agency. Some confusion arises in the term "department of education" for in Ohio the state department of education, prior to the advent of the state board of education, consisted of the superintendent of public instruction and the professional and clerical staff. As now defined by the legislature the department of education consists of the state board of education, the superintendent of public instruction, and a staff of professional, clerical and other employees as necessary "to perform the duties and to exercise the required functions of the department." The staff with the superintendent is still commonly referred to in the educational literature within the state as the state department of education.

The department of education, according to the new provisions of the Act, was to be organized by law or by order of the state board of education, and the state superintendent was to be the chief administrative officer of this department, exercising general supervision over it within established board policies, rules and regulations. The department of education was to be subject to all provisions of law pertaining to departments, offices, or institutions

150 Sec. 3301.12 of the Revised Code of Ohio, 1953.
established for the exercise of any function of the state govern-
ment, save and excepting that it shall not be one of the depart-
ments provided for under the provisions of paragraph (A) of section
121.01 of the Revised Code.151

The department was to have its headquarters with suitable accommodations
provided at the seat of government, where the state board of education
was to transact its business and where all the department's records,
papers, and documents were to be kept in charge of the superintendent of
public instruction.152

The organization of the department of education and the assign-
ment of the work within the department was to be recommended by the state
superintendent to the state board of education for approval. The appoint-
ment, number, and salaries of assistant superintendents and division heads
were to be determined by the state board of education upon the recommenda-
tion of the superintendent. These officials were to serve at the pleas-
ure of the board. Their salaries and dismissal were subject to the ap-
proval of the state board. Other employees could be appointed, their
salaries fixed or their employment terminated by the superintendent in
accordance with the provisions of the civil service laws. All employees
of the department of education were to be entitled to all sick leave
rights and privileges as provided by state law. In general, the depart-
ment of education was to be

151 Ibid. The exception here is to the department of education
being removed from the executive jurisdiction of the governor.

152 Sec. 3301.12 of the Revised Code of Ohio, 1953.
the administrative unit and organization through which the policies, directives and powers of the state board of education and the duties of the superintendent of public instruction are administered by such superintendent as executive officer of the board. 153

To the state board of education was transferred all of the powers, duties, and functions of the old department of education under a director. This included a host of mandatory and discretionary powers in relation to such matters as classification and chartering of high schools, standards for part-time schools, standards and requirements for participation in the state's scholarship program, standards for teacher preparation and certification, jurisdiction over the school lunch program, execution of the compulsory school attendance law, provisions for educating the physically and mentally handicapped, operation of the state schools for the blind and the deaf, regulations for the sale and purchase of textbooks by boards of education, regulations involving the transfer of territories from one school district to another, granting certificates of authorization for institutions who wished to confer academic or professional degrees, and promotion of vocational education. 154

The transition problem created by the Act

The twenty-three member board now established by law created several problems. Not only would the board have to take care of problems

153 Ibid.

154 See the Appendix for a copy of Amended House Bill 212. The transfers of these powers from the one agency to the other may be noted by the asterisks in the pertinent sections.
pertaining to its own organization, but the whole machinery of the state educational system would have to be kept in motion. The supervision and control of public education in Ohio would suddenly be placed in the hands of the new state board of education. Obviously, the membership of the board would have to be of high quality. Competent, devoted public servants were necessary to see the board through this initial crucial period. The legislature had decided that the people in the various Congressional districts would elect the members of the board. Yet many worthy citizens would be most reluctant to campaign for membership on the board; they would have to be sought out and prevailed upon to run for the office. Undoubtedly, leadership would have to come from some source to coordinate the efforts of interested organizations in searching out and promoting the election of good candidates.

The Election of the First State Board of Education

The newly formed Ohio School Boards Association played a significant part in providing the leadership to obtain good candidates for election to the state board of education. Senator Mosher expressed his concerns about seeking competent people in several editorials of his newspaper which were given wide circulation throughout the state by the school boards association. A large number of candidates ran for the state board of education, but, as the Ohio School Survey Committee had intended, the candidates for the most part were not restricted to any one interest group.
The Council of Regional School Boards Association

On January 15, 1954, at a meeting held at The Ohio State University, the presidents and secretaries of the Ohio regional school boards associations decided to organize for the purpose of planning strategy for the establishment of an Ohio school boards association. The representatives of the regional associations formed an interim organization called the Council of Regional School Boards Association (CORSBA). The secretary of CORSBA was Roger W. Shaw, Professor of Education, Kent State University, Kent, Ohio. CORSBA did not become prominent in the state board of education happenings until May, 1955. The secretary of CORSBA with some prescience apparently decided the state board of education would be an elected board. In a communique to members of CORSBA he wrote "... we ought to be thinking of a CORSBA meeting to plot strategy in connection with State Board of Education election. ..."

On July 8, 1955, CORSBA met at The Ohio State University and dealt with the problem of exercising leadership in getting the "best people on the first State Board of Education." At this meeting the strategy was decided upon. The CORSBA regionals would assume responsibility for calling a caucus in each of the twenty-three Congressional districts for the purpose of securing "good candidates" for the state board.

155 Minutes of a meeting of the presidents and executive secretaries, Ohio regional school boards association, The Ohio State University, January 15, 1954.

156 Communique #19 to CORSBA Members from CORSBA Secretary, May 27, 1955, mimeographed.
Congressional districts were divided among the associations: the South­eastern Ohio School Boards Association (SEOSBA) would take districts ten and fifteen; the Southwestern Ohio School Boards Association (SWOSBA), districts one, two, three, four, six, and seven; the Northwestern Ohio School Boards Association (NWOSBA), districts five, eight, nine, and thirteen; the Northeastern Ohio School Boards Association (NEOSBA), districts eleven, fourteen, sixteen, eighteen, nineteen, twenty, twenty-one, twenty-two, and twenty-three; and the Central Ohio School Boards Association (COSBA), districts twelve and seventeen.

The regional associations were asked to pay special attention to the legal provisions for election petitions and to the dates for filing them with the proper authorities. The associations were further advised to select a school board leader, called a prime mover, in each of the Congressional districts to be responsible for calling a meeting, getting newspaper publicity, involving all interested groups, pre-arranging suggestions of good "timber," conducting the meeting with the help of other participants, and securing candidates and signatures on the petitions. The regional executive secretaries were counseled to communicate to the Ohio Congress of Parents and Teachers the dates and places of all meetings and alert the district parents and teachers groups as to the time and place of the local caucuses in their Congressional districts.

No other details of procedure were suggested; the regional association leaders were allowed considerable discretion in their activities. The overall coordinator was Roger Shaw; for SEOSBA the coordinator was Fred McKelvey, Ohio University; for SWOSBA, Herbert Von Haden, Miami University; for NWOSBA, Don Simmons, Owens Glass Company, Toledo, Ohio; for
COSBA, Roald F. Campbell, The Ohio State University; for NEOSBA, Roger Shaw. The regional associations were also to be sent reprints of an editorial in the June 30, 1955, issue of the Oberlin News-Tribune, written by Senator Mosher in regard to the urgency and importance of securing a good first state board of education.  

Senator Mosher's editorials

Senator Mosher had already expressed his views on the difficulty of getting qualified people elected to the board in an editorial written on March 24, 1955. At the time the senator argued that it would not be easy, but other states were successful in doing this. He pointed out that the elections for state board members would be in the odd-numbered years, when state and national officers were not to be elected, thus the state board elections would not run the risk of being entangled or influenced by state or national politics. Candidates would appear on the ballot by means of non-partisan petitions and would be elected on non-partisan ballots, along with candidates running for local school board positions.

Senator Mosher contended that the $2,400 maximum payment for services set by law for a member of the state board would eliminate the professional politician and the interest of a political organization seeking more jobs to distribute among loyal party workers; the office would probably attract only those persons having a genuine public interest. The

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157 Official Minutes of the Fourth Regular Meeting of the Council of Ohio Regional School Boards Association (Columbus, Ohio, July 8, 1955), mimeographed.

158 The Oberlin News-Tribune.
senator believed that candidates ought not to campaign for the position, and that it would be up to newspapers, other news media, and school groups such as school board organizations, parent-teacher groups, school administrators, women's clubs and men's service clubs to advance the cause of candidates by informing the public as to their qualifications. It would also be the responsibility of these groups to see that one or two of the best qualified candidates, preferably with local school board experience, appeared on the ballot in each Congressional district.

Elaborating the theme a little further the senator asserted his faith in the people to elect good men to office. He maintained that to repudiate the elective principle was to demonstrate a lack of faith in the people's ability for self government, the abdication of the people's responsibilities, and the giving up of their birthright. This legislator believed that the first state board of education should be an exemplary one and that the non-partisan election machinery would find good candidates for it.

When Amended House Bill 212 was enrolled on June 29, 1955, so its passage was virtually assured, Senator Mosher used his newspaper to print an editorial, which appeared on June 30, urging quick action on securing the candidacy of the best qualified people for the state board. He sent reprints of the editorial to other editors requesting that they give the problem some attention and asking that they "prod into action the responsible people interested in the schools of your community."159

In his editorial the senator conveyed to interested groups his apprehensions that the right type of candidate would have to be sought out

159 This memorandum was attached to a condensation of the editorial sent out by SWOSBA to its members, n.d.
and persuaded to run, and that interested groups should be "scurrying around," consulting with one another from community to community seeking agreement on the best possible candidates. He noted that the nominating petitions would have to be filed in early August, actually August 10, and that these would have to be signed by 500 eligible voters or at least one per cent of the number who voted for the governor in 1951, whichever was smaller. He cautioned organizations seeking signatures on petitions that those districts containing more than one county would have to have the signatures of at least one hundred electors from each of at least one half of the several counties in the district,160 thus a district with four counties would have to have at least 200 signatures. No petition, however, was to contain more than twice the minimum aggregate number of signatures required by law.

Since the right kind of candidate would not be circulating his own petition, Senator Mosher felt that some organization would have to do this for him. He believed also that the good and worthy candidate would not have the time nor money to do any political campaigning; this would have to be done by newspapers, radio stations, and word of mouth. The senator could see no valid reason why any candidate, or any person or group in support of a candidate, needed to spend money for campaign purposes. He emphasized strongly the importance of the first state board of education. He wrote:

160 Sec. 3513.259 of the Revised Code of Ohio, 1953.
This first election to the state board is likely to be more important than all later elections. The original decisions made by the first board... the tradition, the precedent, the "tone" it establishes... will do much to determine the quality of all succeeding boards.\textsuperscript{161}

SWOSBA searches out good candidates

On July 11, 1955, soon after the CORSBA meeting in Columbus that decided on basic strategy for the school boards association, the executive secretary of SWOSBA sent letters to all superintendents, school board members, and school board presidents of the SWOSBA notifying them that their regional association had assumed leadership in seeing that two or three well qualified candidates would be brought out in each of the Congressional districts assigned them.\textsuperscript{162}

On July 12, the executive committee of the SWOSBA met at Miamisburg, Ohio. Because of the short time remaining before the August 10 filing date for petitions, the committee decided against holding caucuses. Instead the committee directed the secretary to send out letters to all board presidents and superintendents asking them to submit names of persons they thought qualified for the state board of education and requesting that nominations be received by July 18 to receive consideration.\textsuperscript{163}

\begin{itemize}
\item \textsuperscript{161} The Oberlin News-Tribune, June 30, 1955. Roger Shaw, secretary of the CORSBA, had 12,000 copies of this editorial reprinted and distributed among the school boards association members.
\item \textsuperscript{162} Letter from H. I. Von Haden to candidates for state board of education, 209 McGuffey Hall, Oxford, Ohio, June 26, 1955. (Copy on file at the secretary's office)
\item \textsuperscript{163} Minutes of the Executive Committee, Southwestern School Boards, Miamisburg, July 12, 1955, mimeographed. (Copy on file with the executive secretary)
\end{itemize}
secretary dispatched 704 letters to these people on July 14. The executive secretary, through the news bureau of Miami University, Oxford, Ohio, sent out a news release on July 21 to newspapers in the several Congressional districts of southwestern Ohio announcing the list of candidates nominated by the SWOSBA. Names of the twenty candidates, including those not nominated by the SWOSBA, who eventually filed for the state board from southwestern Ohio were printed in the regional association's Newsletter of August 3, 1955, and brief biographies, most of them accompanied by photographs, were printed in the October Newsletter of the association.

The SWOSBA in its campaign for good board candidates found itself unable in the short time between official passage of Amended House Bill 212 on July 11, 1955, and the filing of petitions on August 10 to cooperate with other interested groups in promoting the candidacy of state board members. The association was successful in seeing that at least two

164 Letter from Von Haden to All Superintendents and Board Presidents in Southwestern Ohio, Southwestern Ohio School Boards Association, 209 McGuffey Hall, Oxford, Ohio, July 14, 1955, mimeographed. (Copy on file with the executive secretary)

165 News Bureau, Miami University, Oxford, Ohio, for release on July 21, 1955. (Copy on file with the executive secretary)


167 Ibid., No. 4 (October, 1955).

168 Von Haden wrote Mrs. Mildred Bickel, president of the Ohio Congress of Parents and Teachers, explaining the SEOSBA's position, July 19, 1955. (Copy of the letter on file with the executive secretary)
good candidates got on the ballot in each of five of the six southwestern Ohio Congressional districts; however, the organization was not successful in getting candidates to run in the Second Congressional District. This was the only district in the state that had only one candidate run for the state board.

SEOSBA nominates candidates

At the July 17, 1955 meeting of the SEOSBA a plan was agreed upon for securing candidates to run for the state board of education. A letter was prepared and sent to presidents of boards of education and school executives in the district requesting their suggestions of desirable candidates for the state board. Supporting information was also requested. The committee decided that it would make a selection from among the candidates suggested. The letter also explained that there was insufficient time to hold citizens' caucuses. A news release was sent to papers in southeastern Ohio suggesting criteria for school board members and requesting that readers be informed that they could make suggestions in writing of qualified persons to the SEOSBA at Ohio University before July 23. A reprint of Senator Mosher's editorial from the CORSBA was also sent to newspapers to publish in whole or in part.

On July 24 the executive committee met at Athens, Ohio, and nominated two candidates for the state board of education in the tenth district

169 Minutes of the Executive Committee, Southeastern Ohio School Boards Association, July 17, 1955.

170 News Release from SEOSBA to Southeastern Ohio Newspapers, n.d. (Copy on file with the executive secretary)
and one candidate in the fifteenth district. A total of twenty-five names had been suggested.¹⁷¹ A newspaper release was sent to the newspapers in southeastern Ohio announcing the selection of candidates. The SEOSBA also published the names of candidates with supporting data in its official Newsletter.¹⁷²

**NEOSBA finds desirable candidates**

Under the direction of its executive secretary, the NEOSBA, succeeded in holding caucuses in most of the districts of northeastern Ohio for securing agreement on the best possible candidates for the state board of education. One or two people were nominated from each Congressional district. According to the secretary these candidates were "products" of the caucuses and were not endorsements of the NEOSBA.¹⁷³ The NEOSBA sent invitations to interested organizations to participate in the caucuses and over a dozen were held.

The candidates in the eleven Congressional districts of northeastern Ohio were asked to submit photographs and one-hundred-word commentaries about themselves so these could be compiled and distributed to all school board members and the press in northeastern Ohio. Thirty-four candidates responded and this information was circulated in a special

¹⁷¹ Minutes of the Executive Committee, SEOSBA, July 24, 1955.

¹⁷² Newsletter, Southeastern Ohio School Boards Association, VII, No. 2 and 3 (September-October, 1955).

¹⁷³ Interview with Boger Shaw at Kent State University, Kent, Ohio, October 10, 1956.
Voters were asked to face up to the challenge of selecting good members to a board that "may very well control the pattern of education in Ohio for the better part of the next century."\textsuperscript{175}

\textbf{NWOSBA seeks out candidates}

The NWOSBA also was successful in following through on the original plan of the CORSBA to hold caucuses in the five Congressional districts assigned it.\textsuperscript{176} The organization's Newsletter for September, 1955, contained the names and addresses of candidates from the Fourth, Fifth, Eighth, Ninth, and Thirteenth Congressional Districts. Ten biographies in mimeographed form were also attached to the Newsletter.\textsuperscript{177} The October issue of the letter also carried the biographies of three more candidates.\textsuperscript{178} The policy established by the NWOSBA in regard to the elections for state school board members was decided upon by the executive committee; this was to get as much unbiased information as possible about each candidate.

\textsuperscript{174} \textit{News Extra}, NEOSBA, October 29, 1955. (Copy on file with the secretary)

\textsuperscript{175} \textit{Ibid.}

\textsuperscript{176} Little information was available on the activities of the NWOSBA for most of the file materials on the state board of education was reported as having been destroyed. Some information was forwarded by letter from Ralph H. Geer, assistant executive secretary of the NWOSBA, under the direction of John Gee, the executive secretary, dated October 12, 1956.

\textsuperscript{177} \textit{Newsletter}, Northwestern Ohio School Boards Association, V, No. 1 (September, 1955).

\textsuperscript{178} \textit{Ibid.}, No. 2 (October, 1955).
candidate into the hands of each local school board member and not to endorse any one candidate. 179

**CORSBA coordinates activities**

The CORSBA continued to give direction to the campaign to secure desirable candidates. Apprehensive lest too many candidates get on the ballot in one district, the executive secretary of the CORSBA sent a message to the executive secretaries of the regional associations for suggestions. He pointed out the danger of splitting votes with victory perhaps going to undesirables. 180 At its meeting of September 16, the CORSBA formally agreed that no endorsement of individual candidates be made and that the regional associations be encouraged to seek information from all candidates in its area and to make this information available to local school board members and the press. The regional secretaries were also requested to "stir up editorial comment in the newspapers of their areas through letters to the editors suggesting criteria for deciding for whom to vote for the State Board of Education." 181 Local board of education presidents were asked to write their newspapers for the same reasons.

The several regional associations followed through on the plan to inform the public and arouse newspaper comments and to supply

---

179 Ibid., No. 3-4 (November, 1955).

180 Telegram from Shaw to Executive Secretaries of the Regional Associations, August 14, 1955. (Copy on file in the executive secretary's office)

181 Official Minutes of the Fifth Regular Meeting of the Council of Ohio Regional School Boards Associations, The Ohio State University, September 16, 1955, mimeographed.
information when asked. The Ohio Farm Bureau Federation, for example, turned to the regional school boards association for information about the candidates running for the state board and circulated this data among its membership. Mr. Stanfield of the Farm Bureau said, "Our people want to know who they are and their qualifications."182

Clearly, this was the pertinent question: Who were the candidates? The supporters of an elected board were of the conviction that the elective system would return good candidates to the state board of education. The method was on trial. The available evidence indicates that the regional school boards associations carried out systematic efforts to see to it that well-qualified candidates got on the ballot, and that these candidates were well publicized.

Successful Candidates for the State Board

The number and distribution of candidates

The CORSBA released information, based on incomplete data, that showed 103 candidates in the race for membership on the state board of education. Of this number, the CORSBA reported thirty-three to be "products" of the CORSBA campaign to bring out good candidates.183 Actually, thirty of these eventually appeared on the official ballot.

182 Letter from the Ohio Farm Bureau Federation to Executive Secretary, SEOSBA, August 19, 1955. (Copy on file with the executive secretary)

183 Letter from Shaw to Members of CORSBA and Certain Other Interested Persons and Organizations, August 19, 1955, mimeographed. Attached was a mimeographed copy of a partial analysis of the results of the CORSBA campaign to secure good board members, compiled from incomplete returns, August 19, 1955. (Copy on file with the executive secretary)
The number of candidates for the state board of education who appeared on the official ballot was ninety-two, seventy-six being male and sixteen, female. The range of numbers of candidates per district was one to ten; however, as Table I shows, in twenty of the Congressional districts the range was three to five, the three remaining districts having one, two, and ten candidates. About one-third of the candidates appeared on the ballot through the efforts of the regional school boards associations, which means that these organizations made a significant contribution to singling out competent individuals to run for the state board of education. In fourteen of the twenty-three districts, voters had to choose from among four, five, and, in one district, ten candidates. This condition was one that the executive secretary of the CORSBA feared would happen, as there was a possibility of votes being split among good candidates leaving opportunity for a less desirable candidate to win. Three was the happy figure that the school board associations believed to be most desirable for the number of candidates in any one district. Of the thirty candidates who were "products" of the school boards associations, nine were elected to membership on the state board of education.

Candidates not restricted to one interest group

Two out of three candidates who appeared on the ballot were not endorsed or sought out by the regional school boards associations. The

Data from a mimeographed report of Ted W. Brown, secretary of state, "Vote Cast, By Districts, for Candidates for State Board of Education at the General Election Held November 8, 1955," n.d.
TABLE I
GEOGRAPHICAL DISTRIBUTION OF CANDIDATES FOR THE FIRST STATE BOARD OF EDUCATION AND THE SUCCESSFUL CANDIDATES

<table>
<thead>
<tr>
<th>Congressional district</th>
<th>No. of counties in district</th>
<th>No. of candidates</th>
<th>Winning candidate</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st</td>
<td>3</td>
<td>3</td>
<td>Walter E. Beckjord</td>
</tr>
<tr>
<td>2nd</td>
<td>2</td>
<td>1</td>
<td>David B. Wood</td>
</tr>
<tr>
<td>3rd</td>
<td>7</td>
<td>5</td>
<td>Ruth D. Mayne</td>
</tr>
<tr>
<td>4th</td>
<td>9</td>
<td>4</td>
<td>Cecil M. Sims</td>
</tr>
<tr>
<td>5th</td>
<td>9</td>
<td>3</td>
<td>Wayne E. Shaffer</td>
</tr>
<tr>
<td>6th</td>
<td>8</td>
<td>4</td>
<td>Ward M. Miller</td>
</tr>
<tr>
<td>7th</td>
<td>7</td>
<td>2</td>
<td>Harold Whitaker</td>
</tr>
<tr>
<td>8th</td>
<td>7</td>
<td>5</td>
<td>Charlton Myers</td>
</tr>
<tr>
<td>9th</td>
<td>1</td>
<td>4</td>
<td>Joseph D. Stecher</td>
</tr>
<tr>
<td>10th</td>
<td>1</td>
<td>3</td>
<td>Elliott E. Meyers</td>
</tr>
<tr>
<td>11th</td>
<td>4 3/4</td>
<td>3</td>
<td>John W. Morrison Sr.</td>
</tr>
<tr>
<td>12th</td>
<td>1</td>
<td>5</td>
<td>Paul L. Walker</td>
</tr>
<tr>
<td>13th</td>
<td>4</td>
<td>4</td>
<td>James P. Lavey</td>
</tr>
<tr>
<td>14th</td>
<td>2</td>
<td>4</td>
<td>Francis W. Spicer</td>
</tr>
<tr>
<td>15th</td>
<td>7</td>
<td>3</td>
<td>Wilford G. Foreman</td>
</tr>
<tr>
<td>16th</td>
<td>3</td>
<td>5</td>
<td>Loren E. Souers Jr.</td>
</tr>
<tr>
<td>17th</td>
<td>7</td>
<td>10</td>
<td>Russell Hoy</td>
</tr>
<tr>
<td>18th</td>
<td>5</td>
<td>3</td>
<td>Robert W. Walker</td>
</tr>
<tr>
<td>19th</td>
<td>1 1/4</td>
<td>3</td>
<td>Robert A. Manchester II</td>
</tr>
<tr>
<td>20th</td>
<td>1 1/2</td>
<td>4</td>
<td>Esther L. Carman</td>
</tr>
<tr>
<td>21th</td>
<td>1/6</td>
<td>5</td>
<td>Charles P. Lucas</td>
</tr>
<tr>
<td>22nd</td>
<td>1/6</td>
<td>5</td>
<td>Francis M. Payne</td>
</tr>
<tr>
<td>23rd</td>
<td>1/6</td>
<td>4</td>
<td>Frank Siedel</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>88</strong></td>
<td><strong>92</strong></td>
<td></td>
</tr>
</tbody>
</table>

*Where fractions of counties appear they are arbitrary and meant for convenience of reporting only, though they are meant to convey roughly some idea of geographical extent. See biographical sketches in the Appendix for a listing of the counties.*
Ohio School Survey Committee had considered it undesirable to have candidates for the state board of education nominated solely by one interest group. The result of the nomination procedure was proof that other interests besides those of school people alone were involved in bringing forth candidates for the state board. The answer to another problem had to be learned: Did the nominating method succeed in placing on the ballot people who were highly qualified to fill the posts on the state board of education?

Of the ninety-two candidates, there were readily available biographical sketches of eighty-three. Examination of the biographies revealed these facts about the candidates: twenty-nine were lawyers; twenty-five had their own businesses; sixty-six were college graduates, with twelve more indicating that they had attended college for some period of time; thirty-two had past experiences as school board members; eight had served in the legislature of the state; and, almost without exception, these people had been very active in community, professional, and service organizations. The biographies indicated that nearly all were professional people and undoubtedly successful in their chosen occupations. From the evidence available the conclusion is drawn that the elective method resulted in candidates with high qualifications, with respect to formal education, occupational status and community experiences, appearing on the ballot for election to the state board of education.

185 Some of these sketches appeared in the publications of the regional school boards associations and others were obtained from the state department of education files and the Ohio Farm Bureau Federation files.
The first state board of education in Ohio, whose members took office on January 3, 1956, was composed of twenty-one men and two women. One of the members was a Negro. The occupations of these people were as follows: eleven lawyers; a housewife (former educator and member of the General Assembly); a managing director of a city chamber of commerce (former state department of education staff member); a real estate dealer; a farmer; a publisher and public relations person in the transportation industry (former member of the General Assembly); an executive secretary of a county unit of the American Cancer Society (former newspaper reporter); a vice-president and sales manager of a pottery and tile company; a minister; a hardware dealer, general contractor, and bank president; a public relations specialist; an assistant to the president of a foods company; and an author and president of a storycraft company that writes for movies, television and other public media.

With one exception these people were parents. Three members had served in the General Assembly; eight had served on local school boards of education. Twenty of the board members were graduates of colleges; of the remainder one had attended college and two were high school graduates. Almost without exception the members of the first state board of education were extremely active in local and state affairs, several even extending their activities to out-of-state and national affairs. An outstanding feature of the board was the fact that eleven members were lawyers. The board membership was weighted with persons who had legalistic or business backgrounds.
In summary, the first state board of education in Ohio was made up of individuals who for the most part had (1) superior educational backgrounds, (2) attained success in their professional occupations, and (3) established highly satisfactory records in civic, professional, and service organizational activities.\textsuperscript{186}

Campaign Expenditures of Candidates

In Senator Mosher's judgment a candidate would find it necessary to do very little campaigning, if the experience of other states should hold true. He believed the campaigning would actually be done by newspapers, other public information media, and interested educational and service organizations who would inform the public about the qualifications of candidates.\textsuperscript{187} Information about the actual efforts board candidates exerted in their own behalf was not readily available; however, substantial sums of money were involved in the campaigns of a great many of the candidates.

As required by law, eighty-three candidates filed with the secretary of state their statements of receipts and expenditures in the general elections of November 8, 1955.\textsuperscript{188} Twenty-seven stated that they had received contributions of money toward their campaigns and six more declared that they had received non-monetary donations such as handbills, handbills, handbills,

\textsuperscript{186} See Appendix for biographical sketches of each member.

\textsuperscript{187} Editorial, Oberlin News-Tribune, March 24, 1955.

\textsuperscript{188} At the time these statements were examined there were nine candidates who apparently had not complied with state law by filing their declarations of expenditures.
posters, envelopes, and use of billboards. Sixty-five of the eighty-three candidates who filed statements recorded expenditures of their own, or of committees acting in their behalf, that ranged from $1.40 to $2,254.54. Twenty-one candidates declared they had neither received contributions of any kind nor made nor allowed to be made in their behalf any expenditures whatsoever to further their candidacy. There were thirteen cases where a committee managed the campaign for a candidate. In six of these cases the candidate declared he had not spent any money of his own in the campaign indicating that his campaign committee had assumed the responsibility for expenses incurred.

In Table II, the receipts and expenditures of the eighty-three candidates who filed statements are shown. For the twenty-seven people receiving monetary contributions, the total received was $11,481.69, with an average for each of these candidates of $425.25. The sixty-five candidates showed total expenditures of $18,141.98, with an average of $279.11 each. The number of candidates who spent money or allowed money to be spent in their behalf represents 75 per cent of the total who filed statements with the secretary of state. A total of fifty-two individuals, or 62 per cent, actually spent money of their own in the campaign. This indicates that in most cases there was active campaigning for membership on the state board of education, though the campaigning was concentrated on getting information to the public by means of newspaper advertisements, radio and television announcements, posters, handbills, postal cards, letters, and, in one case, a sound truck.
<table>
<thead>
<tr>
<th>Intervals in dollars</th>
<th>Receipts</th>
<th>Expenditures</th>
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<tr>
<td></td>
<td>No. reporting</td>
<td>Total dollars</td>
</tr>
<tr>
<td>0-50</td>
<td>4</td>
<td>159.47</td>
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<td>51-100</td>
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<td>313.84</td>
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<tr>
<td>101-150</td>
<td>3</td>
<td>398.12</td>
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<tr>
<td>151-200</td>
<td>1</td>
<td>158.06</td>
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<tr>
<td>201-250</td>
<td>4</td>
<td>970.11</td>
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<tr>
<td>251-300</td>
<td>3</td>
<td>835.97</td>
</tr>
<tr>
<td>301-350</td>
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<td>334.54</td>
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<tr>
<td>351-400</td>
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<tr>
<td>401-450</td>
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<td>0.00</td>
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<td>451-500</td>
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<td>3,047.54</td>
</tr>
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<td>1,001-1,500</td>
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<td>1,018.00</td>
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<tr>
<td>1,501-2,000</td>
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<td>1,853.01</td>
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<tr>
<td>Totals</td>
<td>27</td>
<td>11,481.69</td>
</tr>
<tr>
<td>Average</td>
<td></td>
<td>425.25</td>
</tr>
</tbody>
</table>
Expenditures of state board members

Table III shows the receipts and expenditures of members of the first state board of education in Ohio as contained in the reports made to the secretary of state. Of the twenty-three successful candidates, eight declared that they had not made any expenditures of their own, but four of these had money spent for them by committees in their behalf. Only three members, one of whom ran unopposed in his district, stand in evidence that a candidate may run for the state board of education without himself spending any money or having a committee promote him financially. On the strength of the first elections for state board of education members in Ohio, future candidates, for the most part, may expect themselves or others to spend an average of from $100 to $400 to promote their candidacy.

A Backward Look

After the defeat of the constitutional amendment in 1939 the friends of a state board of education continued their efforts to have this state agency established in Ohio. The Ohio Education Association played a prominent part in providing leadership and materials and in cooperating with other interested organizations where possible. Significant roles were played by the League of Women Voters of Ohio, the Farm Bureau Federation, and the Ohio Congress of Parents and Teachers. Through the efforts of these organizations the issue of the state board of education was given sustained attention. The heightened interest of citizens and organizations over the state brought action in the legislature. Resolutions were introduced in 1945 and 1947 and again in 1953 when a
<table>
<thead>
<tr>
<th>Name of candidate</th>
<th>Receipts</th>
<th>Expenditures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Walter E. Beckjord$^a$</td>
<td>965.47</td>
<td>965.47$^d$</td>
</tr>
<tr>
<td>Esther L. Carman</td>
<td>00.00</td>
<td>122.21</td>
</tr>
<tr>
<td>Wilford G. Foreman</td>
<td>00.00</td>
<td>176.75</td>
</tr>
<tr>
<td>Russell Hoy</td>
<td>80.84</td>
<td>68.55</td>
</tr>
<tr>
<td>James P. Lavey</td>
<td>00.00</td>
<td>00.00</td>
</tr>
<tr>
<td>Charles P. Lucas$^a$</td>
<td>1,833.01</td>
<td>1,676.22$^d$</td>
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<tr>
<td>Robert A. Manchester II$^a$</td>
<td>334.54</td>
<td>334.54$^d$</td>
</tr>
<tr>
<td>Ruth D. Mayne</td>
<td>134.96</td>
<td>134.96</td>
</tr>
<tr>
<td>Elliott E. Meyers</td>
<td>00.00</td>
<td>205.29</td>
</tr>
<tr>
<td>Ward M. Miller</td>
<td>00.00</td>
<td>570.29</td>
</tr>
<tr>
<td>John W. Morrison Sr.</td>
<td>00.00</td>
<td>205.29</td>
</tr>
<tr>
<td>Charlton Myers$^a$</td>
<td>237.37</td>
<td>387.68</td>
</tr>
<tr>
<td>Francis M. Payne</td>
<td>78.00</td>
<td>155.46</td>
</tr>
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<td>Wayne E. Shaffer</td>
<td>75.00</td>
<td>211.07</td>
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<tr>
<td>Frank Siedel</td>
<td>00.00$^b$</td>
<td>5.00</td>
</tr>
<tr>
<td>Cecil M. Sims</td>
<td>241.08</td>
<td>320.12</td>
</tr>
<tr>
<td>Loren E. Souers Jr.</td>
<td>244.49</td>
<td>244.49</td>
</tr>
<tr>
<td>Francis W. Spicer</td>
<td>00.00</td>
<td>00.00</td>
</tr>
<tr>
<td>Joseph D. Stecher$^a$</td>
<td>2,403.00</td>
<td>2,254.54$^d$</td>
</tr>
<tr>
<td>Paul L. Walker</td>
<td>00.00$^c$</td>
<td>3.81</td>
</tr>
<tr>
<td>Robert W. Walker$^a$</td>
<td>00.00</td>
<td>87.59</td>
</tr>
<tr>
<td>Harold Whitaker</td>
<td>00.00</td>
<td>142.53</td>
</tr>
<tr>
<td>David B. Wood</td>
<td>00.00</td>
<td>00.00</td>
</tr>
</tbody>
</table>

**Totals** 6,636.76 8,200.49

**Average** 288.55 356.54

---

*a* These candidates had campaign committees.

*b* Printed materials were donated.

*c* Sign company gave eighteen signs and a printing company gave 4,200 handbills.

*d* These expenditures were made by campaign committees.
resolution for a constitutional amendment providing for a state board of education successfully made its way through both houses.

The organized efforts of the friends of the state board brought success in the elections of 1953 when the constitutional amendment was approved and Ohio had a state board of education. There was almost no organized opposition to the amendment. Most significant was the opposition of Governor Frank J. Lausche who vainly objected to changing the state administrative structure for education. The governor vigorously made known his objections to having a state board replace a single cabinet officer in the administration of public education.

A second struggle took place in the legislature in 1955 in deciding the details of the method of selecting board members, the number of members, and the functions and powers of the board. There was some political maneuvering over these items. The most controversial of the items was the appointed board versus the elected board. There is no doubt that the recommendation for an elected board by the Ohio School Survey Committee had a great deal to do with the final outcome. The large figure of twenty-three members was a compromise to mollify minority interests, the idea being that minority interests would be better protected if the board members were chosen from smaller geographical and less populous areas than had previously been recommended by many organizations. Amended House Bill 212 was finally passed in the legislature; it provided for an elected board of twenty-three members, one member to be elected from each of the Congressional districts in Ohio.

In November, 1955, in the general elections the members of the first state board of education in Ohio were elected. One of the principles
on trial in the election was the proposition that the people of Ohio
would elect competent and well qualified individuals to the board. The
results of the election seemed to support the proposition; however, other
doubts about the board await the test of actual operation of this state
agency. In January, 1956, the new state board members convened to assume
the responsibilities assigned them by the legislature in regard to the
state's educational system.
THE ORIGIN AND ESTABLISHMENT OF A
STATE BOARD OF EDUCATION
IN OHIO

Volume II
Dissertation
Presented in Partial Fulfillment of the Requirements
for the Degree Doctor of Philosophy in the
Graduate School of The Ohio State
University

By
MARIUS PETER GAROFALO, B. Sc., A.M.

The Ohio State University
1958

Approved by

[Signature]
Adviser
Department of Education
## CONTENTS

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>V. ORGANIZATION OF THE STATE BOARD OF EDUCATION</td>
<td>221</td>
</tr>
<tr>
<td>The Organizational Meeting</td>
<td>224</td>
</tr>
<tr>
<td>Operating Procedures of the Board</td>
<td>250</td>
</tr>
<tr>
<td>The Selection of a State Superintendent</td>
<td>279</td>
</tr>
<tr>
<td>Summary</td>
<td>297</td>
</tr>
<tr>
<td>VI. BOARD RELATIONSHIPS WITH GOVERNMENTAL AND NON-GOVERNMENTAL AGENCIES</td>
<td>298</td>
</tr>
<tr>
<td>The Administrative Organization of the Department of Education</td>
<td>299</td>
</tr>
<tr>
<td>Relationships of the Board with State Level Agencies</td>
<td>315</td>
</tr>
<tr>
<td>Relationships of the Board with Local and County School Agencies</td>
<td>346</td>
</tr>
<tr>
<td>Relationships of the Board with Particular State Associations and Organizations</td>
<td>351</td>
</tr>
<tr>
<td>Relationships with Agencies on the National Level</td>
<td>362</td>
</tr>
<tr>
<td>Relationships with the Press of the State</td>
<td>367</td>
</tr>
<tr>
<td>Summary of the Board's Relationships with Other Agencies</td>
<td>373</td>
</tr>
<tr>
<td>VII. THE BOARD -- ITS OPERATIONS AS A REGULATORY AGENCY</td>
<td>376</td>
</tr>
<tr>
<td>Administering the School Foundation Program</td>
<td>377</td>
</tr>
<tr>
<td>Administering the Program for State School Building Construction</td>
<td>390</td>
</tr>
<tr>
<td>Policies Established for School District Organization</td>
<td>397</td>
</tr>
<tr>
<td>Regulating Teacher Certification, Teacher Institutions, and Other Institutions</td>
<td>406</td>
</tr>
<tr>
<td>Adoption of Standards for Elementary Schools and High Schools</td>
<td>417</td>
</tr>
<tr>
<td>Regulating Vocational Education</td>
<td>422</td>
</tr>
<tr>
<td>Regulating Special Education</td>
<td>426</td>
</tr>
<tr>
<td>Other Regulatory Acts of the Board</td>
<td>428</td>
</tr>
<tr>
<td>Summary of the Board's Regulatory Functions</td>
<td>431</td>
</tr>
<tr>
<td>VIII. LEADERSHIP STRUCTURE AND ACTIVITIES OF THE BOARD</td>
<td>432</td>
</tr>
<tr>
<td>The Board as a Unit</td>
<td>433</td>
</tr>
<tr>
<td>Leadership and Members of the Board</td>
<td>440</td>
</tr>
<tr>
<td>Summary</td>
<td>486</td>
</tr>
<tr>
<td>Chapter</td>
<td>Page</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>------</td>
</tr>
<tr>
<td>IX. A FORWARD LOOK</td>
<td>488</td>
</tr>
<tr>
<td>BIBLIOGRAPHY</td>
<td>499</td>
</tr>
<tr>
<td>AUTOBIOGRAPHY</td>
<td>511</td>
</tr>
<tr>
<td>APPENDIX</td>
<td>Cover 3</td>
</tr>
</tbody>
</table>
CHAPTER V

ORGANIZATION OF THE STATE BOARD OF EDUCATION

Within two months of their election the twenty-three members of the first State Board of Education in Ohio were called into session to assume general supervision of the system of public education under the acts of the legislature. Members of the Board were faced with the problem of organizing themselves to carry out their responsibilities. The change from one authority to another was to be effected without precedents or guides to help meet the problem of the transitional period. This would be an important interim. The kind of organization established and the method of conducting business would determine the level at which the State Board of Education would function for some time to come. A crucial item in the organizational scheme was the choice of a state superintendent of public instruction.

The Organizational Meeting

The incumbent superintendent of public instruction, R. M. Eyman, by virtue of his position summoned the members of the newly elected Board to meet at his office at Columbus, Ohio, on January 3, 1956, according to the provisions of Section 3301.04 of the Revised Code of Ohio. The Board was to meet for organizational purposes.
Preparation for the First Board Meeting

Importance of the first meeting

The first session of the Board was bound to be a most important one in many respects: (1) The twenty-three members, though strangers to one another, would have to cooperate immediately in making decisions about pending problems. (2) Board members would be making decisions of statewide influence upon the basis of short acquaintance with problems with which they were generally unfamiliar, (3) The Board as a whole would labor under the supposed handicap of having far too many members to operate efficiently.

Among the important decisions to be made and acts to be taken by the Board were the following: (1) elect a competent president and vice-president from among its membership, with members having limited knowledge of each other's capabilities; (2) take steps to keep the administrative machinery of the Department of Education in continuous operation; (3) adopt rules of procedure for conducting its meetings; (4) establish a system of sharing responsibilities for the work load that would follow; and (5) take immediate steps to select a superintendent of public instruction. To help Board members in this transitional period the incumbent superintendent of public instruction was able to provide advice and guidance.

The superintendent begins his preparation

Once the legislature had decided that Board members were to be elected, the superintendent began his preparations for the first meeting when the Board would assume its assigned responsibilities. He directed
the chiefs of the divisions of the Department of Education to prepare statements describing the functions and existing policies of their respective offices, attaching any pertinent materials they thought would be of value for illustrative purposes. These statements were to be handed the Board members at some propitious time.

On November 16, soon after the elections, the superintendent sent a letter of congratulations to each Board member, enclosing a copy of Amended House Bill 212, which contained the provisions for the organization, powers and duties of the State Board of Education. He sent, in addition, a brochure that described the organization and functions of the thirteen divisions of the Department of Education. In another communication he enclosed a ten-page compilation of brief biographies of each Board member; the information was gathered by request from each of these individuals. The superintendent then notified the members that they were to meet according to law at the office of the superintendent in Columbus, Ohio, on January 3, 1956. In this letter the superintendent suggested that the Board members meet in his office on the evening of January 2 for a social gathering and orientation meeting. An invitation was also sent to the members from the women's club of the Department of Education requesting the attendance of themselves and their wives at a short reception that same evening.

In further preparation for the meeting the superintendent visited the state capital in Texas in the last week of December to note the progress of the elected State Board of Education there and gather information about that Board's activities and experiences that might be of help to the Board in Ohio.
Preliminary meeting of January 2

All but one of the members attended the informal meeting of January 2.\(^1\) After a brief reception, the members were seated according to the numerical order of their Congressional districts, with name plates to identify them, and they began preparation of the agenda for the next day. Each member was given a folder containing a suggested agenda of twenty-five items that had been prepared by the superintendent. The members also received a mimeographed pamphlet entitled, "The State Board of Education in Ohio," which contained suggestions on tentative guiding principles for the organization of the State Board of Education and the State Department of Education, with a summary of Ohio school legislation governing the functions, powers, and duties of the State Board of Education, the State Department of Education, and the superintendent of public instruction.\(^2\)

A temporary chairman was elected to conduct the business of the evening and to preside over meetings until the president was elected. Elliott E. Meyers, Tenth Congressional District, was unanimously elected temporary chairman; this was done on the motion of a member who jestingly suggested that the member seated at the head of the table should be made the chairman. Thus, by fortuitous circumstance, Mr. Meyers became the

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\(^1\) The writer attended this meeting, being the only "outsider" present. There were no members of the press in attendance.

\(^2\) R. M. Eyman and Marius P. Garofalo, "The State Board of Education in Ohio" (Columbus, Ohio: State Department of Education, January, 1956), mimeographed.
temporary chairman and his demonstration of ability in this regard made him a strong candidate for the presidency.

With Mr. Meyers presiding at the evening meeting the Board examined the suggested agenda and made several decisions as to the sequence of a number of items. The Board adjourned for the evening and continued discussion of the agenda the next morning. Thus before the official meeting at 1:30 P.M., January 3, the Board had unofficially been in session twice. Following the official meeting of January 3, the Board met again the same evening in private and in further separate committee meetings to make preparations for the second part of the official meeting on January 4.

The meetings prior to the official meetings proved successful in the adoption of an agenda, in reaching agreements for the conduct of business, and in arriving at understandings or settlements of problems to be treated at the public sessions. The Board wished to eliminate confusion and bring dignity into its deliberations. Several members displayed further sensitivity for public relations. One member was of the opinion that it should not appear that the Board had decided beforehand what was to be done at the first official meeting. He feared that the public might ask how many more times they had met before the first official session. As it turned out, the Board was criticized for holding the private meetings. The charge was made that these were star-chamber proceedings and a direct violation of a state statute that official

3 Personal observations, meeting of January 2, 1956.

4 The editor of the Columbus Evening Dispatch, January 5, 1956, criticized the Board's holding private meetings from which the press, as
actions of the board were to be transacted only at public meetings.\(^5\)

Whatever the criticisms of the private meetings there is no doubt that
these unofficial meetings helped make it possible to accomplish the of­
ficial business of the next day in a rapid and smooth fashion.

The First Board Meeting

In answer to the summons of the superintendent of public instruc­
tion, the members of the State Board of Education of Ohio met in the super­
intendent's office at 1:30 P.M., January 3, 1956. All members were pre­
sent. The superintendent called the meeting to order. The agenda that
had been agreed upon was as follows:

1. Introductory Statement -- R. M. Eyman, Superintendent.


3. Administering of oath of office -- Judge Carl V. Weygandt,
Chief Justice of the Ohio Supreme Court.

4. Greetings to the new State Board members: A. Hon. Frank
J. Lausche, Governor of Ohio; B. R. M. Eyman, Superintendent of
public Instruction.

5. Reading of Certificate of Election.

representatives of the public, were excluded. The editor of the Akron
Beacon Journal was more critical in his editorial, January 9, 1956,
entitled, "Open Those Doors." He wrote that this method of doing busi­
ness must be stopped. "Both by law and by moral right, the people of
Ohio are entitled to know what goes on when the State Board of Education
meets and transacts business.

"They have a right to know who proposed this, who voted for that
and what was said by whom on each side of all questions.

"Only thus can they intelligently decide at future elections
which members are worthy of being retained on the board and which ones
ought to be replaced."

\(^5\) Sec. 3301.05 of the Revised Code of Ohio, 1953. Further refer­
ences are to this particular revision and later modifications.
7. Election of Temporary Chairman.

8. Selection by lot of 2, 4, and 6 year terms.

9. Election of President and Vice President for 2 year terms.

10. Newly elected President assumes Chairmanship and proceeds with items of business.


12. Temporary adoption of Roberts Rules of Order.

13. Fixing of dates of regular meetings.

14. Arrangements for expense accounts of Board members.


16. Presentation of organization chart of Department of Education.

17. Action in connection with positions, offices and policies in Department of Education as such Department was in existence immediately prior to January 3, 1956. (Attorney General's Opinion #6091)

18. Presentation of tentative basic principles governing the relationship between the state Board of Education, the Superintendent of Public Instruction and the State Department of Education.


Greetings by the governor

The first act of the superintendent was to introduce the governor of Ohio -- actually the governor's appearance was the fourth item of the agenda, but apparently the governor's schedule for the day made it impossible for him to appear as previously arranged. In his short speech of

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6 Minutes, January 1956 meeting, n.p., mimeographed. The minutes were duplicated for the convenience of Board members but were not made available for circulation to other individuals except upon request.
welcome to members of the Board, the governor placed emphasis on two problems: (1) the position of Board members as representatives-at-large, though elected from Congressional districts and (2) the position of the state educational agency as one of fifteen departments of state seeking a fair share of state finances for operating purposes. On these points he said:

Don't be provincial in performing your duty. My own belief is that when a legislator, council member or any other public official begins thinking of his own area alone, without worrying about the general body politic... he is doing harm to government.

Remember, that in the state treasury there will only be a certain sum of money that must be divided in 15 departments.7

The governor wished the Board success and pledged the cooperation of his office.8

The Board recesses to a larger meeting place

Following the governor's remarks the Board recessed and moved to another meeting place, the Hall of Mirrors at the Deshler-Hilton Hotel nearby. This room had been rented by the superintendent in anticipation of the need for larger quarters for the first meeting of the Board. Actual attendance at the meeting did not exceed fifty people; most of these were members of the families of the Board. There were about twelve representatives of the press in attendance.

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7 *Columbus Evening Dispatch*, January 4, 1956.

8 Minutes, January 1956 meeting, p. 1.
Board members take the oath of office

The superintendent upon opening the meeting at the Deshler-Hilton Hotel explained to those present that the Board had met according to law at the superintendent's office and because of lack of space had moved the meeting to the new quarters. The meeting continued.

Following the invocation made by a Board member, the Reverend Russell Hoy, the Chief Justice of the Ohio Supreme Court, Carl V. Weygandt, administered the oath of office to the newly elected Board members in a group. The members signed two copies of the oath, retaining one and giving the other to the superintendent to keep on file. Pictures were also taken of the group as they took the oath.

The superintendent greets the Board

The superintendent then gave his official greetings to the Board. He noted that the members were seated in alphabetical order with place cards before them and identification badges provided for attachment to outer garments. He explained that they were seated by alphabetical order of their names, rather than by district, as an expression of his desire to have them think of themselves as representatives of the state of Ohio rather than of a particular district.

The superintendent stated that the people of Ohio and of the nation would be watching the work of the Ohio Board. He believed that in the immediate future educational history would be made in the state. The Board in Ohio, he felt, was without much precedent in the nation, there being few states where the system was somewhat similar. He mentioned that he had gone to Texas and had made a brief examination of its state
educational agency since it was most comparable to that of Ohio. He judged that the Texas agency was functioning in an excellent manner. He advised the Board to follow the example of the Texas organization by working carefully and cautiously. In this regard he said, "Do not be pressured into moving in too rapid strides; work carefully and cautiously and thereby make your work lasting and successful." 

In his short contact with the Board Mr. Eyman declared that he had found the members to be very open-minded, very considerate, and willing to study matters placed before them. He congratulated the members of the Board on their election and wished them success. The superintendent concluded by pledging the cooperation and assistance of himself and all members of the State Department of Education in whatever service they would be called upon to perform.

Reading of the Certificate of Election

The next act of the superintendent was to read an official communication from the secretary of state certifying the election of the twenty-three members of the Board from their respective Congressional districts. The certificate was made part of the record.

9 In Mr. Eyman's judgment the Texas State Board of Education labored for at least six months under a most difficult handicap. The minutes of the Texas Board, according to Mr. Eyman, showed little progress made in that period. The chief difficulty lay in the overlapping terms of two chief state school officers: one of these, an elective official, was serving out his lawful term and a second, appointed by the State Board of Education, was seeking to orient himself to the job and carry out his responsibilities. The situation was apparently not wholesome for the making of policy. This condition was avoided in Ohio because the term of the director of the Department of Education, who was appointed by the governor, was by implication terminated with the activation of a State Board of Education. From interview with Mr. Eyman, January 19, 1956.

10 Minutes, January 1956 meeting, p. 4.
Roll call of members

All members responded as being present when the roll was called. This action was necessary to verify that a quorum was present, according to law, for the conduct of business.

Election of a temporary chairman

Following a decision made on the previous evening, Elliott Meyers was unanimously elected as temporary chairman. No other member was nominated. Mr. Meyers assumed the chairmanship and the meeting continued. He expressed appreciation for the work of Mr. Eyman and his staff in "getting us over the hurdles and rocks of organization."

The drawing of lots for terms of office

The place of this item on the agenda had been much discussed in the evening meeting of January 2. The issue was whether the election of the president and vice-president should precede or follow the draw for length of terms. One member believed the president might well come from the senior class, that is, a member who would be serving for four or six year terms. Another expressed his fears that the term of office might influence his judgment. The decision was made to have the draw for terms of office precede the election of officers.11

The plan agreed to the evening before was adopted unanimously and there followed the drawing of lots for the terms of office. First, Board members, in alphabetical order, drew numbers from one to twenty-three to determine the order of draw. Then, the members, beginning with number one

11 Personal observations, meeting of January 1956.
and proceeding through number twenty-three, drew envelopes containing slips of paper indicating the length of term. Next, the members signed the slips of paper and, as the roll was called, each member voiced the length of term drawn. The slips of paper were returned to the superintendent to be placed in the permanent record. Table IV indicates the results of the drawing for terms of office.

Table IV

TERMS OF OFFICE OF MEMBERS OF THE FIRST STATE BOARD OF EDUCATION

<table>
<thead>
<tr>
<th>2 years</th>
<th>4 years</th>
<th>6 years</th>
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<tbody>
<tr>
<td>Robert A. Manchester II</td>
<td>Walter E. Beckjord</td>
<td>Wilfred G. Foreman</td>
</tr>
<tr>
<td>John W. Morrison, Sr.</td>
<td>Esther L. Carman</td>
<td>Russell Hoy</td>
</tr>
<tr>
<td>Wayne E. Shaffer</td>
<td>Ruth D. Mayne</td>
<td>James P. Lavey</td>
</tr>
<tr>
<td>Frank Siedel</td>
<td>Francis Payne</td>
<td>Charles P. Lucas</td>
</tr>
<tr>
<td>Paul L. Walker</td>
<td>Cecil M. Sims</td>
<td>Elliott E. Meyers</td>
</tr>
<tr>
<td>Harold Whitaker</td>
<td>Loren E. Souers, Jr.</td>
<td>Ward Miller</td>
</tr>
<tr>
<td>David B. Wood</td>
<td>Francis W. Spicer</td>
<td>Charlton Myers</td>
</tr>
<tr>
<td></td>
<td>Joseph D. Stecher</td>
<td>Robert W. Walker</td>
</tr>
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</table>

The election of officers

The method of election of the president and vice-president had previously been agreed upon, but only after a lengthy discussion. The original proposal was made by Robert A. Manchester. He suggested a first or nominating ballot where members could vote for as many candidates for the presidency as they wished. The second and succeeding ballots would eliminate the low man until the number of candidates was reduced to three when a final vote would be taken. The ballots would be secret.

This proposal of secret ballot and progressive elimination was modified upon suggestions made by Robert W. Walker, Cecil M. Sims, Loren...
E. Souers, Jr., and Elliott Meyers. 12 The plan was unanimously adopted at the official meeting upon the motion made by Mr. Manchester. Twenty-one of the twenty-three members were nominated on the first ballot; members not nominated were Wayne E. Shaffer and Harold Whitaker. Eleven members immediately asked that their names be withdrawn: Carman, Foreman, Lavey, Lucas, Miller, Payne, Spicer, Wood, Mayne, Robert Walker, and Stecher. Eight ballots were then required to elect the officers from the ten remaining nominees. Mr. Hoy was eliminated on the first official ballot; Mr. Paul Walker, on the second; Mr. Sims, on the third; Mr. Beckjord and Mr. Souers, on the fourth; Mr. Myers, on the fifth; Mr. Siedel, on the sixth; Mr. Morrison, on the seventh, when the field was reduced to three candidates; and on the final ballot Mr. Manchester was elected president and Mr. Meyers, vice-president. 13 The total number of votes received by each member was announced by the superintendent, who served as the clerk, at the end of each ballot to help the members in their voting.

Appointment of committee on organization and rules of procedure

After a short speech of acceptance of the office and expressions of thanks and hopes for public education in Ohio, Mr. Manchester assumed the chairmanship and proceeded with the items of business. His first act

12 Personal observations, meeting of January 2, 1956.

13 At the January 2 evening meeting certain members were more vocal than others in making comments and offering suggestions. These individuals apparently made some impression upon the others. The balloting seemed to have a relationship to the behavior of members at the evening meeting. Mr. Manchester stood out, as did Mr. Meyers. It was also the judgment of Mr. Eyman, formed before the actual voting, that Mr. Manchester and Mr. Meyers would be strong candidates for the presidency.
was to establish a committee on organization and rules of procedure, appointing to that group Messrs. Souers, Stecher, and Meyers. The committee was to report its recommendations at the adjourned session on the following day. Temporarily, the Board adopted Roberts Rules of Order. This action complied with the law that the Board was to adopt rules of procedure at its first meeting.

Fixing of dates of regular meetings

The Board next agreed that regular meetings would be held on the second Monday of each month at 7:30 P.M., beginning in February. The president declared that the place of meeting would be the office of the superintendent of public instruction. Action on this item was approved without dissent.

Arrangements for expense accounts of members

The Board agreed to the suggestion that this item be tabled until the next day when the committee on organization and rules of procedure might make a report on the subject.

Financial report and organization chart of the department of education

Mr. Eyman was called upon to report on items 15 and 16 of the agenda. The secretary had a staff member distribute copies of a financial report of the Department of Education, containing a record of

14 This action of the Board was irregular and not in agreement with the law which makes it mandatory that the state board of education hold a regular meeting once every three months -- Revised Code of Ohio, Sec. 3301.01. This error was corrected in the next meeting so that differentiation was made between regular and special meetings.
appropriations made by the 101st General Assembly, the expenditures of the department up to November 30, 1956, and the balances in the various accounts. This report was distributed for the information of Board members. Also placed in the hands of the Board members for informational purposes only was a copy of the organization chart of the Department of Education.

Providing for continuity of administration

One of the important problems the Board now dealt with was the continuance of the operation of the Department of Education without interrupting the existing programs of public education. Realizing that it was unwise to make any changes in personnel and policies the Board adopted the following resolution:

that the State Board of Education delegate, and it hereby does delegate, to the Superintendent of Public Instruction the management and administration of such functions as are imposed on the Board by law, until otherwise directed by the State Board of Education.\(^\text{15}\)

This action was taken in accordance with discretionary powers granted the Board by the legislature.\(^\text{16}\)

Relationships between the Board and the superintendent

Additional copies of a mimeographed pamphlet entitled "The State Board of Education in Ohio" were distributed to the Board members. This material, already mentioned above, contained some suggested principles

\(^{15}\)Minutes, January 1956 meeting, p. 17.

\(^{16}\)Sec. 3301.04 of the Revised Code of Ohio.
governing the relationships between a state board of education, the superintendent of public instruction, and the state department of education. The superintendent noted only that the material was presented for information and study. This action concluded the agenda for the afternoon meeting.

The superintendent is asked to recommend changes in the department of education

Before the meeting was adjourned a resolution, presented by Mr. Beckjord, was unanimously adopted which directed the superintendent to make certain studies and recommendations to the Board. The main text of the resolution read as follows:

... Resolved that the Superintendent of Public Instruction be and he hereby is authorized and directed to cause to be prepared and presented to this Board for discussion and action (1) Studies of the existing functions and activities of the Department of Education, and (2) Recommendations, if any, of said Department for changes in said existing functions and activities, taking into account, among other things, the recent applicable changes in the laws of Ohio; such studies and recommendations to include recommended agenda for meetings, to be presented to the Board in advance of meetings, from time to time and as quickly as is feasible.17

After passing this resolution the Board recessed until the next morning. The president notified the members that the place of meeting would be at the office of the superintendent of public instruction. He further informed them that the members would caucus in a short while, after dinner, in the office of the superintendent. The total time spent in the afternoon session was approximately three hours.

17 Minutes, January 1956 meeting, p. 18.
The Adjourned Session of the
First Regular Meeting

The Board reconvened at 9:30 A.M. on January 4 to deal with matters still before them. The agenda for the day had been decided upon at the caucus of the previous evening and it was obvious as the meeting unfolded that understandings had been reached at the caucus. The Board proceeded to make policy decisions on matters that needed attention. In addition, the Board continued to organize itself in respect to its operational procedures.

An examination of the agenda for the adjourned session shows the variety of matters with which the Board concerned itself. The agenda as recorded in the minutes of the Board was as follows:

1. Report of Committee of Organization and Rules of Procedure -- Mr. Souers and Mr. Stecher.

2. Appointment of committees -- President Manchester.

3. Report on Survey of School Building Needs in Ohio in accordance with provisions of Constitutional Amendment #1 passed in November 1955. (The $150 million State Bond Issue.) -- Mr. Stine and Mr. O'Keefe.

   A. Approval by Board of allocations already made.

5. Adoption of policy for dealing with problems of annexation. (Amended S.B. #322 - Section 3311.06 R.C. as amended.
   A. Communication from Tiffin.

6. Adoption of policy for dealing with petitions for transfer of territory. (Sections 3311.23 and 3311.24 R.C.)
   A. Communication from Greenville.

7. Adoption of policy for dealing with requests of school districts to exceed the 6% limitation in bonded indebtedness.

8. Vacancy on Library Board.


11. Regulations and explanations concerning expense accounts.

12. Consideration of needed research.

Rules of procedure adopted

The committee on organization and rules of procedure made its report, and its recommendations were adopted with few changes. The rules of procedure that were adopted are as follows:

1. The official name of this Board shall be "State Board of Education," and its seal which shall appear on all official documents and certificates of the Board shall be a circular fascimile of the official seal of the State of Ohio, bordered concentrically within an outer circle by the words "State Board of Education" in the upper portion, and the word "Ohio" in the lower portion of such outer circle.

2. A quorum of the Board shall consist of fifteen members or as otherwise provided by law.

3. Regular meetings of the Board shall be held at 7:30 P.M. on the second Monday of January, April, July and October of each year. Special meetings shall be held in accordance with the provisions of Section 3301.01, Revised Code. Notice of such special meetings as provided in said section of the Revised Code, shall be directed by the Secretary to the address of each member as listed with the Secretary for such purpose, and such notice shall specify the purpose for which such special meeting is called. By written waiver, executed at or prior to any special meeting, a member may waive the giving of notice of such special meeting. (At the February, 1956, meeting the Board decided that it would meet each month in the foreseeable future. A waiver of notice for the special meetings was signed by each member to obviate the formality of sending out notices for these meetings.)

4. Officers of the Board shall consist of a President, a Vice President and a Secretary, and such additional officers as the Board may from time to time designate.

a. The President shall be elected at the biennial organization meeting or at the first meeting after any vacancy shall

18 Minutes, January 1956 meeting, n.p.

19 Personal observations. This action was not recorded in the minutes.
occur in such position, and shall serve for two years or until his successor shall be elected and qualified. The President, except where the Board shall otherwise provide, shall appoint all committees required for the transaction of business of the Board, and shall preside at all meetings at which he is present. As a member of the Board, he shall be entitled to cast a vote on all matters, but if he casts such vote during the calling of the voting roll he shall have no further vote for the purpose of resolving a tie vote, but otherwise may do so. The President shall have such further duties as may be given him from time to time by the Board.

b. The Vice President shall be elected at the biennial organization meeting or at the first meeting following the occurrence of a vacancy in such position, and shall serve for two years or until his successor shall be elected and qualified. The Vice President shall assist the President in the duties of the President's office as the President may direct and shall preside at meetings and appoint members of the committees, as provided in the duties of the President, during the President's absence or incapacity. In the event of the President's death, resignation, incapacity or disqualification, the Vice President shall act in place of the President in all respects until the vacancy shall be filled or the incapacity removed.

c. Election to the positions of President and Vice President shall be by nomination and written secret ballot. In the event that more than two persons shall be nominated to either such office, a majority of those voting shall be required for election, and the Board shall at such time designate the voting procedure to be followed in order to secure such majority in the event that it shall not be attained upon the first ballot.

d. No member shall be eligible to succeed himself in the same office to which so elected, but a Vice President may succeed to the office of President, and a member who has previously held either such office may be re-elected to such office previously held if at least two years shall have intervened since previously holding such office.

e. The Secretary of the Board shall be the Superintendent of Public Instruction, who shall serve as Secretary ex officio. The Secretary shall attend all meetings of the Board and be responsible for the keeping of its minutes and other official records, either in person or by an assistant. In the event of the Secretary's inability to attend any meetings of the Board, he shall designate a subordinate officer from the Department of Education to attend in his stead and make such reports and perform such other duties as would otherwise be performed by him. The Secretary shall have no vote upon any matters being acted upon by the Board, but may be called upon by the Board to express opinions,
make recommendations or report upon any matters pending, or may ask leave of the Board to do so when he may deem it desirable. Prior to each meeting of the Board, the Secretary, in consultation with the President, shall prepare and transmit to all members an agenda for such meeting and the Secretary shall also transmit to them the minutes of the last preceding meeting and all reports, recommendations and resolutions upon such agenda as are available for transmittal.

5. Voting upon all matters shall be by voice vote, unless a roll call be requested and seconded or the presiding officer's announcement of the result be challenged. (Though the rules do not require that the identification of votes be made on voice voting, the names of members voting against a motion are entered in the record.)

6. Roll call votes shall be in alphabetical order, and the Secretary shall record the "yeas" and "nays" upon each such motion and enter them in the official minutes of the meeting. A member may change his vote at any time until the result of the vote shall be announced by the President, or may pass his turn upon the roll call and cast his vote at any time prior to the announcement of the result of the vote by the President. A member abstaining from voting shall not be entitled to move for reconsideration of the action taken. Any member who voted with the prevailing side may, at the next meeting, regular or special, after the adoption of any motion, move for reconsideration of the motion, provided that no contractual or other rights shall have intervened.

7. Any committee report, resolution or other matter requiring action by vote of the Board may be tabled for one meeting by motion made and seconded, but such tabling may occur only once, and at the next following meeting of the Board it shall be removed from the table and placed before the Board for discussion and vote. (This rule was modified later to provide for suspension of tabling in any case upon the vote of eighteen members of the Board, present and voting, when it was deemed necessary that an emergency existed requiring immediate action by the Board.)

8. All minutes of meetings of the Board, including all resolutions and reports of committees introduced or adopted, shall be public records and shall be made available to the public for

20 The provision for voting in the original report of the committee called for voting by roll call in alphabetical order with the ayes and nays to be entered in the official record. The change to voice vote was made to speed up the proceedings.

21 Minutes, April 1956 meeting, p. 47.
inspection at the office of the Secretary upon request at any reasonable time, but unofficial papers, notes of the Secretary, drafts of reports of committees and other papers or documents not yet given official standing by being introduced or acted upon at a meeting or by being approved by the President and Secretary as official minutes or reports of proceedings shall not be public records until so introduced, acted upon or authenticated, as the case may be, and shall be given publication only when the Board by majority vote shall so order.

9. The Board shall have no permanent or standing committees, but shall have such temporary committees as shall be authorized by the Board from time to time. The chairman and other members of such committees shall be appointed by the President, and shall be prescribed by the Board in authorizing their appointment.

10. Committee reports shall be made in written form unless compliance with this Rule shall be waived by majority vote of the members present at the meeting at which such report is submitted. If any such report is adopted, with or without amendment, and requires action by resolution, if the Board so directs, it shall be referred to the Secretary for preparation of the necessary resolution. (A supplement was made to this rule which provided that written reports distributed to members prior to official meetings were not to be read aloud except upon request by the president; they were, however, to be reported briefly.)

11. The order of business at all regular meetings of the Board shall be:

(1) Call to order
(2) Calling of roll
(3) Approval and authentication of minutes of last meeting
(4) Reading of communications and references to committees or to Secretary
(5) Old business
   a. Consideration of matters tabled
   b. Consideration of matters previously introduced
   c. Consideration of other unfinished business
(6) New business
   a. Reports of committees
   b. Presentation of new matters
   c. Other new business
(7) Reports of Superintendent of Public Instruction and other officials
(8) Miscellaneous business
(9) Adjournment

22 Ibid.
The order of business at all special meetings shall conform to the foregoing to such extent as the purpose of the meeting shall require. (Several modifications of the order of business were made at later meetings. The report of the superintendent was moved to the fifth place on the agenda. A supplemental provision was adopted permitting the president or a majority of the Board to revise the order of business for any reason that may expedite the business of the meeting. Another change not formally recorded was the extension of the privilege to any member to request that an additional item be placed on the agenda; this was to be done at roll call.)

12. Members of the Board shall be paid the amount provided by law for each day or part thereof in actual attendance at any meeting of the Board. Members shall be entitled to be compensated for actual and necessary expenses incurred while engaged in the performance of official duties or in the conduct of authorized board business and while enroute to and from their homes for such purposes. Such purposes for which compensation of expenses shall be allowed shall include attendance at regular or special meetings of the Board, meetings of committees of the Board, inspection of schools, institutions or other educational facilities required by the Board's statutory duties, attendance at any conferences, legislative hearings, meetings or other gatherings related to Board duties as directed by the Board or its President, official visits to the offices of the Department of Education for any purposes related to business of the Board, and shall also include any other activity required by the duties of the Board as provided by law.

Members shall be compensated for all such actual and necessary expenses incurred. In the event, however, that personal automobiles are used for travel, compensation shall be at the rate of ten cents ($0.10) per mile from the members' residences to the place of meeting or other business, and return and parking fees shall not be deemed to be included within such mileage allowances, but shall be included as actual expenses.

Members shall submit expense statements to the Secretary on forms provided, by the fifteenth day of each month following that in which such expenses were incurred, and the Secretary shall, after assembling all such monthly statements from members, certify the same and transmit the same for payment.

In the event of any uncertainty as to whether any expense statement submitted is in compliance with this Rule, the Secretary shall refer the same to the President for examination and such action as the President deems proper.

23 Ibid.
13. These rules may be amended by the affirmative vote of not less than twelve (12) members of the Board at any time qualified and serving, after notice of intention to propose such amendment shall have been given at any previous meeting or by written notice at least ten days prior to a meeting.

14. All matters of procedure not otherwise specifically covered in these Rules shall be subject to the rules of parliamentary procedure set forth in the most recent edition of "Robert's Rules of Order."2h

Actions of Board in regard to other operational procedures

The Board continued to deal with operational procedures. Several more committees were established and other orientational steps were taken.

Appointment of finance committee.—President Manchester, following a motion adopted by the Board, appointed a committee on school finance. He appointed two members to this committee, and at a later meeting appointed a third, a so-called rural representative.25 The president and vice-president were ex-officio members. The purpose of the committee was to deal with financial matters concerning the operation of schools. The immediate goal was to study the needs of school building construction in school districts.

This latter need was related to an amendment to the constitution of Ohio that provided for the issuance of $150,000,000 in bonds by the state for the construction of public buildings: state government buildings, mental institutions, state universities, and public schools. The question before the Board was the sum to request from the legislature for public school buildings. The Board was further troubled by the

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2h Minutes, January 1956 meeting, pp. 20-23.

25 Personal observations, meeting of January 1956.
provisions of the amendment that provided for the lease and sale of school buildings provided by these state funds. This meant that enabling legislation would have to be enacted by the legislature and the initiative for this would have to come from the Board. The Board adopted a suggestion of the superintendent to authorize the finance committee to meet with the legislature's sub-committee that was considering policy recommendations to be made to the legislature and to the Capital Planning and Improvement Board on the formula for division of the bond money. The committee on finance was instructed to work with the staff of the State Department of Education in carrying out its assignment and also to cooperate with the Legislative Service Commission in considering the enabling legislation. The Board decided not to set a specific figure to present to the legislature but instructed its committee to convey to the sub-committee of the legislature the Board's conviction that the schools could use all the $15,000,000 to be allocated for all public building purposes in 1956.26

In further discussions of the bond issue money the Board gave the committee two further duties. It was to see that the legislature was informed of the Board's wishes in regard to the distribution of state bond issue money as follows:

1. That the repayment plans should not interfere with the normal building program in the district.

2. That the State Board should retain jurisdiction as to priority allocation of funds and types of construction.

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26 Personal observation, meeting of January 1956.
3. That no limitation be placed on valuation per pupil so far as allocation to a district is concerned.27

The committee was further instructed to ask the legislature for an appropriation of $100,000 to carry out research on costs of constructing school buildings.28

Appointment of personnel committee.—The Board also established a committee on personnel. Five members were appointed to this committee. It was assigned the problem of setting up criteria for the position of state superintendent of public instruction. The president of the Board instructed the committee to take a broad look at the situation; he also invited members to nominate as many persons as they wished.

Adoption of policy on transfers of territory.—Section 3311.06 of the Revised Code of Ohio placed the responsibility upon the Board to approve or disapprove transfers of territory involved in annexations to municipalities for school purposes. Sections 3311.23 and 3311.24 of the Code also gave the Board the duty of making decisions in connection with certain petitions for transfers of territory between school districts. Following the recommendations of the superintendent, the Board established

27 These suggestions were made by Mr. Darling, assistant superintendent of public instruction. The item on valuation per pupil was borne of recent experiences in the state where the legislature restricted state aid for school building rehabilitation to those districts having a per pupil valuation of less than $6,000 thus refusing to recognize the hardships existing in needy suburban districts whose per pupil valuation was relatively high. These same points were made to the Board by Thomas O'Keefe, research director of the Ohio Education Association.

28 Personal observations, meeting of January 1956. This item was not recorded in the minutes.
policy on handling these problems. The policy adopted as to procedures was as follows:

BE IT RESOLVED that this State Board of Education hereby directs the Superintendent of Public Instruction to set up necessary committees within the Department of Education to conduct hearings, evaluate evidence and to take the following action in conformance with law: Relative to Section 3311.06 R.C., transfer of territory for school purposes in relation to annexations, and relative to Sections 3311.23 and 3311.24 R.C., transfer of territory on petition, the Superintendent will convey to this Board a full report of the hearings and such other information as may be deemed essential, together with a recommended action.29

Further orientation on problems

As part of the orientation plan of having Board members become familiar with the functions of the State Department of Education the superintendent had sent the members printed materials on this subject. At this first meeting he had also included in the agenda the introduction of division directors of the State Department of Education who were called upon to give brief summaries of their duties. By volunteering information or answering questions these directors brought some of their most acute problems to the attention of the Board. Due to the lack of time, only seven of the thirteen division heads were able to discuss the functions of their offices. Several problems were noted: the lack of services for the gifted children in Ohio, the need for more trained personnel in the department to meet the rising demand for services, and the need of qualified teachers to meet increasing enrollments in the schools throughout the state.

The Board adjourned its session on the second day after having met for approximately six hours. In review of the first regular meeting 29

of the State Board of Education, it seemed that the Board had made a good start. It had dealt with thirty-one items, many of them of great import. The law had been complied with in respect to the organizational meeting: a president and vice-president had been elected, rules of procedure had been adopted, and, through use of its discretionary power, the Board had retained all the personnel of the old department of education. Furthermore, the Board had set up procedures for handling matters concerning school district organization; a committee had been directed to begin work on the problem of selecting a superintendent of public instruction; and steps had been taken to establish lines of communication and cooperation with the legislature. A finance committee had been established to deal with the immediate problem of requesting funds for public school building construction; the Board had also decided to ask the legislature for money to carry out a research program on school building construction. Of the various items the Board took action on, several related to the problem of operational procedures. This was an important part of the Board's organization.

Operating Procedures of the Board

A noteworthy step was taken by the Board at its first meeting in adopting a number of basic rules of procedures. To supplement these the Board made use of an extensive committee system and, when necessary, it adopted additional operating procedures. In regard to the committee system, at one time there were twenty-seven committees in existence.\textsuperscript{30}

\textsuperscript{30} Whether or not some of the committees established by the Board were truly committees has been argued. See footnote, pp. 272-273.
In February, 1956, thirteen committees made reports to the Board, although some of these were very short. The committee system has met with some pointed criticisms, the charge being made that the activities of some of the committees were of an administrative nature. The only limitation imposed by law concerning committees of the Board was the provision in Section 3301.07 of the Revised Code of Ohio that prohibits the establishment of permanent or standing committees. There does not seem to be much question as to whether or not the statute is mandatory or merely directory.

The Appointment and Work of Committees

Choosing committee members

Responsibility for choice of committee members rested in the president. Once committee members were chosen the president had no control over their actions while they worked within their committees, except where the president could exert his influence as an ex officio member. This condition remains a problem of organization for it touches on the issue of how much supervision a president can and ought to give a committee. As now constituted the committees are a highly significant part of the Board's operational procedures.

The president was faced with a difficulty in choice of members on the first two committees established. The choice was made on the basis of information supplied in the biographical sketches compiled by the superintendent and impressions received from face-to-face contacts.

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31 The information on choice of members was supplied by Mr. Manchester in an interview on November 9, 1956.
Two of the members of the finance committee were selected because their records showed previous service in the legislature. The president wished to utilize their experiences for he knew the Board would have to draw upon all its resources in dealing with the legislature in the important field of finance. Choice of members on the committee on organization and rules of procedure was based upon what the president described as high qualifications reported in the biographical sketches.

In selecting other committee members the president was able to take advantage of the knowledge he acquired about the various individuals on the Board with the passage of time. He learned something about their interests and points of view. When he selected members of the personnel committee, he deliberately included several individuals who came from Congressional districts that were predominantly rural. On this same committee he made certain that there was also a geographical balance of members. When he appointed members to several other committees -- for instance, the committees on vocational rehabilitation and special education -- he selected people who had expressed an interest in those areas or who had had some previous experience in dealing with these problems. In appointing some committees, the president also took into account the idea of distributing the work load among members in a fair manner and involving all members in some committee activity. As the president expressed it, he had to know each individual and his interests in order to use him for the Board's business.

Committees were appointed as the need developed. Most of the committees were appointed on the initiative of the president. Only in the cases of the committee on public information and the committee on
certification rules for teachers was the appointment of a committee challenged.

Board minutes concerning committees were incomplete in failing to record in some cases the specific purpose for which a committee was established. For example, the minutes of September, 1956, show that the president wished to make it a matter of record that eleven special committees had been appointed sometime in the past and were still in operation. These committees were appointed between the January and February, 1956, meetings. Instructions to these committees were probably given by personal contact.

Though some of the committees were of a "rubber stamp" variety, others were not. Some committees made highly significant contributions. A brief summary will show the time of appointment and the membership and activities of the many Board committees. For convenience of reporting the committees are divided into two categories: (1) multi-membered committees and (2) single-membered committees.

Multi-membered committees

Of the thirty-one committees established between January, 1956, and June, 1957, there were seventeen whose membership included more than one individual. Over half of these committees were in operation for more than a year, and four of these dealt with what seem to be perennial problems.

The finance committee.--This was a committee of three members, appointed at the meeting of January, 1956, and reorganized in January, 1957. A new finance committee, because of its purpose, will probably continue to operate year after year.
At each meeting of the Board this committee made a report of the financial status of the State Department of Education, including expenditures and balances for the State Board of Education. The committee did most important work in connection with the following activities:

1. Helped prepare the budget for the Board, for its agencies, and for the public schools of the state.

2. Presented the budget for the Department of Education to the State Department of Finance and defended it before the legislature.

3. Worked with a joint sub-committee of the legislature at the session of the 101st General Assembly in January, 1956, when the Board presented its request for a portion of the state bond issue money for public building construction.

4. Helped in the preparation of a formula for transportation costs and allowances for depreciation of school buses.

5. Maintained liaison with the education committees of the legislature which led in one instance to a study by the Legislative Service Commission of the state's tax resources and their more effective utilization for the financial support of public education.

6. With the help of staff members of the Department of Education reviewed and made recommendations on problems of the school foundation law in respect to (1) calculation of extra salary allowances for administrators and teachers on extended service, (2) allowances for budgets of county boards of education, and (3) interpretation of the school foundation law for calculation of moneys due school districts for the fourth quarterly payment of 1956.

7. Studied and made recommendations on a reorganization plan for the State Department of Education.
8. Made recommendations that led to increases in salary for the superintendent and directors of the department divisions.

Members of the finance committee probably gave more time to committee duties than any other group on the Board. The numerous duties of the committee required more trips to be made to Columbus and more meetings to be held with other governmental agencies than any of the remaining Board committees.

**Personnel committee.**—This committee was appointed at the meeting of January, 1956, and it was made up of five members. The committee was discharged in November, 1956, after completion of its assignment but re-activated in March, 1957, after unusual developments had occurred in connection with its original assignment.

The purpose of the committee when first appointed was to set up criteria to be used in the selection of a state superintendent of public instruction; the committee was to present a list of at least three candidates to the Board from which a final choice was to be made. The committee performed the following activities:

1. Reported at the February, 1956, meeting a list of desirable qualifications for the new superintendent.

2. Recommended at the February, 1956, meeting five basic principles that would establish working relationships between the Board and the superintendent, which were adopted.

3. Recommended that the finance committee be given the responsibility for preparation of the enabling legislation to be suggested to the legislature for the purpose of distributing the share of the $150,000,000 state bond issue that would be apportioned for school building construction. The recommendation was adopted at the February, 1956, meeting.
4. Recommended the employment of Robert Heller and Associates of Cleveland, Ohio, an independent research agency, to make the study of the extent of school building needs in the state. This was adopted at the February, 1956, meeting.

5. Recommended that the Board establish a research committee to supervise the progress of studies concerning school building needs and to make progress reports to the Board. This was adopted at the February, 1956, meeting.

6. Helped in the study of a reorganization plan for the State Department of Education and recommended the adoption of a reorganization plan in September, 1956, for purposes of preparing the budget for the next biennium. The recommendation was adopted.

7. Visited the state departments of education in Texas and Missouri to help "to formulate a clear and practical mental picture of an able chief state school officer."\(^{32}\)

8. Recommended the selection of a superintendent at the November, 1956, meeting. The superintendent was employed.

9. Recommended the employment of a new superintendent of public instruction after the superintendent originally appointed declined to accept the position because of constitutional difficulties. The recommendation was approved in May, 1957.

The personnel committee encountered some difficulties in carrying out its assignment on the recommendations for the position of superintendent of public instruction. The failure of the Board to hire a superintendent within six months of its first meeting drew a substantial

\(^{32}\)Minutes, April 1956 meeting, p. 16.
amount of criticism from both the legislature and the press. There were several indications that the committee was subjected to pressures from within the Board on the choice of a superintendent.

Committee on organization and rules of procedure.—The committee on organization and rules of procedure was the first committee appointed by the president at the meeting of January, 1956. The committee on rules of procedure, as it was called later, consisted of two members, with the president and vice-president as ex officio members.

The committee accomplished the following tasks:

1. Recommended rules of procedure for conducting the Board's business. These were adopted at the February, 1956, meeting.

2. Decided where additional items were to be placed on the agenda.

3. Initiated action or made recommendations on all matters involving rules of procedure.

4. Reviewed the Board's actions every three months and recommended what matters of a permanent nature or long time standing were to be included in the Board's policy book.

The committee was still in operation in June, 1957, but it had become less important as practices in rules and procedures had been standardized.

Research committee.—A research committee was established at the February, 1956, meeting, composed of three members. The committee carried out the following activities:

33 According to the chairman of the committee, it will be discharged as soon as the final draft of the book on Board policies has been completed. Letter from Loren E. Souers, Jr., October 4, 1957.
1. Supervised the progress of the studies of school building needs carried out under the provisions of the grant of $100,000 for research made by the legislature.

2. Worked closely with the Robert Heller organization that was employed to study and report the extent of school building needs in the state.

3. Supervised the study of means of effecting economies in school building construction which was made the responsibility of an architect hired for the purpose.

4. Distributed the report of the Heller survey to interested parties throughout the state.

The committee was still in operation in June, 1957.

Committee on public information.—A committee on public information was appointed at the March, 1956, meeting. It was made up of three members, with the president serving as an ex officio member. Doubts were raised by the superintendent and several members as to the purpose of the committee. In fact, the circumstances that seemingly gave rise to the establishment of the committee made its purpose suspect.

At the March, 1956, meeting of the Board a member proposed that "allegations of remnants of segregation" in the public schools of Ohio be investigated by a committee of the Board. The Board was aware that segregation in the schools was a sensitive area and any charges to that effect would be reported in the newspapers. The problem seemed to be one of how the Board was to prevent its members from making remarks to newspaper reporters that might be injudicious or might erroneously be taken to be expressions of Board policy. The committee on public information was
appointed for the purpose of informing the public and all interested agencies of the policies and decisions of the Board.

In the statement preceding the resolution to appoint this committee the point was made that individual members were being asked by various parties "to make statements or give opinions regarding actions involving the Board as a whole which the individual is in no position to give."\(^{34}\) The suggestion was made that a "central source" might better provide the information or assist the member to provide it. It was also stated that any news release or publication coming from the State Department of Education would be assumed to be approved by the Board. The resolution authorizing the president to appoint the committee on public information was then made. According to the resolution the committee would perform the following functions:

Assist members of the press and other information services to secure such information regarding Board activities, policies and actions as may be desired. To this end the Public Information Committee may arrange press conferences and interviews, receive and make available statements from individual board members, issue (with prior approval of the Chairman) press releases and provide other appropriate services to promote effective and desirable relations with the press and public.\(^{35}\)

The resolution was adopted. In a sense the resolution could be interpreted as a gag rule. The effectiveness of the committee in controlling remarks of the Board members outside of meetings is difficult to measure. One member pointed out how impractical it was to keep referring the press to this committee for statements and other information.

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\(^{34}\) Minutes, March 1956 meeting, p. 7.

\(^{35}\) Ibid.
The superintendent was concerned that all releases coming from the various divisions of the Department of Education might have to clear through this committee.  

The minutes do not give a clear picture of the activities of this committee. The president did not indicate in his instructions to the committee how long it was to operate. This committee could function indefinitely because of the nature of its work.

Committee on annexations and mergers. — This committee was appointed between the January and February, 1956, meetings. Two members were appointed to the committee. Its purpose was to work with a committee of staff members of the Department of Education in recommending sound policies on problems relating to annexations and mergers of school districts.

The committee usually made recommendations for the adoption of policies concerning procedures and goals in respect to changes in school district organization. Some of the specific actions taken were as follows:

1. Recommended at each meeting in 1956 the approval or disapproval of the recommendations of the committee of staff members of the Department of Education that was responsible for handling cases of transfers of school district territories.

2. Made recommendations at the June, 1956, meeting on the criteria for permanent high school centers.

3. Worked with the Heller organization on matters pertaining to school district organization.

36

Personal observations, March 1956 meeting.
1. Proposed the resolutions asking the Board to ratify the actions of the superintendent in approving or disapproving applications of school districts to exceed the six per cent limitation on bond issues. No school district could exceed its bonded indebtedness of six per cent of its tax duplicate without approval of the superintendent.

In view of the nature of the problem of school district organization it is likely that this committee will be in continuous operation. The minutes do not indicate that this committee will cease to function at any particular date.

Committee on stationery and meeting rooms.—This committee was originally established as a one-member committee sometime between January and February, 1956, meetings. At the Board meeting of January, 1957, the committee became known as the committee on office space and its membership increased to three.37

The committee performed the following activities:
1. Provided stationery for Board members.
2. Made arrangements for larger meeting places in the state office building.
3. Helped negotiate the leasing of additional facilities for the division of surplus property of the Department of Education.
4. Consulted with the Department of Public Works on the feasibility of housing the Department of Education in one center. This suggestion was rejected as being too expensive a venture.

The record does not give any evidence that this committee was inactivated. At the June, 1957, meeting it apparently was still in operation.

37 Minutes, January 1957 meeting, p. 24.
Committee on certification.—At the meeting of January, 1956, a committee of one member was established to work with the director of the division of teacher education and certification as a liaison between that division and the Board. This committee was apparently superseded by a committee of three members appointed at the meeting of March, 1956. This committee was instructed to work with the director of teacher education and certification on matters relating to policies for certification of instructional personnel.

The committee performed these acts:

1. Recommended that the Board declare an emergency in accordance with law to adopt existing certification standards. This was done to follow the opinion of the attorney general of the state who held that the standards adopted under the old state educational agency did not survive it. The Board adopted the recommendation at its meeting of October, 1956.

2. Recommended that the request of a school board to suspend a teacher's certificate be rejected. The Board followed the recommendation.

3. Recommended that a teacher's certificate be revoked. The Board adopted the recommendation.

No time limitation was placed upon this committee's operations. Another committee, the committee on certification rules, was established at the meeting of February, 1957, to make recommendations for standards for teacher certification. There seemed to be some confusion over the functions of these committees.

Committee on certification rules.—This was a committee of five members established for the purpose of studying the possibility of the revision of standards for teacher certification following the vigorous
criticisms that arose in connection with the adoption of minimum standards for elementary schools. The committee was appointed at the meeting of February, 1957, and its membership included the three people who made up the committee on certification.

This committee accomplished the following:

1. Supported the recommendation of the director of the division of teacher education and certification to hire two additional persons for the purpose of helping to inspect the requests of institutions seeking permission to offer instruction and grant degrees in the arts and sciences.

2. Disapproved several proposals concerning personnel in the division of special education.

3. Recommended a comprehensive policy on temporary certification of teachers which was approved by the Board at the meeting of May, 1957.

4. Protested a bill in the legislature, in 1957, which provided for certification of teachers in non-tax supported schools, an area already within the jurisdiction of the Board.

5. Reported to the Board in June, 1957, that a final draft of certification standards would be ready by the following October.

Committee on elementary and secondary education.—Originally this committee was made up of one member, appointed between the first two meetings of the Board. The purpose of the committee was to begin work on the development of minimum standards for elementary schools. Two more members were added to the committee in June, 1956.

The committee performed the following activities:

1. Supervised the distribution of a set of minimum standards for elementary schools drafted by the division of elementary and secondary
education to educators in the field and to Board members for their criticisms.

2. Supervised two more revisions of the minimum standards and held a hearing in respect to these standards in December, 1956.

3. Supervised a final revision of the standards and recommended their adoption by the Board, which was done at the meeting of February, 1957.

4. Approved the superintendent's recommendations at the meeting of December, 1956, to continue a number of one and two-teacher elementary schools.

5. Approved the superintendent's recommendations, made from time to time, for issuing charters to high schools.

6. Helped formulate certain forms on which non-tax supported schools were to report information to the Board.

7. Began work at the meeting of June, 1957, to draw up a set of standards for high schools.

The committee was not discharged. The personnel remained unchanged.

Committee on vocational rehabilitation.--This committee was appointed at the February, 1956, meeting. One of the three members asked to be relieved of his assignment and another member was appointed in his place. The committee was established at the suggestion of a Board member who had had some experience with the problem of vocational rehabilitation.

The contribution of this committee was to bring about a survey of the state's program of vocational rehabilitation. The Board adopted the recommendation of the committee at its meeting of June, 1956. The survey was undertaken by the Federal Bureau of Vocational Rehabilitation. An advance report was made by the federal agency in April, 1957.
The instructions given to this committee did not include mention of any time limit. No indication was given that the committee would cease operations after the survey of the federal agency was completed.

Committee on audio-visual education.--This committee was established sometime before the March, 1956, meeting. The minutes show that a committee of one member made a report at the March meeting; the nature of its duties was not a matter of record. In August, 1956, the minutes contain a notation that a committee of three members was established, known as the committee on audio-visual education, but there was no mention made of specific instructions.

The committee accomplished the following:

1. Reported at the meeting of January, 1957, that it was preparing a statement on educational television and it would also include in its report matters pertaining to other audio-visual media.

2. Made a lengthy report on educational television and other audio-visual media as they pertained to practices in the state of Ohio. The report was given at the May, 1957, meeting. The committee recommended that teacher training institutions give more emphasis to instruction on the techniques and uses of audio-visual media and that the Board take leadership in urging maximum utilization of these media in the schools. The Board was also encouraged to make a survey of television needs in Ohio.

The committee was still in operation in June, 1957. There was no indication that it was to cease its functions.

Committee on the annual report.--A committee of three members was appointed at the meeting of November, 1956, to carry out the assignment, mandated by law, of preparing an annual report to be sent to the governor and the General Assembly. The instructions were specific.
The committee prepared the draft of the report and submitted it to the Board at the meeting of January, 1957. The report was revised according to criticisms made by the Board and the final report was delivered to the governor and the legislature.

The committee was discharged in January, 1957. The committee completed its assignment within three months.

Committee on legislation.—At its meeting of January, 1957, the Board appointed a committee of five members to represent it on legislative matters during the current session of the General Assembly. This was part of the Board's plan to secure passage of its proposals to the legislature. A sixth member was added to the committee in February.

The committee engaged in the following activities:

1. Met with leaders of the legislature in January and agreed upon a method of introducing the Board's proposals. The Board sponsored nineteen proposals which were introduced.

2. Kept two of its members on call to appear before the legislature at any time. The superintendent and other staff members of the Department of Education were present at the state house to give assistance when the Board's proposals were being discussed.

3. Made progress reports on the bills to the Board each month until the session was completed.

4. Discussed with the Board the advisability of arousing public opinion to influence the legislature to restore the cut made by the governor in the Board's budget figure for operation of the Department of
Education. The Board followed the lead of the chairman of the committee on legislation who counseled "let us not be lobbyists."38

5. Reported at the June, 1957, meeting that it would give a full account of its operations the next month. It further stated that it wished to be discharged after making this report.

Committee on capital planning.--Two members were appointed to a committee to study and make recommendations on a plan for capital improvements at the state schools for the deaf and the blind. The committee was established at the meeting of April, 1957, at the suggestion of the superintendent. A capital planning board exists in Ohio to make recommendations to the legislature for long term planning for capital improvements for state buildings. By law the Board was to send its recommendations to the capital planning board.

The committee reported in June, 1957, that no planning could be done because of lack of funds for this purpose. Apparently the committee ceased its activities.

Committee on moral and spiritual values.--At the suggestion of the minister on the Board a committee of three members was appointed at the meeting of May, 1957, to study the status of the teaching of moral and spiritual values in the public schools. There was no indication of the scope of this assignment nor of its duration.

Committee to study the Morgan Local School District high school charter.--A local school district petitioned the Board to restore its high school charter which had been revoked previously. A committee of three members was appointed at the meeting of May, 1957, to conduct an

38 Minutes, May 1957 meeting, p. 61.
investigation to learn if any of the circumstances in regard to this matter had changed.

The committee reported that there had been no change and the Board adopted its recommendation that the charter should not be restored. The committee was apparently discharged, though the minutes did not record this.

**Single-membered committees with unique functions**

Several committees consisting of a single member each were established to perform a particular function. Of a total of six committees in this category, two of them completed their assignments and ceased their operations.

**Committee on facilities survey.**—This committee was established between the January and February meetings in 1956. There was no official instructions for this committee in the minutes. The committee worked with a special group of staff members in the Department of Education in making recommendations for the distribution of state aid for school building construction from funds made available by House Bills 932 and 942 passed by the 101st General Assembly in 1955 and 1956. When these funds are exhausted the committee will probably be discharged.

**Committee of the chaplain.**—In the minutes of September, 1956, recognition was made that a committee of the chaplain existed. From the first meeting the minister was asked to open each session with a prayer; a closing prayer was added later.

**Committee on basic principles.**—This committee was established sometime between the first two meetings to make recommendations upon the
tentative guiding principles suggested by the superintendent to govern the working relationships between himself and the Board. The motion to adopt the principles was tabled. The committee ceased to function, though it was not formally discharged.

Committee on school code books.—The record does not show that such a committee was in existence. The assignment to make a report on law books for use by members of the Board was given to one of the members who subsequently made a recommendation. The Board adopted the recommendation that any member wishing one of several law books could have it upon request. No further assignment in this regard was given the committee.

Committee on approval of college programs.—Approval of institutions desiring to prepare teachers and establish courses of study for preparation of teachers is a responsibility of the Board. In May, 1956, a committee was assigned the duty of investigating the application of Cedarville College as a teacher training institution. The committee recommended disapproval of the application. In several other instances the committee approved the applications of institutions to prepare teachers in certain special areas; approval was also given in several cases to institutions of higher learning to confer certain degrees. With the exception of the Cedarville College case the minutes do not show that a committee was assigned to carry out investigations in the remaining cases.

Committee on school bus standards.—After the adoption of existing standards for school buses at the meeting of March, 1956, a committee was appointed to consider further minimum standards for school buses and to
make recommendations when deemed necessary. The committee cooperated with the finance committee in studying the problem of transportation. Revisions of the bus standards were made upon recommendation of the committee in June, 1956. The committee also approved the recommendation of the superintendent for payment of funds to school districts from school bus depreciation funds. Since the problem of transportation is a perennial one the committee may remain active indefinitely.

**Single-membered committees acting in a liaison capacity**

There were eight committees of one member each that were established to work with the officer in charge of some division or office in the Department of Education to keep the Board informed of the activities or problems in that particular area. These members from time to time made reports to the Board in connection with their assignments. Seven of the eight committees were established sometime between the meetings of January and February, 1956. The committees are listed below with some indication of the scope of their activities.

1. Committee on the School for the Deaf. The committee made several reports about the problems of the school.

2. Committee on the School for the Blind. Several reports about this school were made by the committee.

3. Committee on surplus property. This committee reported the need of more space for the division of surplus property whereupon the Board took steps to lease more space for it.

4. Committee on physical education and athletics. The February, 1956, minutes made reference to a committee on athletics, stationery, and
meeting place. The May, 1956, minutes record a committee with the title of committee on physical education and athletics. There is little evidence that this committee engaged in much activity.

5. Committee on school lunch. The committee reported on several occasions the activities of the division of school lunch. The committee supported the recommendation of the chief of the division for an increase in personnel.

6. Committee on special education. The one member of this committee made several reports on the activities of the division of special education, including the problems of lack of suitable office space and the need of additional personnel. The committee also approved the recommendations of the superintendent for criteria to determine a special education unit as required under the provisions of the school foundation law.

7. Committee on scholarship tests. This committee was established in August, 1956. The member of this committee made several reports on the activities of the division of scholarship tests.

8. Committee on vocational education. The committee made the following recommendations:

   a) that the Board approve the criteria for determination of units in home economics, distributive education and trades and industries education as suggested by the director of vocational education.

   b) that the Board consider requests for increases in the division's budget and for additional personnel.

   c) that the practical nurse training program be expanded.

   d) that existing contracts with certain institutions of higher education for the preparation of teachers for vocational education be renewed.
Summary of the committee system

The Board developed an extensive committee system. As of June, 1957, there had been thirty-one committees appointed. In this same month over half of these committees were still active. Seventeen of the committees had two or more members. Several of the committees, such as the committee on finance, the committee on public information, and the committee on annexations and mergers, dealt with problems of a perennial nature; others, of course, dealt with problems of a less permanent nature. The president had originally planned to change the membership of the committees with long term projects at the end of the year. This was done only in the case of the finance committee.

There were eight single-membered committees -- referred to as committees in the minutes of the Board -- that acted as liaison agencies between the Board and certain divisions and other offices of the Department of Education. It has been argued that these were not actually committees, that the term committee was a misnomer.

In the president's judgment the twenty-three member Board cannot work as a unit on all matters. He believes there must be a committee system. He stated that the Board cannot operate without them and the legislature ought to change its rule on standing committees.\(^\text{39}\) That the Board needs the committee system is the judgment of another member.\(^\text{40}\)

There is no doubt that the committee system entailed a great deal of work for members of the Board. The question is raised as to whether

\(^{39}\) Interview with Mr. Manchester, November 9, 1956.

\(^{40}\) Letter from Loren E. Souers, Jr., October 4, 1957. Mr. Souers believes that the many duties of the Board make it necessary to refer
or not members of the staff of the Department of Education could have accomplished the business of the committees in several instances. The basic function of the Board is one of policy making; the scope of that function when related to the work of the many committees of the Board needs to be clarified, as also the lines of authority and areas of responsibility between the committees and the staff of the Department of Education.

Supplementary Rules of Procedure

In addition to the basic rules of procedure adopted at the first meeting of the Board there were other procedural rules established as the need arose.

Prayers at meetings

The Board began its meetings with an invocation offered by a member of the Board who in everyday life is a minister. At the meeting problems to committees so that some semblance of serious consideration can be given to most matters. He feels that the size of the Board has no bearing on the need for committees; it is the number of separate areas of jurisdiction that dictates the need. Without the committee system to give adequate study to problems he is convinced that the Board would become merely a rubber stamp for the superintendent. Mr. Souers pointed out that the president and the superintendent had through inadvertence often referred to certain individuals as chairmen of committees, but that these individuals were in fact acting only in a liaison capacity between the Board and certain special functions or institutions under the Board's control, such as the state schools for the blind and deaf and several of the divisions of the Department of Education. These people were assigned to keep the Board members advised of developments, trends, and needs in those areas. He said that the Board agreed that the application of the term committee to these people would be corrected in the future.

He further stated that unofficially the Board had adopted a policy that all committees should be discharged when their specific job is done, but if a committee is operating in a general field where recurring problems require continuous surveillance and constant study, a new committee would be appointed at least annually in that area.
of October, 1956, one of the members asked that all meetings close with a benediction. This was agreed to by the president and made part of the agenda without formal adoption. Meetings have opened and closed with a prayer since that time.

**Audience participation**

In the first several meetings interested parties appeared before the Board asking for an audience. Realizing that the Board had an obligation to listen to personal requests, petitions, or criticisms from anyone appearing before it, the president suggested that a place be made for public participation on the agenda. At its meeting of April, 1956, the Board adopted the rule allowing public participation in the order of business, placing it immediately after the adoption of the agenda. A limit of five minutes for an individual or spokesman of a group was eventually set at the meeting of August, 1956, although there was no formal adoption of this restriction. The majority of people appearing before the Board were citizens interested in annexations and transfers of school district territory or school administrators seeking aid for school building construction in their districts.

**Procedure for handling specific complaints**

Members of the Board because they were chosen from particular Congressional districts soon learned that they were considered as intermediaries between the people in their districts and the Board. Complaints

‖ As the president explained it, a citizen had become angry because he was not given an opportunity to speak before the Board. According to the president the slight was not intentional. Personal observations, meeting of April 1956.‖
were brought to them or filed with them by the citizens of their respective districts. These complaints were in turn channeled to the professional staff of the Department of Education. At the meeting of March, 1957, the Board adopted the following policy which was recommended by the superintendent:

The State Board of Education will, where there is any evidence of misuse of state funds, of violation of regulations established by the State Board or of the violation of any law, the enforcement of which is vested in the State Board of Education, direct the Superintendent of Public Instruction to fully investigate the complaint and report the result of the investigation to the State Board. The State Board of Education will not enter into any investigation of actions of a local board of education where such action is evidently within the scope of the authority of the board of the school district concerned. In discussing such matters with persons registering complaints, the members of the State Board and their employees in the Department of Education are urged to point out to the persons making the complaint the difference between the scope of authority of the State Board of Education and of the county, city, exempted village and local boards of education.\(^\text{42}\)

The superintendent in his remarks made mention that the number of complaints coming to the State Department of Education had multiplied by approximately twenty-three. The working of the resolution indicated that numerous complaints had been sent to the Board that should have been directed to local school authorities. It is probable that some of the complainants did not understand clearly the scope of authority of the State Board of Education.

**Reports of division heads**

By degrees a procedure was established for receiving reports from the directors of the various divisions of the Department of Education. At the meeting of January, 1956, most of the directors made brief oral

\(^{42}\)Minutes, March 1957 meeting, p. 16.
presentations of the policies and activities of their divisions. At the meeting of February, 1956, the Board members agreed that the written reports of the directors should be sent to them in advance of meetings where possible. At the meeting of July, 1956, the Board decided that the reading of any reports of the directors should be dispensed with and that the directors should be on hand at meetings to answer any questions that Board members might raise. A slight change was made in this procedure the next October when the directors were asked to comment or make any additional remarks to their written reports. The spacing of these reports was on a quarterly basis, but the designation of them as quarterly reports did not appear in the minutes until the October, 1956, meeting. The reports were intended to keep Board members informed of the activities of the various divisions of the Department of Education.

**Procedure on matters pertaining to school district organization**

In its first year of operation the Board was burdened with problems of transfers of territory from one school district to another. This was especially true of transfers of territory from a local district to a municipality when annexation of that territory had already been made for municipal purposes. The Board set up the procedures to be followed when it had authority to act upon any such transfers. At the meeting of January, 1956, the Board directed the superintendent to set up committees within the Department of Education to conduct hearings, evaluate evidence and to take the following action in conformance with law:

Relative to Section 3311.06 R.C., transfer of territory for school purposes in relation to annexations, and relative to Sections 3311.23 and 3311.24 R.C., transfer of territory on
petition, the Superintendent will convey to this Board a full report of the hearings and such other information as may be deemed essential, together with a recommended action.\textsuperscript{43}

The recommendations of the superintendent, or of the committee of the department, were made through the Board's committee on mergers and annexations which stated its approval or disapproval of the recommended actions. In almost every case the committee approved the recommendations of the professional staff members of the Department of Education. Any complaints made directly to the Board were routed through the committee of the department which in turn made its recommendations through the committee of the Board.

\textbf{The superintendent's report at Board meetings}

As noted above, at the meeting of April, 1956, a revision was made in the order of business, placing the superintendent's report before old business and new business. At the same meeting the president announced that he was assigning particular items of the superintendent's report to certain members of the Board. The assignment of an item to a Board member or members followed a pattern, being connected with the member's committee activities. For example, an item on annexations or transfers of territory under the several sections of the law were assigned to the members who served on the committee on annexations and mergers.

According to the president, he hoped, through this procedure, that the members assigned to study the several items in the superintendent's report would be able to discuss them when they were brought before the

\textsuperscript{43} Minutes, January 1956 meeting, p. 26.
Board for action. At each meeting when the superintendent made a recommendation on some particular matter the Board member, or the chairman of the committee, to which the item had been assigned would usually approve the recommendation, whereupon the Board would take action upon it. This procedure became a rather fixed order of handling the superintendent's report. Since the Board members received the superintendent's report along with the minutes of the last meeting, it became accepted procedure to dispense with the reading of the report and for the Board to take whatever action was needed.

Handling communications to the department

The volume of communications to the Department of Education increased with the passing months. At the first two meetings the superintendent brought before the Board any communications addressed directly to the Board, or those addressed to the department, that he felt needed to be called to the attention of the Board. At the meeting of March, 1956, he reduced the number of communications brought before the Board. He stated that the professional staff of the department had answered those letters that pertained to technical matters within their areas of responsibility. Communications requiring the attention of Board members were, however, presented to the Board.

The agenda for the following month carried an item that read "Report on Other Communications," which was a summary of communications that had been handled by the professional staff. These reports were

Minutes, April 1956 meeting, p. 1.
declared received and they were ordered to be filed, a procedure that was repeated in succeeding meetings. The procedure for handling communications brought before the Board was to have them read and then assigned to a particular committee for recommendation and action. This system became accepted practice, although no formal rule was adopted in this regard.

The miscellaneous rules discussed above were of a rather permanent nature and so were integral parts of the operations of the Board. There were other rules adopted but they were of a transitory nature and were excluded in this discussion. In summary, the development of a set of rules of procedure was an important accomplishment for the Board; most of these ground rules had been agreed upon at the first meeting. It was at this same time that Board members took steps to solve the crucial problem of the selection of a superintendent to guide them and advise them through the manifold operations they would be called upon to perform.

The Selection of a State Superintendent

The selection of a state superintendent of public instruction, who would also be the secretary of the Board, proved to be one of the most difficult assignments given to the Board. Section 3301.08 of the Revised Code of Ohio provided that

The state board of education shall appoint the superintendent of public instruction, who shall serve at the pleasure of the board and at a salary to be determined by the board but not to exceed the salary of the governor.

The wording of the law seemed to be clear and definite. The Board eventually selected a superintendent and fixed his salary only to find that there were other provisions of law which had to be taken into account.
Criteria for selection of a superintendent

At its first meeting the Board established a personnel committee of five members which was directed to establish criteria for selecting a person to be the superintendent of public instruction. The criteria or standards were to be presented to the Board at the next meeting, February, 1956. The president invited the various members to submit as many nominations to the committee as they wished. The incumbent superintendent, R. M. Eyman, was not to be excluded as a nominee.

At the next meeting the report of the personnel committee on criteria for the selection of a state superintendent of public instruction was adopted. The first part of the report called attention to the responsibility entrusted to the Board for the progress of education in the state. The personnel committee stated that there were many problems that had to be dealt with, some of them of emergency proportions. The committee believed that these problems would be "the direct responsibility of the man to whom this board will entrust much of its power and all of its support." Further elaboration was made of the kind of man sought by the Board:

That man, who will hold the title "Superintendent of Public Instruction," will be the chief educational officer of the State of Ohio and the chief hope of the people of Ohio for leadership toward an educational system strong enough, virile enough, far­sighted enough to meet the immediate challenge of these changing times and to prepare Ohio's youth for its place in tomorrow's society.

... Selection of such a man is the immediate duty of this board. The position exists. The man who fills it will meet certain qualifications, among them, these:

1. He will be of such stature and reputation as to command the respect of educators throughout Ohio and the United States with at least a Masters degree and preferably a Doctorate.
2. He will have demonstrated skill, energy, and vision in introducing and carrying out effective programs for the welfare and continuous improvement of the schools under his supervision, and have had practical experience as a teacher and public school administrator.

3. He will have the courage to experiment with new processes, methods and facilities, the fortitude and tact to meet opposition, and the judgment to proceed soundly, with a practical understanding of the value of public money.

4. He will be capable of attracting outstanding personnel, of inspiring leadership in all departments under his jurisdiction, and of the efficient delegation of authority to assistants.

5. He will understand thoroughly the public nature of his responsibilities and must be willing and able to work with legislators and public officers and to establish sound working relations with the agencies of public information.

6. He will have a talent for directing research, and for making intelligent evaluation of the results.

7. His age and health should be such that a substantial period of energetic leadership may be expected.

8. He will be a man dedicated to the highest ideals of the education profession who understands the tremendous social responsibility this high office places upon him. He will realize fully the vital importance of the job he is undertaking. He will look upon it as an opportunity to exert national leadership in educational progress and to make a permanent and lasting contribution to the well being of the young people and therefore the future of the State of Ohio and nation.

It will be the prime endeavor of the Board to secure the man for this position, wherever he may be found.

The starting salary will be $20,000 per year. After adoption of the criteria the Board also approved a statement of policy that concerned the relationship between the State Board of Education and the superintendent of public instruction. The principal thoughts expressed were that the Board’s function is basically that

Minutes, February 1956 meeting, pp. 13-1h.
of policy determination and that matters of administration are the responsibility of the superintendent.⁴⁶

Next the personnel committee recommended and the Board approved a set of procedures to be followed in selecting a superintendent. The steps were as follows:

1. The state Board of Education will welcome suggestions and informal nominations from all sources. Suggestions may be made to any member of the Board, to be transmitted by them to Charlton Myers, 133½ E. Center Street, Marion, Ohio, Chairman of the Personnel Committee.

2. The Committee will solicit from all persons whose names are suggested biographical and other pertinent information. In so soliciting, the Committee will give assurances that the furnishing of such information does not constitute an application for the position, and that the fact of furnishing such information as well as the content will be considered confidential.

3. On the basis of the information furnished and after other inquiry, the Committee will select those with outstanding qualifications.

4. This group will be interviewed personally by the Committee.

5. With the knowledge and permission of those selected, the Committee will solicit the opinions of educators, community leaders, and others.

6. The Committee will visit communities in which individuals under consideration have served, or are now serving, to evaluate them in terms of educational achievement.

7. The Committee will then bring to the Board for the Board's ultimate decision, the names and qualifications of not less than three outstanding persons.⁴⁷

The original statement of the personnel committee was modified in two places. The word "individuals" was substituted for "men" in

⁴⁶ See below p. 313.

⁴⁷ Minutes, February 1956 meeting, pp. 15-16.
statement number 6 so as to include women, and statement number 7 was modified to read that three candidates would be chosen instead of three to five.\textsuperscript{48}

When asked how long it would take to do the job of submitting a final slate of candidates, the chairman of the personnel committee answered that he thought it would probably be done by next summer. The committee thus set its sights on completion of the assignment by June, 1956.

The search for a superintendent

The quest for the best man as state superintendent was intended to cover the nation if need be. The chairman of the personnel committee was of the opinion that there would be few formal applications sent to the Board.\textsuperscript{49} The salary was to be $20,000 but the Board was ready to offer $25,000 in 1957 when the governor's salary was to be increased to $25,000.

According to the president of the Board, the selection of a superintendent was the most important job facing the Board. He further believed that the superintendent should be the highest paid school man in the state.\textsuperscript{50}

Speculation as to the identity of the new superintendent began almost immediately after the first meeting of the Board. The names of

\textsuperscript{48} Personal observations, meeting of February 1956.

\textsuperscript{49} Columbus Evening Dispatch, February 15, 1956.

\textsuperscript{50} Ibid., February 21, 1956.
the superintendents of some of the largest cities in the state, --
Columbus, Canton, Akron, Springfield, -- were mentioned. Included also
was the name of the superintendent of schools of Milwaukee, Wisconsin. 51
One Board member submitted a list of eleven people to the personnel com-
mittee. Seven of these were residents of Ohio, the remainder from out
of state. 52

At the meeting of March, 1956, the chairman of the personnel com-
mittee reported that fifty-five names, including the name of one woman,
had been submitted to the committee. The chairman said that nominations
would continue to be accepted and that around the first of April the com-
mittee would assume that all of the names of potential candidates would
be on file. 53 In April the chairman of the personnel committee was quoted
as saying that letters had been sent to about seventy prospects. These
people were asked to send biographical data for the committee's consider-
ation. They were further informed that the data would be kept confiden-
tial but that the fact of sending the data would not constitute an appli-
cation for the job of state superintendent. Answers to the letters were
expected within a month and a final list of candidates would be ready for
the Board at the meeting in June. 54

At the meeting of May, 1956, the chairman of the personnel com-
mittee stated that the committee was proceeding with its duties.

51 Ibid., January 13, 1956.
52 Ibid., February 16, 1956.
53 Minutes, March 1956 meeting, p. 4.
54 Columbus Evening Dispatch, April 18, 1956.
Ninety-five individuals had been recommended for the position of superintendent, and the committee had already interviewed twenty of these. The chairman further reported that prior to the meeting in June the committee would invite a limited number of prospects to be interviewed; Board members would be notified of the time and place so they could attend. The chairman believed that at the June meeting the Board would have sufficient information to make a final selection.55

The Board delays choice of a superintendent.—The hope that a new superintendent of public instruction would be chosen at the meeting in June was not fulfilled. The minutes of that meeting simply stated that the chairman of the personnel committee wished to advise the Board that it was making progress in its duties. There was a great deal more to the story than the committee's report.

According to plan a number of individuals were invited for interviews on June 11. Apparently the Board had intended to conduct the interviews in private and to keep the names of the individuals confidential. A week before the date for the interview, however, the names of the individuals were given to the press by the chairman of the personnel committee.56 According to the president, the names were divulged because there had been a leak on the Board which made it necessary to make the

55 Personal observations, meeting of May 1956. The minutes of May 1956 record only the fact that a progress report would be made. The Ohio Education Association reported that the committee expected to submit its list of three persons to the Board at the June meeting. See "Special Report, State Board of Education Meeting, May 14-15," Ohio Education Association, Columbus, Ohio.

56 Columbus Evening Dispatch, June 5, 1956; also Columbus Citizen, June 5, 1956.
The six people interviewed were: E. L. Bowsher, superintendent of schools, Toledo, Ohio; Edward E. Holt, superintendent of schools, Springfield, Ohio; Harold E. Eibling, superintendent of schools, Canton, Ohio; Orville E. Hill, superintendent of schools, Cleveland Heights, Ohio; Paul A. Miller, superintendent of schools, Syracuse, Ohio; and R. M. Eyman, the acting state superintendent of public instruction.

The first suggestion that the personnel committee had encountered difficulties in carrying out its assignment was a press story that quoted the chairman of the committee as saying "board members will be free to consider other individuals if it [sic] chooses." Apparently the personnel committee had narrowed the selection of a superintendent to the six people who had been interviewed. At least it may be said that these six people were the strongest candidates. A Columbus newspaper reported that some influential members of the Board were dissatisfied with the list. There followed an announcement by the president of the Board at the opening of the meeting in June that the Board probably would not consider the appointment of a superintendent at that session.

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57 Interview with Mr. Manchester, November 9, 1956.
58 Columbus Evening Dispatch, June 5, 1956.
59 Columbus Citizen, June 5, 1956.
60 Columbus Citizen, June 11, 1956.
61 Ohio State Journal, June 12, 1956; see also the Columbus Citizen, June 11, 1956.
According to Mr. Manchester the superintendent was not chosen for the reason that the persons on the final list submitted by the personnel committee were not persons of enough stature to command the attention and respect of the city superintendents in Ohio. The person the Board wanted was one who would have enough stature to stand above all the educational administrators of the state. In the opinion of Mr. Manchester, it was a mistake to publicize the final list of candidates because there were some other men who refused to have their names appear in print for personal reasons. These people either felt that they would lose prestige if they were not selected, or they did not want it known that they were being considered for the position. 62

The disagreement among Board members was clearly evident at the meeting in July when five of them voted against a proposal to grant an extension of time to the personnel committee to continue its assignment. The chairman of the committee reported that the task assigned the committee was not completed and that the committee would not be in a position to make a final report for some time. He estimated that another six months would be needed. One of the dissenting members said that the committee had done a good job and he did not mean to imply any lack of confidence in it; however, he believed the Board had an obligation to the people of the state to come to a decision on this matter. He charged the Board with being derelict in its duty and he opposed any further delay. 63 The Board, however, approved an extension of time and directed

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62 Interview with Mr. Manchester, November 9, 1956.

63 Minutes, July 1956 meeting, p. 11
the committee to report on or before January 1, 1957. Immediately following this action the Board approved an increase in salary of $5,000 for Mr. Eyman, the acting superintendent. 64

Political charges are made.—No further official information came from the Board to explain why a choice was not made from among the names submitted by the personnel committee. The five members who voted not to extend the committee's time were apparently ready to make a choice. Whatever factors were involved were not made known.

As noted above the chairman of the personnel committee was reported to have said that members of the Board would be free to consider other individuals, not restricting the choice to one of the people on the final list. Several inferences might be drawn from this statement: (1) None of the six people on the list possessed all the qualifications desired by the majority of the Board. (2) Factors other than merit were involved. Several newspaper reports carried possible explanations.

One reporter wrote that a high proportion of members of the Board were Republicans. He said that the president favored two of the six people, Mr. Eyman and Mr. Bowsher. Both of these individuals were reportedly Democrats. Mr. Eyman was a political appointee. The reporter stated that certain Republicans on the Board favored Mr. Holt of Springfield, a known Republican. 65 The same reporter several days later wrote that the president of the Board was of the opinion that Republicans

64 Personal observations, meeting of July 10, 1956. See also Columbus Evening Dispatch, July 11, 1956.

65 Columbus Citizen, July 2, 1956.
"on the outside" were opposed to picking a Democrat as superintendent. Another member of the Board was quoted as saying that politics ought to be considered since the new superintendent would have to deal with a Republican legislature.\(^66\)

With the Board having differences of opinion on the man to be selected as the superintendent it was evident that there would be no unanimous choice for the job.\(^67\) Up to this point the Board had acted with remarkable unanimity in the many decisions it had made. The suggestion that a person not on the original list of six be considered seemed to point the way to a resolving of differences so that unanimity could be maintained.\(^68\) The superintendent of schools of Milwaukee, Harold S. Vincent, a former superintendent of schools in Ohio, was mentioned as a possibility. According to one reporter there was talk among Board members at the July meeting concerning the selection of Mr. Vincent. It was said that Mr. Vincent was not "immediately for hire" because the Milwaukee board of education was reluctant to release him from his contract.\(^69\)

The subject of Mr. Vincent's release from his contract with the Milwaukee board and the decision of the State Board of Education of Ohio to extend the time of the personnel committee seemed to be related. That the Board had arrived at some course of action seemed to be supported by


\(^67\) The idea of a unanimous choice was reported in a news story in the *Columbus Evening Dispatch*, July 5, 1956.

\(^68\) *Ohio State Journal*, July 10, 1956.

\(^69\) *Columbus Evening Dispatch*, July 10, 1956.
other events. Agendas for the meetings of August, September, and October did not include a report from the personnel committee in the order of business. The minutes carry no record of the committee making a report, not even a report of progress. On the eve of the Board meeting in September a newspaper article reported that the appointment of Mr. Vincent had been agreed upon. To further confuse a somewhat puzzling situation the president of the Board revealed to a newspaper reporter that the Board would not take any formal action on the appointment of a new state superintendent until the meeting in December. Such was not the case as the actions of the Board at its November meeting proved.

The Board appoints a superintendent.—As the first item of business at the meeting of November, 1956, the Board unanimously approved the resolution presented by the chairman of the personnel committee to employ Harold S. Vincent, superintendent of the Milwaukee public schools, as the state superintendent of public instruction in Ohio. The minutes do not show that the committee had presented a list of candidates from which the Board was to make a choice. According to a newspaper report, the Board had interviewed Mr. Vincent in the afternoon preceding the Monday evening meeting. The decision to hire him had been made prior to the official meeting; the Board, of course, had to go through the formalities for the record. The resolution of appointment read as follows:

BE IT RESOLVED, That Dr. Harold S. Vincent of Milwaukee, Wisconsin, be and hereby is appointed to the position of Superintendent of Public Instruction for the State of Ohio,

70 Fostoria (Ohio) Review Times, September 10, 1956.

71 Columbus Evening Dispatch, September 12, 1956.

72 Ibid., November 13, 1956.
at any annual salary equal to the maximum allowed by law at the time of assumption of his duties, with such increases from time to time thereafter as may be permitted by law and granted by the Board, such appointment to be effective as of July 1, 1957, it being the intent and pleasure of the Board that such appointment be for a period of five years, provided however, that his appointment is made subject to a satisfactory release from his present contract with the Board of School Directors of the city of Milwaukee, Wisconsin.73

Thus, it was thought, ended the search for a superintendent.

The personnel committee was dismissed. To obtain Mr. Vincent the Board had had to offer him the maximum salary permitted by law, and the Board had also had to agree to let Mr. Vincent complete his tour of duty at Milwaukee for the 1955-56 school year. Mr. Vincent's acceptance of the contract meant that he had assurance that the employing school board in Milwaukee would release him from his contract, which was effective until July, 1958. The release soon followed as the Milwaukee board on November 19, 1956, agreed to terminate his contract on June 30, 1957.74 Unfortunately, Mr. Vincent did not serve a day as superintendent of public instruction of the state of Ohio, although he made preparations for assuming the post by attending some of the Board meetings in the ensuing months.

Mr. Vincent is released from his contract.--Prior to the meeting of February, 1957, Mr. Vincent wrote a letter to the Board asking that he be released from his contract.75 Two constitutional provisions appeared to cloud his status: (1) a provision that all public officials in Ohio

73 Minutes, November 1956 meeting, p. 2.

74 Columbus Evening Dispatch, November 20, 1956.

75 Minutes, February 1957 meeting, p. 40.
must be qualified electors as established by a year's residence in the state, and (2) a provision that the legislature must determine the salaries of public officials. The legal status of the office of the superintendent of public instruction in Ohio was not clear. Was he an employee of the Board, or was he a public officer? The question before the Board was whether or not it could hold Mr. Vincent to his contract. Board members hoped that some clarification could be made of the constitutional provisions to resolve the problem in the Board's favor.

The president of the Board believed that the constitutional provisions did not pertain to the superintendent. He held that the Board was given the power to employ a superintendent, and this officer was not to be classified as a public official as were the members of the governor's cabinet. The Board was also empowered to fix the salary of the superintendent. If the superintendent were a public official, then the legislature unwittingly had made an error in granting the Board authority to fix the salary of the superintendent. By indirection the Board learned that the attorney general of Ohio believed that there was no way that the Board could hold Mr. Vincent to his contract. Mr. Vincent had already said that even if the attorney general ruled that he had been hired legally, his eligibility as superintendent could be challenged in

\[76\] Art. XV, Sec. 4.

\[77\] Art. II, Sec. 20.

\[78\] The Cincinnati Enquirer, February 10, 1957.

\[79\] Minutes, February 1957 meeting, p. 41.
Mr. Vincent believed his position, in view of the constitutional limitations, was untenable.

A further fact forced the Board to take action. The Milwaukee school board offered to restore Mr. Vincent's contract but set a deadline of March, 1957, for him to make a decision. The Milwaukee board also offered him an increase in salary. Since Mr. Vincent maintained that an attorney general's opinion would not satisfy him and since that officer had already stated that the Board could not sustain the contract, the Board decided to grant Mr. Vincent a release from his commitment. This action of the Board was decided upon at one of its private sessions in a Columbus hotel, a fact that brought a great deal of criticism from the press.

The release of Mr. Vincent raised anew the problem of searching for a person to fill the position of state superintendent of public instruction. The constitutional limitation made it necessary that the Board's choice be an elector of Ohio.

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81 Minutes, February 1957 meeting, p. 41.


83 Minutes, February 1957 meeting, p. 41.

84 The tone of these criticisms is represented by an editorial in a Dayton newspaper: "Exactly where the board's problem lies is not easily determined. It is hidden from public view during secret sessions and smoothed over in official handouts." Dayton Daily News, February 15, 1957. See also Sidney Daily News, February 14, 1957; Delaware Gazette, March 14, 1957; Cleveland Press, March 14, 1957; and the Akron Beacon Journal, February 23, 1957.
The Board appoints a new superintendent

The Board reactivated its personnel committee at the meeting of March, 1957. Within twenty-four hours the committee made a recommendation which was accepted by the Board and Ohio had a new state superintendent. Two factors made a swift choice possible and imperative. In the first place, the committee had only to review its list of outstanding educators in Ohio, which had already been reduced to five individuals. Secondly, the Board was under strong criticism in the legislature, and it needed to restore its prestige among members of that body. The swiftness of the Board's action in appointing a superintendent apparently influenced the House education committee to cease consideration of two bills -- Senate Bill 437 and House Bill 302 -- that provided for replacement of an elected board with an appointed board. Thus the chance of a "ripper bill" being approved in the 1957 session of the legislature was practically eliminated.

The March, 1957, minutes of the Board contain the report of the personnel committee in regard to the selection of the new superintendent. The chairman stated that the personnel committee was reactivated to recommend an individual for the position of superintendent of public instruction. The committee met and "unanimously agreed" to explore the availability of Edward E. Holt, the superintendent of schools of Springfield, Ohio. Mr. Holt was informed that the salary and term of office of the prospective superintendent were to be determined by the legislature. Mr. Holt agreed to accept the job under the circumstances mentioned. The committee recommended the appointment of Mr. Holt "effective

when the salary and term of office have been provided by law." The Board unanimously approved the recommendation and Mr. Holt seemed likely to be the new state superintendent of public instruction.

Meanwhile, in the legislature, Senate Bill 175 was enacted fixing the salary of the state superintendent of public instruction at $25,000. This was followed by an official act of the Board at its meeting in May, 1957, declaring Mr. Holt the state superintendent of public instruction, effective May 16, 1957.

On May 13, 1957, R. M. Eyman, the acting state superintendent of public instruction, formally resigned. In his letter Mr. Eyman pointed out that his original appointment as director of education and state superintendent of public instruction was for a term beginning September 15, 1954, and ending August 15, 1957. When the State Board of Education assumed its responsibilities in January, 1956, he said that he had agreed to relinquish the position whenever the Board could secure a superintendent of its own choice. Since the selection had now been made, he was submitting his resignation. He stated that his resignation was based upon two factors: (1) that he wished to be relieved of some of the major responsibilities in regard to the problems facing the Board, and (2) that he wished to see the Board have a free hand in planning its own program of education for the state and in reorganizing the State Department of Education. The Board accepted his resignation.

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86 Minutes, March 1957 meeting, p. 36.

87 Minutes, May 1957 meeting, p. 3. Mr. Eyman at no time raised the issue of whether he could continue in office until his original appointment expired. There may have been a legal question involved in the succession to the office.
In tribute to Mr. Eyman the Board passed a resolution that expressed the gratitude of the members:

for the manner in which he helped and counseled this State Board of Education through its formative stages; for his enduring patience; for his unfailing good humor; for his unswerving devotion to the cause of education in Ohio....

After this resolution the Board formally appointed the new superintendent, Edward E. Holt, at an annual salary of $25,000 as fixed by the legislature, for a five year period, effective May 16, 1957. The appointment was unanimously agreed upon. The oath of office was administered on May 16 by the chief justice of the Ohio Supreme Court.

Mr. Eyman was retained as an assistant superintendent of public instruction for a period of one year at his existing salary. His appointment was recommended by the new superintendent and agreed to by the Board at its meeting of June, 1957.

Summary

With the appointment of a superintendent of its own choosing the Board had made great progress in its goal of developing a plan of internal organization for conducting the business of the Board. It had established and refined a set of rules of procedure; it now had an executive secretary of its own choosing. The Board, in the meantime, had been carrying out the responsibilities assigned it by the legislature. It had already established certain relationships between itself

88 Minutes, May 1957 meeting, p. 4.
89 Minutes, May 1957 meeting, pp. 4-5.
90 Minutes, June 1957 meeting, p. 2.
and other governmental agencies. These relationships demonstrated how inextricably the affairs of education are tied in with the complex of state government.
CHAPTER VI

BOARD RELATIONSHIPS WITH GOVERNMENTAL AND NON-GOVERNMENTAL AGENCIES

The State Board of Education is an agency of state government. The Board has been given all the responsibilities for administering public education in the state that had once rested with the state director of education.

This officer had been a member of the governor's cabinet. The Board, no less than the director, now would be responsible for the administration of educational affairs within its jurisdiction. As an agency of state government the Board found that several of its activities were limited or controlled by other state agencies. These relationships with state agencies were both formal and informal in nature. In some cases the relationships that existed between the Board and state agencies were fixed by statute. With certain other governmental agencies the Board established voluntary relationships. Though the Board could protest against the legal restrictions that forced it to operate through certain state agencies, it, nevertheless, had to conform to the law process. In the case of the remaining agencies, both governmental and non-governmental, the Board was free to establish whatever kinds of relationships it wished.

As a first step in describing the position occupied by the Board in state government and the process it had to follow in working through other agencies, a brief explanation should be made of the
organization and functions of the Department of Education as it existed in January, 1956, when the Board first assumed its duties. For comparative purposes and for evidence of the Board's aims for education in the state, the reorganization scheme approved by the Board for the Department of Education is outlined. The hopes of the Board for reorganization of the department were quickly dashed in the 1957 session of the legislature when the appropriation made to the Board for the operation of the department was insufficient to carry out the plan.

The Administrative Organization of the Department of Education

Organization of the Department Prior to the Establishment of the Board

The Department of Education previous to January, 1956, as shown in Figure 1, consisted of the director of the department, also called the superintendent of public instruction, and a professional and a clerical staff. The director-superintendent was appointed by the governor. He was responsible for administering the educational program of the state, aided by his staff. Next in line of authority was an assistant superintendent of public instruction. There were thirteen divisions of the department, with a person in charge of each. The chiefs of the divisions, except the superintendents of the state schools for the blind and deaf and the chief of vocational rehabilitation, reported directly to the superintendent or to the superintendent through the assistant superintendent. Mr. Eyman, in a pamphlet distributed by the department, expressed his point of view in regard to the Department of Education and its functions:
DEPARTMENTAL ORGANIZATION CHART

STATE DEPARTMENT OF EDUCATION

STATE SUPERINTENDENT OF PUBLIC INSTRUCTION
AS DIRECTOR OF EDUCATION
ASSISTANT SUPERINTENDENT

VISUAL EDUCATION

SPECIAL EDUCATION

SCHOOL FOR DEAF
SCHOOL FOR BLIND
FILM CENSORSHIP

SCHOOL FOR DEF 
SCHOOL FOR BLIND
FILM CENSORSHIP

SCHOOL FOR DEF 
SCHOOL FOR BLIND
FILM CENSORSHIP

THE SCHOOLS OF OHIO
The State Department of Education is primarily a state service organization. Its functions or duties have been established by acts of the General Assembly from time to time. Its chief responsibilities are to give impetus to the improvement of educational opportunities in the state and to administer the distribution of state funds as provided by law.¹

The description by the superintendent probably was not intended to minimize the regulatory functions of the department. The major functions of the various divisions are briefly described below.

**The division of elementary and secondary education**

This division was headed by an officer called a director. The director was charged with the responsibility of the supervision of the elementary and high schools in the state. Supervisory services were also extended to private and parochial schools. The schools were visited regularly for purposes of chartering, accrediting, or evaluating them. The division was also responsible for the development of administrative standards for all schools and for the preparation of many types of educational bulletins, pamphlets, curriculum guides and interpretations. Services of the supervisors were available to school, community, and civic groups for workshops, group meetings, and work on educational problems of any kind. Special services of the division were made available in the areas of health and physical education, music, industrial arts, business education, narcotics education, and conservation. The division also cooperated with eight colleges and universities in the preparation of teachers of driver education.

¹"Your State Department of Education and Its Services to You." The State Department of Education (Columbus, Ohio: The Department, August 1, 1955).
Division of school finance

The major function of this division was the distribution of funds appropriated by the legislature for state support of public schools to the various school districts. The director was also responsible for the distribution of state assistance for the purchase of school buses, repairs and improvements to school buildings, and construction of school buildings in districts of low tax resources.

Division of teacher education and certification

This division, headed by a director, had two major responsibilities: (1) prescribing programs for teacher education and (2) issuing certificates to those who satisfactorily completed prescribed patterns of teacher preparation. The director was responsible for the supervision of programs for teacher preparation in the forty-eight Ohio colleges that participated in teacher education. The director also administered a fund for scholarships, established by the legislature in 1955, for giving financial assistance to students preparing to teach in the public elementary schools of the state.

Division of audio-visual education

Under the supervision of a director this division offered professional services to schools in establishing and maintaining audio-visual programs. The division provided free film and slide services to Ohio public schools. The director and his staff organized and staged demonstrations, and held clinics and conferences over the state. The division serviced the schools from a large library of audio-visual materials maintained at Columbus.
Division of special education

The chief functions of this division were to give professional assistance to schools in establishing educational programs for the handicapped children, and to establish criteria for these programs to determine the eligibility of school districts for state aid for special education from the fund appropriated by the legislature. Aid was also provided for the education of those children in hospitals and convalescent homes and children who remained at home because they were physically unable to attend school. The division also offered services in the area of psychological testing and counseling.

Division of the School for the Blind

This school was operated by the State Department of Education under the direction of a superintendent. The school was open from September to June and the program was similar to that of the public schools except for supplemental specialized courses common to schools for the blind.

Division of the School for the Deaf

The School for the Deaf, like the School for the Blind, was operated by the State Department of Education under the direction of a superintendent. The program included two preparatory years, an eight year elementary program, and a four year high school. The school was open from September to June.
Division of vocational education

The chief function of this division was to help local boards of education set up programs of vocational training in the fields of agriculture, distributive education, home economics, and trade and industrial education. Because of federal assistance and regulation, an ex officio State Board of Vocational Education was established to administer the program for vocational education. The program also included services to out-of-school youth and adults.

Division of vocational rehabilitation

This division was established to aid disabled adults in Ohio to prepare "for paying jobs as well as job placement." Under the supervision of a director this division provided vocational advice and guidance, physical restoration, and vocational training to individuals.

Division of the Ohio State Library

The state library was detached from control of the State Department of Education at the same time that the State Board of Education was established. The state library now exists as an independent state agency, although its members are to be appointed by the State Board of Education.

Division of public school lunch program

The state of Ohio participated in the national school lunch program and the special school milk program. These were administered in the state by a supervisor in the Department of Education who determined the eligibility of the schools to receive federal funds for the lunch and
milk programs. The supervisor was also responsible for seeing that federally-donated food surplus commodities were distributed.

**Division of surplus property utilization**

Federal surplus property other than food was also distributed through the State Department of Education with responsibility for the program assigned to a director. Any public, private school, or health institution — now widened to include civil defense agencies — could obtain surplus property upon certification of need and effective use.

**Division of scholarship tests**

A regular program of diagnostic testing and measuring achievement for proficiency of pupils in practically all subjects from the second grade through the twelfth grade was provided through the division of scholarship tests. Annually, the following tests were administered: First and Second Every Pupil Test series, the Eighth Grade Achievement Test, the General Scholarship Test for High School Seniors, the Preliminary District-State Scholarship Tests, and the Final District-State Scholarship Test.

**Summary of the organization prior to the Board**

There was no distinction made as to the relative importance of the thirteen divisions of the State Department of Education as they existed prior to the establishment of the State Board of Education. All the directors and supervisors reported directly to the superintendent or to the superintendent through the assistant superintendent. The superintendent made policy as well as executed it. With the State Board of
Education, a new kind of organization was brought to the state educational agency.

Proposed Organization under the State Board of Education

At the January, 1956, meeting of the Board the superintendent was instructed to bring before the Board recommendations for changes in existing functions and activities.\(^2\) The first of several schemes of reorganization of the department was submitted by the superintendent at the meeting of March, 1956.\(^3\) At the next meeting, in April, the superintendent reported that the division directors were continuing to study the department's reorganization; however, he invited the Board to make a decision on the number of administrative areas and subdivisions.\(^4\)

At the meeting of June, 1956, the superintendent submitted a second scheme of reorganization to the Board, but this was referred to the committee on finance and personnel and to the department staff for further study.\(^5\) A third scheme of reorganization was presented to the Board at the meeting of September, 1956. The plan was a much more detailed one than the previous schemes. The plan was adopted for the purpose of preparing the budget requests for the 1957 regular session of the General Assembly. By law the budget request of the Board for the

\(^2\) Minutes, January 1956 meeting, p. 18.

\(^3\) Report of the Superintendent of Public Instruction to the State Board of Education, Ohio, March 12, 1956, pp. 3-7.

\(^4\) Minutes, April 1956 meeting, p. 19.

\(^5\) Minutes, June 1956 meeting, p. 7.
department and for the public schools of the state would have to be in the hands of the State Department of Finance early in November. The Board approved the plan of reorganization, but with the reservation that further study be made in order to revise "the relationships and lines of authority of certain elements of the Department prior to the effective date of the reorganization, July 1, 1957." Additions were made to this organizational chart at the meeting of October, 1956, to show the personnel required so as to determine more accurately the budgetary needs. This last chart indicated that the Board was ready to make some major changes in the organization of the Department of Education.

Figure 2 illustrates the reorganization scheme. Though the Board was unable to carry out the plan for reorganization because of lack of funds a brief description will be made of the proposed major changes. The plan will probably be put into effect by stages as funds are made available in future years. The proposed plan envisages an office of a superintendent and seven subordinate divisions.

Areas in charge of assistant superintendents

Three areas that may be considered as on the first echelon would be those of instruction, school administration, and research. An assistant superintendent would be in charge of each of these major areas.

Instruction.—Five major divisions would be established in the area of instruction: elementary and secondary education, vocational education, special education, pupil personnel, and audio-visual education.

6 Minutes, September 1956 meeting, p. 18.

7 Minutes, October 1956 meeting, p. 16.
FIGURE 2
PROPOSED REORGANIZATION OF THE DEPARTMENT OF EDUCATION

ORGANIZATION CHART
OHIO DEPARTMENT OF EDUCATION

STATE BOARD OF EDUCATION

PUBLICATIONS &
PUBLIC INFORMATION

LEGAL COUNSEL

SUPERINTENDENT OF PUBLIC INSTRUCTION
and
DEPUTY SPT. OF PUBLIC INSTRUCTION

REHABILITATION
SERVICE

SCHOOL FOR BLIND

SCHOOL FOR DEAF

SCHOOL FOR MAP

ASSISTANT SUPERINTENDENT
IN CHARGE OF INSTRUCTION

ASSISTANT SUPERINTENDENT IN
CHARGE OF SCHOOL ADMINISTRATION

ELEMENTARY &
SECONDARY EDUCATION

GENERAL EDUCATION
SUPERVISION

SCHOOL LIBRARY

TEXT BOOKS AND
OTHER TCH. MTS.

VOCATIONAL
EDUCATION

SUPREMINON OF
SPECIAL CLASSES
SERVICES TO THE
HANDICAPPED

SPECIAL
EDUCATION

SUPERVISION OF
SPECIAL CLASSES
SERVICES TO THE
EXCEPTIONAL CHILD

SCHOOL FINANCE

DEPARTMENT
DEBT & FINANCE

PERSONNEL

PROPERTY

MANAGEMENT

SUPPLY

DUPLICATING &
MAIL SERVICE

INSTITUTIONAL
LAUNDRY

SCHOOL AUDITS

INSTRUCTIONAL
LAB

SCHOOL BUSINESS
MANAGEMENT

TRANSPORTATION

FOREGOVERNMENT

PROGRAM

APPRAISAL OF
EDUCATION PROGRAMS

CERTIFICATION

DEGREE GRADUATE

SCHOLARSHIP

FOUR

SCHOOL PLANNING

BOND ISSUES AND
PLANT FACILITIES

NEW CONSTRUCTION

REHABILITATION

TRANSFER TERRITORY

ANNEXATIONS

SCHOOL ORGANIZATION

PROGRAMMING & PLANNING

FEDERAL ASSISTANCE

SCHOOL LUNCH

MILK PROGRAM

SURPLUS PROPERTY

UTILIZATION

REAL PROPERTY

PERSONAL PROP.

WAREHOUSING

THE SCHOOLS OF THE STATE OF OHIO

NOTE
The research area should function to improve the educational
program in Ohio through investigation and evaluation.
It will serve all other areas and divisions by providing such
specific information as is requested.
Each of these divisions would be placed under the direction of a director who would report directly to the assistant superintendent.

School administration.—In this area there would be four major divisions established: finance, school planning, higher education, and auxiliary services. The directors of these divisions would report directly to the assistant superintendent of this area.

Research.—The appointment of an assistant superintendent in charge of research would be an entirely new departure in planning for the reorganization of the Department of Education in Ohio. No detailed plan was formulated. A policy-statement was placed in the reorganization chart. This statement read:

The research area would perform the general function of improving education in Ohio through intensive investigation and evaluation in such subjects as school buildings, design and costs, curriculum, instructional methods and school finance.

The research area will serve all other areas and departments by providing such specific information as is requested. It will also investigate and execute its own programs. It will also coordinate, evaluate and in some cases assist the various research projects undertaken by other educational agencies throughout the state.8

Director of business and department management

This area would be placed under a director who would be responsible for housekeeping functions of the department. This part of the reorganization scheme also was an innovation in the organization of the department. The purpose seemed to be the grouping of business functions of the department and of responsibilities in respect to staff personnel problems in one division.

8 Minutes, October 1956 meeting, p. 18.
Bureau of vocational rehabilitation

This bureau, probably because of its unique functions, was projected as a separate unit. The bureau would be placed under a director.

State schools for the blind and deaf

A director or superintendent was to remain in charge of each of these schools. These two officers would occupy the same status as they had in the old organization.

Other staff positions

Staff assistants would be established as adjuncts of the office of the superintendent of public instruction. An office of legal counsel was projected. A public relations person would be in charge of publications and public information with some responsibilities in overall department planning. Plans were also made for an administrative assistant to the superintendent of public instruction.

Evaluation of the proposed reorganization

Notable in the plan was the reduction of the number of subordinates reporting directly to the superintendent of public instruction, from thirteen to seven. A second advantage of the scheme was the reorganization of the department on a more functional basis: related functions were grouped under assistant superintendents where possible. The proposed area of research was seen as a valuable service arm. The plan contained provisions for increases in the number of professional people on the staff, thus making possible the expansion of the department's services.
The superintendent and the State Board

The superintendent under the old organization

Under the old organization the superintendent was responsible to the governor, the official who appointed him. Section 4 of Article VI of the state constitution made the office of the superintendent of public instruction a constitutional one, a status accorded to only one other executive of the various departments of government -- the director of public works. He was responsible for enforcing the state school code. Within the broad framework of legislative intent the superintendent made and executed his own policies. A great deal of discretionary power was invested in the superintendent.

The new position of the state superintendent

Under the plan for the State Board of Education, the superintendent of public instruction became its executive officer; he was no longer the director of an executive department of state government. The new organization of the Department of Education required some definition of the relationships between the Board and the superintendent.

At its organizational meeting in January, 1956, the State Board of Education decided to retain all the persons then connected with the State Department of Education. The Board believed that it was necessary and desirable to do this for reasons of continuity of administration. The incumbent superintendent of public instruction was to act as the chief state school officer until the Board appointed a new one.

\[\text{Minutes, January 1956 meeting, p. 17.}\]
The superintendent asks for working relationships.—The superintendent from the outset attempted to have the Board establish some principles of working relationships between himself and the Board. The superintendent let it be known that he believed that

the successful operation of the machinery for public school education in a state depends to a large extent on the work relations that develop between a state board of education and its executive, the state superintendent.\(^{10}\)

A set of twelve suggested principles were presented to the Board at the meeting of January, 1956, but the Board decided to lay on the table the motion of one of its members to adopt the tentative basic principles.\(^{11}\)

The Board begins clarifying relations with the superintendent.—

At its first meeting the Board adopted a resolution whereby it delegated to the superintendent the management and administration of those functions imposed on the Board by law "until otherwise directed by the State Board of Education."\(^{12}\) This delegation of authority was merely a routine matter.

At the first meeting the Board demonstrated its unwillingness to allow the superintendent to exercise any authority in the Board's name unless the Board was aware of the specifics of the action. The president of the Board objected to giving the superintendent a "carte blanche" in signing official papers. The Board finally agreed that the superintendent should sign certain papers and documents that would enable him "to carry on the functions and duties as authorized by the

\(^{10}\) Eyman and Garofalo, "The State Board of Education in Ohio," p. 4.

\(^{11}\) Minutes, February 1956 meeting, p. 13.

\(^{12}\) Minutes, January 1956 meeting, p. 17.
resolution of the State Board of Education continuing personnel and policies of the State Department of Education.\(^{13}\) The Board, following the leadership of its president, was reluctant to move rapidly in giving the superintendent any discretion to act; the situation was aptly described by the president when he said that he was "jealous of the Board's position."\(^{14}\) Two explanations might account for this situation: (1) the Board intended to move cautiously in the early stages of initial organization, and (2) the superintendent was a holdover from a previous administration, a representative of a party that was now in the minority in the legislature, creating a condition where the Board needed to demonstrate that it was acting independently to gain the confidence of the leadership in the General Assembly.

A policy adopted in regard to the superintendent.--At its meeting of February, 1956, the Board adopted a statement of policy governing the relationships between itself and the superintendent of public instruction. The statement was drawn up by the personnel committee and approved by the Board in the form in which it was presented. The statement read:

1. The Board recognizes that its function is basically that of determination of policy.

2. The Board recognizes that administration is a separate and technical function, and that administration should be entrusted to a qualified superintendent and his staff.

3. The Board conceives of the position of Superintendent as one permitting great freedom of action within

\(^{13}\)Minutes, January 1956 meeting, p. 28.

\(^{14}\)Personal observations, meeting of January, 1956.
the area of administration, with broad opportunity for the initiation and development of a basic program of education for Ohio.

4. While the adoption of ultimate policy is the function of the Board, the development and presentation of goals and methods of achievement of them will be within the Superintendent's area of activity. The Board, while reserving its ultimate power of decision, will expect and be receptive to policy recommendations by the Superintendent.

5. The Superintendent will select and recommend his Departmental assistants and will be responsible for their activities.\(^\text{15}\)

No other official announcement was added to this statement within the year. In January, 1957, the Board reaffirmed and readopted the policy statement of February, 1956, concerning its relationships with the superintendent.\(^\text{16}\)

Superintendent's relations with Board not yet clarified.--The Board found it necessary to retain the incumbent superintendent of public instruction in that position until May, 1957. The Board, as noted above, had run into legal difficulties in naming its first superintendent. By the time a new superintendent had taken office in June, 1957, the Board had worked with the acting superintendent for nearly seventeen months. In this period of time the Board had seemingly operated with the notion that it would manage the educational affairs of the state as best it could, relying upon the counsel and leadership of the interim superintendent, but as soon as the Board was able to select a superintendent of its own choosing it would be a new situation. The development of the extensive committee system seemed to indicate

\(^{15}\) Minutes, February 1956 meeting, p. 15.

\(^{16}\) Minutes, January 1956 meeting, p. 35.
the reluctance of the Board to confine itself to its stated policy of determining basic policy. The work of some of these committees may be difficult to justify as being within the boundaries of policy determination.

In brief, the precedents established before the new superintendent took office may continue. The procedures adopted may be difficult to change. Probably the most significant and most subtle point of the whole situation is whether the Board has come to accept as permanent a point of view and procedure that was meant only to be a temporary expedient. The superintendent, as the Board visualized that person from the beginning, should have status and be recognized as the chief state school officer; he should command the respect and have the confidence of the Board that appointed him. The uncertain tenure of the acting superintendent made it difficult to give his office that high status. The precedents and attitudes that have arisen from this situation may influence the relationships of the Board and the superintendent for some time to come.

Relationships of the Board with State Level Agencies

Other important areas of relationships of the Board were established with the governor, the legislature, and other state level agencies.

Relationships with the Governor

The State Board of Education as an agency of state government in Ohio was established to minimize the influence of politics in the administration of the state's educational system. The Department of Education was established as an independent state agency. The chief
state school officer no longer sits in the cabinet of the governor. Members of the State Board of Education cannot be removed from office by the governor or the legislature for they are elected to the Board by the people of their respective districts. There is no provision in the present state constitution for recall of elective officers or elected members of state boards. It would seem that the State Board of Education has been placed beyond the direct influence of the governor.17 Because it is a state agency, however, the present Board found that it could not disregard the office of the governor, even if it wished to do so.

### Formal contacts between Board and governor

By law there were several formal lines of communication established between the Board and the governor. The Board had no choice but to comply in these matters.

**Annual report to the governor.**—The State Board of Education, according to Section 3301.07 of the [Revised Code of Ohio](https://www.ohio.gov/societal), must prepare and submit annually to the governor and the General Assembly a report on the "status, needs and major problems of the public schools of Ohio, with recommendations for necessary legislative action." The first annual report of the Board was made in January, 1957, containing nineteen recommendations for improvement of the state's educational system.

The annual report is meant to inform the governor of the needs of education in the state; however, he may choose to disregard the

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17While still in office Governor Lausche was reported to have said that the board was a fully autonomous and sovereign body over which he could exercise absolutely no control. See Sidney (Ohio) Daily News, January 4, 1956.
suggestions made. On the other hand, the influence of the governor in the legislature, since he is usually the political leader of the majority party in the state, can mean the difference between the success or failure of a legislative proposal. It may be argued that the legislature will act on a Board's suggestions without any comment from the governor. This apparently happened in the 1957 session of the legislature. The governor did not openly choose to approve or oppose any of the Board's legislative proposals.

The executive budget. — There was, however, one area, the budget, where the Board and the governor were not in harmony. Acting under the provisions of Section 3301.07 of the Revised Code of Ohio, the Board prepared and submitted to the director of finance the biennial budgetary request for the State Board of Education, for its agencies and for the public schools of the state. The Department of Finance, according to law, 18 prepared and reported the state budget estimates to the governor before the convening of the legislature in January, 1957. The governor in turn presented the executive budget to the legislature.

The Board was informed by the superintendent of public instruction that the governor's recommended budget for the Department of Education's operating needs was approximately 56 per cent of what the Board had requested for the next biennium, 1957-1959. The Board, in the light of its plans for expansion of services, had requested a total of $7,166,226 for its operating needs including both personal services and maintenance. The governor's budget called for a figure of $4,009,126 for operating expenses of the Department of Education. This sum, the

18 Sec. 125.04 of the Revised Code of Ohio.
superintendent reported, would barely be enough to continue the depart­mental functions on their present bases and would not make possible any of the planned expansions or proposed additional services. As for the governor's budget for the state school foundation program, the superintendent said that the Board's request to the Department of Finance, later revised in February, 1957, exceeded the governor's recommended appropriation by $8,585,000. The governor's recommendation for the biennium was $365,000,000. The superintendent added that if the legisla­ture followed its policy of the last two sessions, it would be forced to resort to deficit financing. In 1955, the legislature made a defi­ciency appropriation of $5,869,000 for the schools and in May, 1957, another such appropriation of nearly $21,000,000 was made.\textsuperscript{19} 

With the governor's budget in the hands of the legislature, the Board looked to the latter to remedy the situation. Members of the Board were critical of the governor's failure to recommend the funds they had asked for. Whatever reasons lay behind the governor's actions in this regard, the case in point is that the governor may use his budget­making power or his power to reduce the allotment of funds in any quarter to favor or hinder the operations of any department or agency in the state governmental structure.

The governor's consent to emergency rules.—On another occasion, as an example of interrelations of governmental agencies, the Board had to deal directly with the office of the governor to exercise its rule­making power. This contact with the governor was made necessary because the attorney general had questioned the validity of the existing rules

\textsuperscript{19}The complete report of the superintendent may be found in the minutes of March 1957, pp. 22-27.
and regulations for the certification of teachers. Since the adoption of new rules and regulations would require a great deal of time, the Board decided to follow the advice of the attorney general, requesting the governor to declare an emergency so that procedural rules prescribed by the Ohio Administrative Procedures Act could be suspended to permit the immediate adoption of the rules and regulations that had been in effect.  

The governor declared the emergency to exist and the Board adopted the old rules and regulations concerning teacher certification. The instance is noted to indicate a specific case where the State Board of Education found itself working through the office of the governor. There were other cases that involved informal relations with the governor.

**Informal relations of the Board and governor**

There are other situations where the power of the governor may be felt by the State Board of Education. These informal relationships are of significance.

**Governor's influence on public opinion.**—As the chief executive of the state the governor may be called upon to make a judgment about the operation of any agency of state government. The governor's remarks may be given wide publicity in the press throughout the state, thus his criticisms may influence public opinion. The present governor of Ohio, C. William O'Neill, a Republican, was quoted in a newspaper report as having said that the "present board has not accomplished what it should

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20 Minutes, September 1956 meeting, p. 7.

21 Minutes, October 1956 meeting, pp. 23-24.
and is unwieldy and ineffective."²² This remark brought an answer from
the Board's president who said that the governor is "absolutely wrong."²³
This exchange of remarks took place while the legislature was in session
and while the Board was under fire from the legislature for some of its
procedural policies. If the governor's attitude were to prevail, the
legislature, a majority of its members being of the same political party,
could follow his lead and change the composition of the Board from an
elected one to an appointed one, or anything else not prohibited by the
constitution.

A friendly governor is desirable.—The relations between the
governor and the State Board of Education is a matter of concern to both
of these parties. A step toward establishing good relations between the
governor and the present Board was taken at the meeting of April, 1957.
The governor had written a Republican member of the Board suggesting some
agreed policy on relationships between the governor and the Board. The
Board member made known this fact at the meeting; the Board president
answered that the Board was anxious to establish that kind of relation­
ship.²⁴ The minutes do not show if the initiative to establish relations
with the Board was taken by the governor or by the Board member who had
received the governor's letter. The attitude of the governor and the
Board president may be regarded as a sign that both parties recognize
that some understanding must be reached about the policies of the Board
and the state administration.

²² Columbus Evening Dispatch, March 7, 1957.
²³ Ibid.
²⁴ Minutes, April 1957 meeting, p. 2.
Relationships with the State Legislature

The very fact that the State Board of Education like the state legislature is an elected body raises some interesting questions. The legislature is the policy-making body for all the governmental affairs of the state. Members elected to the legislature are the representatives of the people from the political subdivisions of the state from which they are elected but also of the people-at-large. The twenty-three members of the State Board of Education, though elected from the Congressional districts of the state, are supposed to be representatives of the people-at-large. To the board the legislature assigns the responsibility of making policy for the management and control of the state's educational system within the broad lines laid down by the constitution and the legislature. The activities of the board, an agency established by constitutional provision, are governed by acts of the legislatures. Thus a situation has been created on the state level where members of the State Board of Education, elected by the people, receive their authority to carry out the educational function from another body also elected by the people.

Responsibility of a state board to the legislature

There is a question as to whom the Board or Board members are responsible. If the members are representatives of the people-at-large, they may not be able to represent specifically the people from

25 Senator Mosher, a prime mover of the elected State Board of Education in the Ohio senate, believes the Board is responsible directly to the people. See the editorial in the Oberlin News Tribune, March 14, 1957.
the district from which they are elected. Yet the people of a particular Congressional district are the ones who elect a particular member to the State Board of Education. In effect, the State Board, though elected, receives its instructions and authority from the legislature; furthermore, the nature and composition of the Board is subject to change whenever the legislature wishes it. The question of responsibility seems to be a moot one. The State Board of Education, it may be said, is a unique agency of state government.

The annual report as an instrument of control

One of the formal avenues of communication between the present Board and the legislature has been mentioned; this is the annual report. This report serves as a control device: the legislature may deduce from the description of the activities of the Department of Education the extent to which it is carrying out the duties assigned it by the legislature; the financial part of the report gives evidence of the kinds and nature of the expenditures of the department. The report informs the legislature where improvements are needed. This was seen in the legislative proposals made by the present Board in its annual report of January, 1957. The annual report thus served as a medium through which the Board gave evidence of leadership activities in the cause of education. The formal contact between the Board and the legislature through the first annual report served as a stepping-stone in the development of good relationships between the two state agencies.
The budgetary process as a control device

The State Board of Education unlike boards of education of city, exempted village, and local school districts of the state is not a taxing authority, nor does it make its own budget and appropriations. The funds for operation of the Board and the State Department of Education are appropriated by the legislature. The State Board of Education in addition to presenting a budget for operation of the Department of Education also presents a financial plan to meet the obligations of the state for the public school system. The dependence of the Board upon the legislature for its own operating funds makes it quite plain that the Board's independence is limited.

The appropriation power of the legislature.—An example of the legislature's control of the State Board's activities through use of the appropriation power occurred in the first attempt of the Board in the 1957 session to seek an increase in funds for operation of the Department of Education. When the executive budget did not contain the increases asked for, the Board hoped its case would be more generously treated by the legislature. This did not happen. The Board deliberated at some length on what to do.

When the finance bills were still being discussed by the finance committee of the House of Representatives, the superintendent of public instruction recommended that a request be made to that committee to increase the budget for obligations of the state for the public educational system for the first year of the biennium from $177,250,000 to $183,000,000. The superintendent believed that for the second year of the biennium the legislature, since it would be in session, would make a deficiency appropriation to satisfy the obligations of the state for the
schools in that year. For operation of the Department of Education, the superintendent stated that

a restoration of approximately $1,200,000 to our personal service . . . will be necessary in order to continue operations of the Department with the present personnel and the present areas of service, with some shifting of personnel and some mechanization of operations in providing central control of internal business and personnel management functions.

The superintendent pointed out that the budget allotment for the department's operating expenses as contemplated by the legislature would amount to very little more than the minimum personal service requirements.

Board criticism of the legislature.—The legislature was made aware of the attitude of the Board. This brought responses from some members of the legislature. A number of influential legislators charged that the State Board of Education was refusing to live within the budget approved by the legislature; that the Board regarded any effort of the legislators to earmark school funds for specific purposes, or to exercise some control over state school funds as a move to renege on the school foundation program, approved at the session of the legislature two years ago. The legislators also remarked that the Board sought to confuse rather than enlighten the legislature on school expenditures; that the Board had the attitude that the legislature's job was to supply the Board with the money it requested and not to ask further questions as to how the money was to be spent since the school foundation program established standards for spending the money.

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26 Minutes, March 1957 meeting, p. 25.

27 Cincinnati Enquirer, May 12, 1957.
Actually, the Board was not arguing the point of the budget for the school foundation program; no argument in that regard was necessary. The amount requested for the school foundation program was simply the result of applying the formula written into law by the legislature in its session of 1955. The Board's clash with the legislature concerned the appropriation for the operation of the Department of Education.

Statements on this account were made by two of the Board members at the April, 1957, meeting. Both members pointed out that the department had been given a great many duties to perform under amended House Bill 212 and Senate Bill 321, passed in the legislature's session in 1955. The legislature in 1957 passed new measures, specifically, Senate Bills 112 and 113, that placed further responsibilities upon the Board and the staff of the State Department of Education. The many jobs, they felt, could not be done without increased personnel and increased operating costs. The one member said:

I have no complaint with any of these bills until they are placed alongside H.B. 475 containing the Departmental budget. It makes no provision for expanded duties, services, personnel and corresponding operating costs.

Now unless the legislature can find the money to implement the program we will be faced with the dilemma of either running all the program on a scale to make it useless, or determining which of our fields of endeavor to bypass while we do a respectable job on others.28

The position of the Board was clearly stated. It could not give the school districts over the state the services proposed for them under Amended House Bill 212 and Senate Bill 321. The Board could not come "within a country mile" of enforcing standards for about 5,000 elementary and another 1,200 high schools and academies with the present

28 Minutes, April 1957 meeting, p. 12
force of four supervisors. Senate Bills 112 and 113 would require additional personnel to study and make recommendations for reorganization of school districts and to supervise and assist local school districts in constructing school facilities with state assistance. These duties could not be taken care of without more money and more personnel. The chairman of the Board's legislative committee also made it plain that the budgetary limitations would prevent the Board from giving services required by law.²⁹

The Board admits defeat on the budget.—In its troubles with the legislature the Board was not certain of what position it should take or how far it should go in trying to press the legislature to increase appropriations for operating expenses of the Department of Education. Several members wished to appeal to the people of the state. At the meeting of May, 1957, a resolution was offered to circulate a report of the Board's position to the people through the superintendents of schools in the state. The motion was defeated.³⁰ The Board chose not to carry the issue any further. The chairman of the Board's legislative committee was aware of the delicacy of the Board's position, observing that the presence of his committee in the legislature as a kind of lobby was imprudent. This situation, he believed, should not continue.³¹ As a policy-making body for the state's educational system the Board found itself in an undesirable position from which it quickly retreated.

²⁹Minutes, June 1957 meeting, p. 18.
³⁰Minutes, May 1957 meeting, p. 61.
³¹Ibid.
The legislature exercises control by statutory mandate.

Following established practices in state public administration the State Board of Education as a regulatory board is granted certain powers by the legislature to administer the legislature's policies in regard to the state's educational system. These policies are set out in broad outlines so that the Board may use its administrative discretion to set up policies of its own but within the confines of authority delegated it by the legislature. It is entirely within the province of the legislature to modify state policy on a particular subject whenever it wishes. This means that an act passed by the legislature may conflict with a policy set up by the Board, and when this happens the Board has to change its policy to be in accord with state law. The inherent danger in the situation is that if poor relationships exist between the Board and the legislature the latter, at its next session, could nullify any actions of the Board it wished. That the legislature can exercise this prerogative was demonstrated in the 1957 session of the legislature.

House Bill 903 and teacher certification.—One of the controversies the Board dealt with before the legislature convened in 1957 was the policy to be adopted for certification of teachers. The issue was one of standards for certification of teachers in non-tax supported schools. The authorities for these schools were in disagreement with the Board's position that all teachers in both public and non-public schools would have to possess a legal certificate for the work performed as shall be provided for non-tax supported schools in the Regulations Governing
the Certification of Teachers, Administrators, Supervisors
and School Employees in Pupil Personnel Service.\textsuperscript{32}

This was one of the standards for elementary schools adopted by the
Board at its meeting of February, 1957. The standard was to be effective
in the school year of 1959-60.

The Board felt that this standard was reasonable and workable
for all non-tax supported schools. The non-public school authorities
sought to have the legislature enact a law that would nullify this policy
of the Board. House Bill 903 would have gained them this end. The bill
provided for issuance of teaching certificates valid for teaching in
non-tax supported schools to any person who held a bachelor's degree
from schools approved by a national or regional accrediting agency and
from foreign schools approved by the Department of Education. To grant
this certificate would eliminate the methods courses for teacher
trainees required by the Department of Education for issuance of teacher
certificates.

The Board objects to House Bill 903.--The Board was determined
to avoid a system of double standards for certification of teachers in
the public and non-public schools. In an attempt to convey its atti­
tude on the proposed bill to the legislature the Board adopted the
following statement in regard to House Bill 903:

(1) It would establish by law, without discretion in the
Department of Education, the sole standards for granting cer­
tificates for teaching in non-tax supported schools, while
retaining in the Department its traditional discretion in
fixing certification standards for public school teachers in
the state. Such wholly different and inflexible rules for cer­
tification in non-tax supported schools would seem to be an
illogical and undesirable variation.

\textsuperscript{32}Minutes, February 1957 meeting, p. 37.
(2) It would tend to encourage others who may from time to time disagree with regulations adopted by this Board to abandon their efforts to convince us of our error, and adopt a course of non-compliance, while presenting a bill to the General Assembly seeking to reverse the Board's decision by operation of law.\textsuperscript{33}

The implications of the legislature's proposed action did not escape the notice of one editor who pointedly charged the lower house of the legislature with usurping the policy-making power of the Board. He described the House's action as "butting in on school policy." He maintained that the people of Ohio had voted in the Board to make policy on education in the state and they did not intend that the Board was to become an appendage of the legislature, subject to its passing whims. The action of the House, he felt, was bound to hurt the prestige of the Board.\textsuperscript{34} The president of the Board added another argument to the effect that the legislature had considered the problem for only a short time while the Board had pondered the question for a much longer period.\textsuperscript{35} The bill was enacted notwithstanding the protests of the Board.

Informal relationships between the Board and the legislature

On several occasions members of the Board appeared before various committees of the legislature. In the first week of the Board's deliberations, a delegation of the Board presented a request to a

\textsuperscript{33} Minutes, May 1957 meeting, p. 59.

\textsuperscript{34} \textit{Akron Beacon Journal}, May 23, 1957.

\textsuperscript{35} The president's remarks were quoted in the \textit{Ravenna Kent Evening Record-Courier-Tribune}, May 21, 1957.
legislative committee for a portion of the state bond issue money available for public building construction. The Board received no bond issue money but received instead a grant from the surplus in the state's general fund for aid to districts for constructing needed school buildings. The legislature also granted the Board $100,000 for research purposes.

The legislative committee of the Board met with legislative leaders in January, 1957, to discuss the procedure of introducing the nineteen proposals that the Board was making for improvements in the state's educational system. These bills were introduced and were followed through the legislature by the members of the legislative committee and the superintendent and some of his staff members.

On another occasion two members of the Board appeared before the House Education Committee in late March, 1957, when it was considering a bill to change the Board from an elected one to an appointed one. Charges were made against the Board for its conduct in regard to rules and procedures, especially the committee system. It was said that the Board had standing committees in violation of the law. The Board's position that it was not violating the standing committee prohibition was discussed by the chairman of the Board's committee on rules and procedures.36

The several instances of contacts between the Board and the legislature suggest that the effectiveness of the Board is related to the working relationships developed between itself and the legislature. The power that rests in the legislature to pass laws on state matters

36 Letter from Loren E. Souers, Jr., October 4, 1957.
and to appropriate money for subsidizing state programs makes the legislature paramount within state public administration. The Board's policy-making powers thus are subject to whatever restrictions the legislature chooses to place on them.

Relationships with Other State Level Offices

The state legislature assigns the many functions of state government to administrative departments or agencies established for those purposes. These regulatory functions affect or may affect all state officers and agencies; however, in some cases state officers and agencies simply exercise a service function. The State Board of Education in its first year of existence found that its operations brought it within the jurisdiction of several of these state officers and agencies. Board operations in some cases were very much influenced by these agencies. Some of these instances are described below. Potential relationships between the Board and these agencies are also described where possible.

Department of Finance

The Department of Finance has the power to exercise control over the financial transactions of all state departments, offices and institutions except the judicial and legislative departments. This function is accomplished by the department's prescribing and requiring a uniform system for invoice forms and forms for financial reports and statements, and by requiring financial reports and statements. Purchases of supplies, materials and equipment must be made through the department. The department supervises and examines the accounts and expenditures and receipts
of public moneys.\textsuperscript{37} It prepares and reports state budget estimates to the governor. The director may or may not approve or change the estimates of a department, save those of the legislative and judicial departments.\textsuperscript{38} The director approves the estimates of the quarterly needs of each agency and allots them funds from their appropriations accounts.

Three other agencies operating within the Department of Finance exercise special control functions over the financial transactions of the various agencies of the state government.\textsuperscript{39} These are (1) the Board of Control, (2) the Emergency Board, and (3) the Division of Capital Planning and Improvement. The two boards have the same membership: the governor or his representative, the chairman of the finance committee of the lower house, the chairman of the finance committee of the Senate, the director of finance, the auditor of state, and the attorney general.

The Board of Control.--The Board of Control is created each biennium by the legislature as part of the appropriation act. In matters of the purchase of real estate or the construction of buildings no money can be expended until the title is found to be clear and the plans and specifications are approved by the Board of Control. Whenever state agencies seek to transfer balances from one item of appropriation to another, this must be done through the Board of Control.

\textsuperscript{37}Sec. 125.02 of the Revised Code of Ohio.

\textsuperscript{38}Sec. 125.04 of the Revised Code of Ohio.

\textsuperscript{39}For a brief account of the financial administration of Ohio see Aumann and Walker, The Government and Administration of Ohio, pp. 139-55.
Thus the State Board of Education like other state agencies must conform to a set of procedures in handling state moneys.

In this regard the State Board of Education had to secure the approval of the Board of Control for release of certain amounts of state funds to school districts for rehabilitation of school buildings. Further appropriations made by the legislature of state aid to school districts for school building construction were distributed by the State Board of Education, subject to the approval of the Board of Control. The contract with the Heller research firm was not approved by the Board until it was rewritten to cover the specific instructions of the legislature.\(^{10}\)

Under the provisions of Senate Bill \(443\), passed in the 1957 session of the legislature, the State Board of Education, as the state school building authority, must have the approval of the Board of Control for distribution of state funds for school building construction in needy school districts. The question of whether or not all appropriations should be channeled through the Board of Control was raised by Senator Hildebrand in a committee meeting. The senator expressed the opinion that the State Board of Education, being an elected body, should be granted appropriations, as in this case, without having to go through the Board of Control.\(^{11}\) The president of the State Board of Education

\(^{10}\) Minutes, February 1956 meeting, p. 28; also personal observations meeting of April, 1956.

\(^{11}\) Personal observations at meeting of the subcommittee on educational legislation and finance, January 10, 1956.
also felt that the Board of Control should not have any authority to prevent allocations of funds for school building construction that were approved by the State Board of Education. \(^2\)

The Board of Control because of its several regulatory functions over financial expenditures can exercise a limited influence over any policy-making agency that comes within its area of authority. A further fact that adds to the influence of this board is the membership of the governor or his delegated representative. Thus it may be seen that the State Board of Education is subject, in certain fiscal matters, to the authority of the Board of Control.

**Emergency Board.**—In certain other matters of finance the State Board of Education must look to another control agency for relief. The Emergency Board, whose membership is the same as the Board of Control, is an important agency in the financial management of the state. Section 127.02 of the Revised Code of Ohio describes the functions of this agency as follows:

In case of any deficiency in any of the appropriations for the expenses of an institution, department, or commission of the state for any biennial period, or in case of an emergency requiring the expenditure of money not specifically provided by law. . . the officers of such department or commission, may make application to the emergency board for authority to create obligations within the scope of the purpose for which such appropriations were made, or to expend money not specifically provided for by law . . . .

In July, 1956, the State Board of Education was faced with two problems that related to the Emergency Board. The Board found that it was running short of funds to maintain normal services for the 1956-57 school year at the state schools for the blind and deaf. The Board

\(^2\)Columbus Citizen, July 15, 1956.
decided to carry on the usual services at these schools and in January, 1957, to make a request of the Emergency Board or the legislature for a deficit appropriation to complete the school year. The second problem concerned the division of school lunch whose program had expanded to a point requiring additional personnel to take care of the increasing services being given to the schools in the state. The superintendent of public instruction was given the assignment of presenting this matter to the Emergency Board.

Like the Board of Control, the Emergency Board may exercise a certain amount of influence over a policy-making agency that comes within its authority. If the Emergency Board had chosen not to appropriate more funds for the division of school lunch the State Board of Education would have been forced to restrict its program of school lunch services solely to those schools that were already part of the program.

**Division of Capital Planning and Improvement.**—The legislature established the Division of Capital Planning and Improvement in 1955. According to Section 125.82 of the state code, this division is to analyze and inspect continuously the utilization of all publicly-owned real estate and the adequacy of use for the purpose intended. The division is also required to establish and maintain a continuous capital plan, subject to legislative approval, extending through a period of six years for acquisition of real estate and construction of new public buildings. Every two years the division requires that all the chief administrative authorities of all state departments, institutions, universities, and

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\(^{43}\) Minutes, July 1956 meeting, p. 9.

\(^{44}\) Ibid.
other agencies submit their recommendations for the acquisition of real
estate or the need for new buildings or other public improvements
through the next six years. The division makes its recommendations
through the Capital Planning and Improvement Board.\textsuperscript{45} In connection
with the functions of this division the State Board of Education prepared a plan for capital improvements for the state schools for the
blind and deaf but the Board's committee for this assignment reported
that further planning was useless because of lack of funds.\textsuperscript{46}

When the relationships of the State Board of Education with the
Department of Finance are seen in their entirety it is evident that the
powers of the finance department are extensive enough to influence the
operations of the State Board of Education. The most important of these
powers is the prerogative of the Department of Finance to prepare the
executive budget wherein the requests of a state agency may be changed
at the discretion of the director in the name of the governor.

\textbf{Office of the state auditor}

State law requires that the auditor examine each voucher or claim
before issuing a warrant for claim or for the salary of an officer or
employee.\textsuperscript{47} The State Board of Education must comply with these require-
ments before any warrant on the treasurer is issued by the auditor in
behalf of the Board. The auditor's office is also charged with the duty

\textsuperscript{45} Sec. 127.22 of the \textit{Revised Code of Ohio}.

\textsuperscript{46} Minutes, June 1957 meeting, p. 34.

\textsuperscript{47} Sec.115.11 of the \textit{Revised Code of Ohio}. 
of seeing that state departments remain within the limits of expenditures prescribed by law. The limitations established may be exceeded if consent of the Board of Control is obtained. The responsibility of the auditor to inspect and supervise the accounts of all state offices is carried out by the Bureau of Inspection and Supervision of Public Offices.\textsuperscript{48}

The auditor's office may affect the policy-making function of the State Board of Education. The auditor's business is restricted to the supervision of expenditures made by the Board from the appropriations granted it by the legislature for the state's educational affairs, but this may affect policy-making of a state agency.

**Department of Public Works**

The Department of Public Works is responsible for the leasing of office space in buildings for the use of the state or any department, office or institutions thereof and for the supervision for any new construction of buildings. Contracts for any project or improvement or construction and repair of buildings are made by the Department of Public Works.\textsuperscript{49} Its relations with the Board were purely of a service nature.

The leasing of space for the division of special education, the surplus property division, and for the audio-visual division in the Department of Education was all accomplished through the Department of Public Works. The recommendations of a Board committee to forego the possibility of seeking a building for the Department of Education and

\textsuperscript{48} Sec. 117.01 of the Revised Code of Ohio.

\textsuperscript{49} Sec. 123.01 of the Revised Code of Ohio.
to lease space as necessary for the next several years was based upon discussions with officers in the Department of Public Works.  

**Office of the secretary of state**

The office of the secretary of state is another state agency with which the State Board of Education must carry on some of its business. In this case, however, it is a matter of routine that any state agency must follow in adopting rules and regulations. According to a state statute, no rule or regulation adopted by a board, commission, department or bureau of state government can become effective until the tenth day after it has been promulgated by the filing of a certified copy of the rule or regulation in the office of the secretary of state. This procedure may be circumvented only in the case of an emergency which action is taken for the preservation of the public peace, health or safety. Examples of this relationship occurred in the adoption by the State Board of Education of standards for elementary schools, high schools, and certification of teachers.

**Office of the treasurer of state**

By law the treasurer of the state is the custodian of all funds received from the United States Treasury for vocational education.  

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50 Minutes, January 1957 meeting, p. 24.

51 See Chapter 119 of the Revised Code of Ohio for the legislation establishing the Administrative Procedures Act which is binding upon a governmental agency authorized by law to adopt rules or regulations to administer some state function.

52 Sec. 111.15 of the Revised Code of Ohio.

53 Sec. 3303.06 of the Revised Code of Ohio.
He receives and safeguards, until authorized to distribute them, all other educational funds, such as the school foundation fund and the trust fund for the irreducible debt. The latter was incurred when the state used the proceeds from the sale of school lands to help build canals, agreeing to pay the schools six per cent interest annually forever on the debt.

Office of the attorney general

As a service agency of the state, the office of the attorney general provided the State Board of Education with important aid. Under a provision of state law the attorney general upon request "shall give legal advice to a state officer, board . . . in all matters relating to their official duties." Within the first eighteen months of its operation the State Board of Education called upon the attorney general for opinions on at least nine questions. These opinions are summarized below to give some indication of the extent and nature of the matters referred to the attorney general.

1. The position and offices of all persons in the Department of Education, at least the department heads, terminated with the activation of the Board.55

2. Salary allowances in the school foundation program for the fourth quarter of 1956 for certificated employees should be calculated on the basis of the salary rate that governed their salaries for the first two weeks of April, 1956.56

54 Sec. 109.12 of the Revised Code of Ohio.
55 Minutes, January 1956 meeting, p. 17.
56 Minutes, March 1956 meeting, p. 17.
3. The State Library Board was no longer under the jurisdiction of the State Department of Education.\textsuperscript{57}

4. The State Board of Education would be justified in using the average daily membership for the first two weeks of September as a basis for calculation of state aid for all newly established schools.\textsuperscript{58}

5. Standards do not survive the public agency that adopted them.\textsuperscript{59}

6. The Board's rules and regulations concerning the establishment of and expenditures from the school bus depreciation reserves were not unreasonable or unlawful.\textsuperscript{60}

7. When taxing districts are combined the minimum levies prescribed by law cannot exceed the constitutional ten-mill limitation and these levies must be reduced proportionately by the budget commission to bring the aggregate of them within the constitutional limitation. On the basis of this opinion of November, 1956, the Board established its policy relative to the transfer of territories involved in annexations to municipalities.\textsuperscript{61}

8. The Board could not enforce the contract of Mr. Vincent, the prospective new superintendent of public instruction. This was an

\textsuperscript{57}Minutes, April 1956 meeting, p. 4.


\textsuperscript{59}Office of the Attorney General, State of Ohio, Informal Opinion No. 561, August 13, 1956. See also minutes, September 1956 meeting, p. 17.

\textsuperscript{60}Minutes, February 1957 meeting, pp. 14-17.

\textsuperscript{61}Minutes, February 1957 meeting, pp. 26-27.
informal opinion, that is, the judgment of the attorney general was made known to the Board without an official request. 62

9. The term "law" included the equal protection provision in the Fourteenth Amendment of the Constitution of the United States under which segregation of pupils by race is prohibited, that it was the responsibility of the Board to determine if a school board has not complied with the law, and that the Board could withhold funds, but for "good and sufficient reasons," the Board could order a distribution of funds to a district "notwithstanding such lack of conformity with the law." 63

From the opinions described above it can be seen that the attorney-general's office provided the State Board of Education with valuable services. The significance of this relationship rests in the interpretations of law that come from the attorney general, for upon these interpretations the Board may proceed to establish or modify its policies. He also represents the Board when it is involved in litigation.

The Civil Service Commission

The need for additional personnel in the State Department of Education brought the Board into contact with another state level agency. Ohio has a Civil Service Commission which carries out certain responsibilities assigned it by law. All the employees of the State Department of Education except the superintendent, assistant superintendent, and

62 Ibid., pp. 40-41.

63 Minutes, June 1956 meeting, p. 4.
division heads are under the classified civil service. The state code provides that "Each department may employ, subject to the civil service laws in force at the time the employment is made, the necessary employees." The effect of the law is to place those professional people, not superintendents or division heads, under the classified civil service which means that their salaries are fixed by the legislature. The complaint made by the superintendent was that competent professional people are not available at the civil service rates offered. He recommended to the Board that steps be taken to secure a change in the law so that professional people in the department would be removed from the classified civil service. The Board made this recommendation to the legislature in its first annual report without any success.

The Civil Service Commission, of course, administers the laws that are in force. The Board must continue to seek its professional people, when these are added to the staff, through the Civil Service Commission under existing procedures.

Board of Building Standards

The State Board of Education was interested in the work of the Board of Building Standards which establishes the building code for schools as well as other buildings in the state. As a result of a

64 Sec. 3301.12 of the Revised Code of Ohio.

65 Sec. 121.11 of the Revised Code of Ohio.

66 Personal observations, meeting of July 1956.

research study on school building costs, authorized by the Board, a number of recommendations for modifications of the school building code were made to the Board of Building Standards. Some of these were incorporated into the School Occupancy Code. According to the architect employed by the Board to do the research on school building costs, the revisions in the standards should bring about substantial economies in school building construction.

A notable service whose benefits will accrue to the school boards in the state was effected by the Board in this instance. The State Board of Education will probably continue to bring recommendations to the Board of Building Standards for revision of the school building code.

Miscellaneous governmental staff agencies

There are several remaining state level agencies that the State Board of Education dealt with or may have to deal with. These are service agencies that have no restrictive powers over the Board's functions. For example, the Ohio Legislative Service Commission is a special agency, established in 1955, that conducts research, makes investigations, and secures information or data on any subject and makes reports thereon to the legislature.68 The commission also assists and cooperates with other agencies created by the legislature. The Board requested that the commission make a study of the state's tax resources and their more effective utilization for the financial support of public school education.

68 Sec. 103.11 of the Revised Code of Ohio.
As another example the Board is required by law to cooperate with state agencies concerned with the health and welfare of children and youth of the state. 69 The Board asked several state agencies to help in the survey that was made by the federal government of the vocational rehabilitation services in the state. The Board had authority to request the help of these agencies, since state law gives any department of state, board, or commission power to secure data or information, or "to procure assistance from another department," whenever these agencies are carrying out some authority vested in them. 70 In this case the Board asked representatives of certain state agencies and other interested organizations to help in making the survey. At a meeting with federal authorities on May 3, 1956, representatives were present from the Ohio State Rehabilitation Center, the Industrial Commission, the Department of Public Welfare, the Department of Mental Hygiene and Correction, the Ohio State Medical Association, and the Ohio Citizens Council. 71

An instance of how the Board cooperated with another state agency, the Ohio Development and Publicity Commission, to aid in the industrial development of the Ohio River Valley occurred at the March, 1956, meeting. The Olin-Mathieson Company wished to build a plant in the valley in Monroe County on a tract of land of 900 acres, but in the middle of this tract of land was the high school building of the River

69 Sec. 3301.07 of the Revised Code of Ohio.

70 Sec. 121.19 of the Revised Code of Ohio.

71 Minutes, May 1956 meeting, p. 63.
Local School District. Not only was there to be a $90,000,000 investment in an aluminum plant by this company but also further proposed investments of $1,000,000 for a railroad spur in this same area by the Pennsylvania Railroad Company and an investment of $120,000,000 for a power plant by another company. The Olin-Mathieson Company offered $500,000 for the school building. The cost of a new school building was estimated at $610,000. The State Board of Education was asked to make up the deficit by an allocation of funds which were available for helping needy school districts erect school buildings. A member of the Ohio Development and Publicity Commission appeared before the Board to make a plea for the development of industry in southeastern Ohio. It was already known that the Board of Control and the governor were in favor of the allocation and grant of money to the River Local School District. The State Board agreed to make the funds available to the school district. 72

Though there is apparently no record of the Board having relationships with other state level agencies, it is taken for granted that this will occur. For example, a natural affinity could be said to exist between state education and the departments of agriculture, natural resources, public welfare, and mental hygiene. Mention should also be made of the Department of Highway Safety which helped advise the Department of Education on its bus standards.

72 Minutes, March 1956 meeting, pp. 13-15. The grant of funds was officially made at the May 1956 meeting.
Summary of Board relationships with other state agencies

The many contacts of the present Board with other state level agencies demonstrate that such a board cannot disentangle itself from the web of state administration. The Board's free hand as a so-called independent agency is circumscribed by restrictions and controls imposed either by the formality of law or the informality of more subtle controls exercised by state officers or agencies by reason of their strategic positions. The paramount position of the legislature was noted, the power of the office of the governor was seen as most significant, and the agencies supervising the finances of state government were seen as instruments affecting policy making of the Board through control of the purse. The independence of the State Board of Education is thus a relative matter, hardly what was envisioned by advocates of the Board.

Relationships of the Board with Local and County School Agencies

In Ohio there are approximately 1,200 school boards that are responsible for the operation of schools in city, exempted village, and local school districts. In addition, there is a county school board for each of the eighty-eight counties of Ohio with limited jurisdiction over the local school districts located in its county.

The State Board of Education did not deal with these school boards on a face-to-face relationship, except that individual Board members may have been contacted by the school people in their Congressional districts. Local board members also traveled to Columbus to press some cause before the State Board of Education when it was in session.
Relationships with school districts

Ordinarily, the State Board of Education worked through the superintendent of public instruction, its executive officer, in dealing with school boards over the state. The various school boards administer their districts within the authority delegated them by the legislature. Some school boards may not comply with some of the rules and regulations established by the Board due to the lack of strict enforcement.

Relationship with county boards of education

County boards of education must submit a budget to the State Board of Education under present provisions of the law to receive certain funds for their operations. 73 Part A of this budget includes the costs of salaries and travel expenses of supervisory teachers and special instruction teachers. Part B includes other lawful expenditures. The State Board of Education is authorized to review these budgets and approve or modify them. Part A is paid entirely by the state, but Part B is paid up to a certain limit. 74 The State Board of Education reviewed and modified these budgets in 1956 and 1957. Many of the communications between the county boards and the State Board of Education concerned matters of school district organization.

School people at Board meetings

On occasions, representatives of county or local boards of education appeared before the State Board seeking relief for some pressing

73 Sec. 3317.13 of the Revised Code of Ohio.

74 See the minutes of the November 1956 meeting, pp. 4-10.
problem. These problems usually concerned financial aid and school district organization. Usually these board members would be accompanied by the superintendents of their districts. The State Board of Education found itself devoting a great deal of time in listening to these delegations asking relief on their individual problems. In one case a decision of the Board was appealed to a court of common pleas.  

Miscellaneous problems brought before the Board

Other problems brought to the attention of the Board by authorities in the various school districts covered a wide range of subjects. Some indication of the extent and types of problems may be seen in the following examples.

1. A local board asked that transportation for one child, the sole pupil living on an island in Lake Erie, be provided to the district school on another island. The Board contracted with an airplane ferry service to fly the pupil to and from school each day when school was in session at a cost of $6.00 a day.

2. A request was made that the Board initiate action to establish another state university in the northwestern part of the state.

3. A school district asked for changes in the law to modify the pupil-teacher ratio for calculation of state funds on the basis that

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75 Minutes, June 1957 meeting, p. 21. See Orville J. Handley v. The State Board of Education of the State of Ohio, et al. Court of Common Pleas, State of Ohio, Butler County, No. 76092, Opinion, June 24, 1957. The Court held that the charter had been lifted illegally; however, the charter ultimately was not restored.

76 Minutes, October 1956 meeting, p. 8.

77 Minutes, August 1956 meeting, p. 3.
a sudden increase of pupils in its district was causing a financial problem. The Board denied the request.

4. On the mistaken notion that the Board could conduct a survey of their school district a delegation from Columbiana County asked that this be done.

5. The Board was asked to investigate the misuse of school funds in a local school district. The Board eventually established policy on answering complaints from whatever source in a school district by stating its position that it would not interfere where it was a matter of local authority.

6. On a number of occasions school districts asked the superintendent of public instruction, whose actions were ratified by the Board, for approval of bond issues beyond the state limitation of six per cent of the tax duplicate of the district.

Communications handled by the superintendent and staff

Most of the inquiries directed to the State Board of Education were disposed of by the staff of the department so that only those

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78 Minutes, February 1956 meeting, p. 7.

79 Minutes, May 1957 meeting, p. 3. The legislature eventually passed a law authorizing the Board to conduct surveys where it appeared that effective reorganization of school districts could be accomplished.


81 Minutes, March 1957 meeting, p. 32.

82 Minutes, October 1956 meeting, p. 4, contains several examples. These requests occurred periodically.
requiring the attention of the Board were placed in the order of business. A brief report of those handled by the staff was made to the Board. As an example, the inquiries between the April and May, 1956, sessions of the Board are listed:

1. Letter protesting the failure of the Columbiana County Board of Education to transfer the Unity Local School District to East Palestine City School District.

2. Question as to what might be done by parents regarding the dismissal of a mathematics teacher in the Oberlin schools.

3. Letter regarding a petition for transfer of territory from the Miami Central School District to the Troy City School District.

4. Letter concerning custody of a child attending school in the city school district of Elyria.

5. Complaint against the school board at Tuscarawas, Ohio.

6. Inquiry as to an age limit for entrance of children to school.83

The incidents described above indicate the general nature of communications between the State Board of Education and other governmental school agencies. It is apparent that the Board made itself easily accessible to school people. The relationships set up made it possible for the Board to be reached either by written communications or by personal intervention. Informally, the Board members may be interviewed in their Congressional districts, and if they deem a problem to

83 List of communications addressed to the Board and reported at the May 1956 meeting. A copy of this report and others are on file in the Department of Education.
be important they can ask that it be considered by the Board. These several avenues of approach are significant for both the Board and school agencies in developing a system of efficient state school administration.

Relationships of the Board with Particular State Associations and Organizations

The State Board of Education in its comparatively short existence learned that it was not free from attempts of interest or pressure groups to influence it. Many of these groups were statewide organizations. A brief description of the activities of those groups that were identifiable is made below.

The Ohio Education Association

Long a major force in the educational affairs of the state, the OEA often referred to as the teachers' lobby, was probably the most active group in making criticisms and recommendations to the Board. Officials of the OEA kept in close touch with the Board. Usually an official of the association attended each meeting. Through its official house organ, Ohio Schools, and special bulletins, the OEA kept its membership informed on activities of the Board.

It was apparent at the first deliberations of the Board that it was determined to act on its own and steer clear of any situations that might give anyone the impression it was acting in association with the OEA. The Board's intent to do this can possibly be explained by the fact that the legislature generally regarded the OEA as the school lobby. The Board may have felt that it could not gain the confidence of the
legislature unless it showed that it was acting independently and was not being influenced by the so-called school lobby. An example of this detachment occurred when the Board was discussing how it was to present its estimate of money needed from the $15,000,000 state bond issue money for school buildings. The OEA had already cooperated with the staff of the State Department of Education in writing suggested legislation to implement the lease or sale provisions of the law. The Board president, however, believed that the proposals for this legislation should come directly from the Board and though he expressed confidence in Thomas O'Keefe, the director of research of the OEA, he did not believe Mr. O'Keefe would be well received by the legislature's subcommittee. He definitely stated that the Board could not come in with any plan of the OEA. 84

The OEA was a strong proponent of state aid for school building construction to help organize more efficient school districts. The OEA representatives argued strongly for this several times before the Board. One of the proposals of the OEA was a capital improvement fund of $600 a classroom as a state subsidy. 85 On two other occasions Mr. O'Keefe argued for consolidation of inferior school districts, again emphasizing that there were districts that would consolidate if they had money for

84 Personal observations at the meeting of the legislative and finance committee of the State Board of Education at the superintendent's office, January 10, 1956.

85 Personal observations, meeting of January 1956. The $600 a classroom was recommended by a subcommittee of the Ohio School Survey Committee in its report of 1955. The committee, however, did not adopt its subcommittee's recommendation.
needed buildings. The OEA took the position in regard to the enabling legislation for use of state bond issue money for public buildings that school districts should not have to repay any of this money. The executive secretary of the OEA, Walton B. Bliss, criticized the Heller report later in the year as a profit making scheme for the state, since school districts participating in the bond money plan would pay back sufficient interest to the state to return a profit. He further objected to the inclusion of the administrative costs in the bill for the school district.86 The OEA carefully reviewed the Heller report and presented its general observations and specific recommendations to the Board at the December, 1956, meeting.87

The OEA in December, 1956, presented a list of recommended changes to the Board in connection with the calculation of extended service and salary allowance for administrators under the school foundation program. The OEA notified the Board that it had studied the problem and was now presenting its recommendations.88

A major role was also played by the OEA in the development of the elementary standards by the Board. At the hearing on December 10, 1956, on the adoption of standards tentatively approved by the Board, the chairman of the OEA's committee for the improvement of instruction

86 Personal observations, meeting of October 1956.

87 A copy of this report is in the files of the Department of Education.

88 Minutes, December 1956 meeting, p. 3.
presented a lengthy list of suggested amendments and modifications of the proposed standards. 89

Departments of the OEA also dealt directly with the Board. The Ohio Industrial Arts Association strongly recommended the establishment within the Department of Education of a division of industrial arts. 90 The association invited the Board to attend one of its meetings during March, 1957; a member of the Board was appointed to represent it. 91 The Ohio Art Education Association urged the Board to employ an art supervisor in the department. 92

The OEA was one of several groups that met with the committee of the Board that drafted a series of legislative proposals that were recommended to the 102nd General Assembly. 93 The OEA helped draft some of these proposals; however, the association made its own recommendations to the legislature.

It is to be expected that the OEA will continue to be one of the most aggressive agencies following the activities of the State Board of Education. The OEA was highly instrumental in the move to establish a State Board of Education in Ohio and has been a strong supporter of it. The Board has had cooperation from the association in several instances,

89Personal observations at the hearing on the proposed elementary standards, December 10, 1956.

90Minutes, June 1956 meeting, p. 3.

91Minutes, March 1956 meeting, p. 3.

92Minutes, June 1956 meeting, p. 3.

but the OEA has been critical of the Board's attitude and policies on aid for school building construction. The actions of the OEA have been complementary to those of the Board. Both organizations are striving for the improvement of education in the state. It is expected that there will be differences of opinion on certain matters but the purposes of their organizations place them on the same team, requiring them to work together.

The Ohio School Boards Association

The several regional school boards associations in Ohio joined together in 1955 to form the Ohio School Boards Association (OSBA). Membership in the association is open to all school boards in the state; the membership fee is payable from school district funds.

The association invited the State Board of Education to become a member of the organization but the Board refused. A motion declaring that the Board should not accept or purchase membership in associations which are interested in educational programs in Ohio was put before the Board. One member maintained that this action would be a "slap in the face to educational groups." The motion and second were withdrawn and the Board declined membership but thanked the association for the invitation. 

The OSBA, since it began holding its annual conventions, has invited the Board to participate. In its letter of August 31, 1956, the OSBA stated that it was anxious to give due recognition to the

94 Minutes, February 1956 meeting, p. 3; also personal observations at the same meeting.
members. Several Board members attended the convention held in November, 1956, in Columbus.

The association was represented at a meeting of the legislative committee of the Board that was drafting a legislative program to be presented to the legislature. The executive secretary of the OSBA kept the membership informed of the Board's actions through the house organ of the organization. In addition, special reports on each Board meeting were mailed to all members. The OSBA has given evidence that it will cooperate with the Board. As the association grows in strength it is expected to become more aggressive for the cause of education in the state.

The Ohio White House Conference Committee

The Ohio White House Conference Committee having completed its assignment as part of the national White House Conference of 1955 attempted to interest the State Board of Education in continuing the plan of meetings at local, regional, and state levels for the discussion of educational problems. The executive secretary wrote the Board urging it to assume this responsibility. The superintendent of public instruction believed that the Board should not take leadership in this matter since the burden of duties for the year was much too heavy. He did observe, however, that some agency should sponsor the idea. After some discussion the Board decided that it would be better if some other educational organization or lay organization took this responsibility. The Board dropped the matter.95

95 Minutes, February 1956 meeting, p. 3; also personal observations at the same meeting.
Ohio Historical Society

The Ohio Historical Society in 1955 helped to sponsor Amended House Bill 76, which came to be known as the "Bill of '76," requiring the teaching of Ohio history in the public schools. The society believed that sufficient time had elapsed since passage of the bill so that the State Board of Education should proceed to learn to what extent the schools were teaching Ohio history as required by law. A resolution from the society to this effect was sent to the Board. 96 From the superintendent, the Board learned that the wording of the law needed clarification since interpretation of its provisions varied among groups in the state. Compliance could not be forced unless there was clear understanding of what the law meant. The Board decided to take the matter under consideration. 97 Nothing definite came from this act of the historical association.

Ohio Bar Association

The chairman of the American citizenship committee of the Ohio Bar Association in June, 1956, wrote the Board that the association would like to have the Board consider a proposal regarding the teaching of citizenship in the public schools. The committee reported what was being done in Florida where the Florida Bar Association received permission from the State Board of Education to have lawyers give talks in the public schools on subjects pertaining to the Constitution, citizens'
rights, and state government. The committee wished the State Board of Education of Ohio would follow the action of the Florida board. At its meeting in August the Board heard the chairman of this group explain the program. He mentioned that the Ohio Bar Association was endorsing the plan and that the American Bar Association had it under consideration on a national scale. The speakers who would enter the schools and deliver the talks -- to be six in number -- would be distinguished people. The Board asked that the chairman of this group submit a specific proposal. The attitude of the Board was that permission to deliver the talks would rest with local boards of education in the school districts. 

Committee for the Preservation of the United States Constitution

A patriotic action of another kind was proposed by an organization known as the Committee for the Preservation of the United States Constitution. In a resolution to the Board this committee urged that the students and teachers in the classrooms be made to recite the daily pledge of allegiance to the flag of the nation. The committee asked that the Board take steps to see that this resolution would become a law. The resolution was received and filed.

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98 A copy of the letter from the committee is on file in the State Department of Education.

99 Minutes, August 1956 meeting, p. 2; also personal observations at the same meeting.

100 Copy of the resolution is on file in the state department of education.

101 Minutes, July 1956 meeting, p. 2.
The Ohio State Automobile Association

Ideas and courses that should be taught in the public schools have been suggested by many and various groups as already noted. Another suggestion, which has nation-wide significance, was made by the automobile associations of Ohio to expand the program of driver education and to give this program special financial consideration in the Ohio school foundation law. The Board believed the proposal merited careful consideration, so the matter was referred to committee for study.\textsuperscript{102} The first annual report of the Board did not include any such recommendation to the legislature.

Private and parochial school organizations

In the process of adopting standards for elementary schools in the state the State Board of Education found itself in controversy with the non-public schools of the state. In August, 1956, a representative of the independent college preparatory schools of Ohio asked that the Board reconsider the proposed elementary standards regarding teacher education and certification.\textsuperscript{103} At the same meeting a representative of a private school in Montgomery County made a plea that the private schools served a function and needed some protection with regard to laws and regulations.\textsuperscript{104} At the Board meeting of October, 1956, the

\textsuperscript{102} The resolution presented was one adopted by the Ohio State Automobile Association at its fiftieth annual convention, June 18-19, 1956. Copy of the resolution is on file in the State Department of Education.

\textsuperscript{103} Minutes, August 1956 meeting, p. 2.

\textsuperscript{104} Ibid., pp. 2-3.
president of the Association of Independent Schools of Ohio stated that his organization supported the formulation of minimum standards for elementary schools but he felt that an injustice would occur if the qualifications for teachers in non-public schools were made the same as those for teachers in public schools. 105

Objections were also voiced by several parochial groups at the hearings on the standards on December 10, 1956. A spokesman for the Lutheran schools argued that many of their schools would have to be closed if Standard II were adopted. This standard would require at least three full-time teachers for an elementary school and not more than two grades housed in the same classroom. The Seventh Day Adventists supported this argument and, in addition, claimed that their schools should exist by legal right and not by any privilege extended them. A representative of the Amish religious sect, a group that is generally opposed to formal education beyond the eighth grade, criticized the standards as a threat to their school program and their religious ideas. They maintained that their schools were doing an adequate job of making good Christians and useful citizens of their children. The Roman Catholic group asked that temporary certificates be issued their teachers as was being done in the case of the public school teachers.

Speaking in support of the standards were many other groups and individuals. These groups included the Ohio Education Association, 105

Minutes, October 1956 meeting, p. 3; also personal observations at the same meeting.
the Deans of the Colleges of Education in Ohio, and the Ohio Association of School Administrators. Negligible changes were made in the standards.

Ohio Association of Junior Colleges

The president of the Ohio Association of Junior Colleges, an association of five non-profit, privately-controlled institutions of higher learning, requested the State Board of Education to make provision for the accrediting of such institutions by the Department of Education. The superintendent of public instruction informed the Board that there was no authority in the law for the Board to do this; the Board is authorized only to approve the course of study in a teacher training institution. The report was received and filed.

Registered nurses association

The Board, following provisions of the federal law, established policy for the inclusion in vocational education of the preparation of practical nurses. The registered nurses association in Ohio protested this action. The Board acknowledged the resolution but did nothing about it.

Parent-Teacher Association of the School for the Blind

A report that the city of Columbus and state authorities were considering the routing of a highway through part of the school grounds

106Personal observations at the hearing. A transcript of the stenographic record is on file in the Department of Education.

107Minutes, February 1956 meeting, p. 2; also personal observations at the same meeting.

108Minutes, February 1957 meeting, p. 5.
of the Ohio School for the Blind resulted in a series of protests made by the parent-teacher association of that school. The State Board of Education was asked to investigate the matter and take steps to protect the present site of the school. The Board took the problem under consideration. 109

Summary on interest groups

The State Board of Education, like any governmental agency, found itself besieged by many groups asking that some particular thing be done or criticizing an action already accomplished. An organization, such as the Ohio Education Association, maintained and will continue to maintain an interest in all the Board does. There were groups that appeared to plead a particular cause, whose interests were only of a special or unique nature. The Board heard all groups or individuals who wished to make a presentation. The Board's attitude was to invite the people of Ohio to come forward with their problems and together to seek an equitable solution.

Relationships with Agencies on the National Level

The State Board of Education also dealt with organizations beyond the state level. These relations with national agencies were of both the formal and informal, or voluntary, kind. There are several provisions of the state code that orient the Board toward cooperation with agencies outside the state. The pertinent part of one section of the law reads that the Board "shall administer and supervise the allocation and distribution of all state and federal funds for public
school education," and that the Board "shall cooperate with federal, state and local agencies concerned with the health and welfare of children and youth of the state of Ohio."^{110} Another section of law permits the Board to cooperate with federal agencies in distributing personal property and transferring real property to eligible public and private education and health institutions.^{111} An agency for property utilization was already a part of the Department of Education to carry out the provisions of the law.

**Agencies of the Federal Government**

Federal agencies provide assistance to state governments in furthering some state programs. In administering federal programs these agencies sometimes exercise regulatory powers. The Board in Ohio sought the help of a federal agency in one instance; it found that relationships with federal agencies had already been established in most areas of common interest. These were continued.

**Department of Health, Education and Welfare**

A vast amount of property was accumulated by federal governmental agencies during and after World War II, which was no longer needed when the war was over. To utilize this so-called surplus property, a program for its distribution to selected state agencies for prescribed purposes was formulated under the Federal Property and

^{110} Sec. 3301.07 of the Revised Code of Ohio.

^{111} Sec. 3301.17 of the Revised Code of Ohio.
Administrative Services Act of 1949 with subsequent amendments. In Ohio the Department of Education was designated as the state agency for property utilization to meet federal requirements for administering the program. The Board was asked to adopt a resolution to include Ohio civil defense agencies as recipients of surplus property. This was done.\textsuperscript{112}

According to the federal property act the determination on whether surplus property is usable and necessary for purposes of education or public health, or for research for any purpose, in any state shall be made by the secretary of health, education, and welfare. The secretary must also determine that a state agency has conformed to minimum standards of operation prescribed by the secretary for the disposal of the surplus property. Responsibility for the determination of what surplus property is usable for civil defense purposes is made by the federal civil defense administrator.

Office of Education.—The Office of Education in the Department of Health, Education and Welfare administers federal funds for vocational education, which are appropriated by the Congress annually. The Office also administers Public Laws 87\textsubscript{1/2} and 815 whereby federal aid is given for the maintenance and operation of schools and for school building construction to school districts that have been adversely affected by federal activities.

The State Board of Education has assumed responsibility for administering the state plan for vocational education, which includes services in agriculture, home-making, distributive education and industrial education. The old State Board for Vocational Education has been

\textsuperscript{112}Minutes, August 1956 meeting, p. 35.
abolished. The Board added practical nurse training in 1956 as permitted by Congress under the provisions of Public Law 911 in 1946.\textsuperscript{113}

\textbf{Federal Bureau of Vocational Rehabilitation}—Upon request of the State Board of Education the Federal Bureau of Vocational Rehabilitation in the Department of Health, Education and Welfare agreed to conduct a survey of the state's services in this area. The survey, according to the Board's resolution was to include the following:

\ldots study of administration and organization of the Ohio program, the functions of personnel on various levels, such as administrative staff, field staff, a review of accounting procedures, relationship with other agencies and types of balances of services provided to handicapped citizens; also any other problems that pertain to the planning and administration of an optimum program for the handicapped of Ohio.\textsuperscript{114}

The survey was completed in 1957 and the Board has taken steps to implement the basic recommendations within the limits of its resources.

\textbf{United States Department of Agriculture}

The Ohio Department of Education administers a multi-million dollar program that provides through federal aid lunches and milk for the children in the schools at cost or free to needy children. The school lunch program and the school milk program are administered on the national level by the United States Department of Agriculture. Federal funds received for reimbursement to schools in Ohio during the 1955-56 school year amounted to $2,159,834 for school lunches and $2,393,213 for school milk. The Department of Agriculture distributes surplus commodities to the states for use in the lunch program. The

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\textsuperscript{113} Minutes, September 1956 meeting, pp. 10-14.
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\textsuperscript{114} Minutes, June 1956 meeting, p. 22.
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bounty in commodities and funds coming from the Department of Agriculture outran the ability of the Ohio Department of Education to administer it in the state. The difficulty has been that the amount of state legislative appropriations for administrative purposes have been inadequate for the amount and kind of services the department has tried to provide for the schools.\textsuperscript{115}

Other National Organizations

The minutes of the Board include scant evidence that any relationships have been established between the Board and national organizations other than the federal government. One inquiry reached the Board from the National Association of School Boards asking if the Ohio Board would be interested in some form of joint action with other state boards of education.\textsuperscript{116} The president believed that this matter should be discussed at a later date. The same organization in January, 1957, invited members of the Board to attend a convention at Atlantic City the following February. One Board member accepted the invitation and attended the meeting.\textsuperscript{117} The likelihood is that the Board will cooperate with any organization on the national level where it appears that such cooperation will be to mutual benefit.

\textsuperscript{115}Quarterly Progress Report of the Division of School Lunch to the State Board of Education, July 9, 1956.

\textsuperscript{116}Minutes, October 1956 meeting, p. 2.

\textsuperscript{117}Minutes, January 1957 meeting, p. 5.
Relationships with the Press of the State

Of great importance to the Board and its prestige in the state is how informed the public is of the Board's activities. The press in the state is no doubt the most effective medium for bringing information about the Board to the general public. Newspaper reports of the activities of the Board in the first year and a half were generally of the factual kind. Adverse criticisms of the Board usually were made in editorials; these criticisms, in the main, concerned the caucuses or private meetings of the Board and instances of alleged indecision on certain issues.

The press at Board meetings

Usually present at the Board meetings were reporters from the Columbus Evening Dispatch, The Ohio State Journal, and the Columbus Citizen, the three dailies at the state capital. Since these papers have working relations with the wire services, news about the Board was distributed throughout the state. Board meetings were also covered by reporters from the Ohio Education Association and the Ohio School Boards Association. From time to time reporters from some of the large metropolitan dailies came to Columbus to record some particular story, such as the segregation issue, that lead to some debate.

The press did not push the issue of their representatives attending committee meetings, which, by law, were not open to the public. Neither did members of the press attend the caucuses which were held on Sunday evenings prior to the official meetings of the following Mondays,
or private meetings between the Monday and Tuesday official meetings. It was these caucuses that invited criticisms from several quarters.

Actually a great deal of information was secured by reporters in informal conversations with members of the Board before and after meetings or during recesses. Astute reporters made it difficult for the Board to withhold information. Board members were generous in providing information to the press; the members made themselves easily accessible. So generous were the Board members in the early months of 1956 with their information that a scheme was proposed and adopted to channel news and statements through a Board committee. The Board committee on information was established, but its performance has been difficult to evaluate solely upon the basis of the minutes of the Board.

Press criticisms of the Board

How well the Board achieved its goal of good public relations is hard to judge. An influential member of the Ohio Senate believed the Board was inept in the handling of public relations. He said "The board's worst fault . . . is that it has been almost too anxious to do a job." 118 He further believed that the Board attempted to do too much before it had selected a chief executive of its own choice. The poor public relations of the Board with respect to the legislature may be true but just as important is the general attitude of the citizens over the state with respect to the Board.

118 Senator Mosher as quoted in the Columbus Evening Dispatch, March 22, 1957.
Except for a small number of metropolitan dailies the press in the state has been noncommittal in appraising the Board. When the Board was under sharp criticism in the legislature in March, 1957, there were few defenders of the Board among the press. Among the exceptions was the Cleveland News whose editor asked for a fair trial for the Board.\(^{119}\)

Senator Mosher stoutly defended the Board in his newspaper maintaining that the Board had worked under handicaps and that the Board deserved the opportunity "to work for a full biennium, with its own superintendent. Anything less is no fair trial at all."\(^{120}\)

In contrast to these moderate voices there were at least six editors who took the occasion to express their criticisms of the Board and in certain cases to recommend abolishing the elected Board in favor of an appointed one. The editor of the Dayton Daily News, for example, said

> Exactly where the board's problem lies is not exactly determined. It is hidden from public view during secret sessions and smoothed over in official handouts.

> The General Assembly, which created the Board in its present form under strong pressure from the education lobby, should have no hesitation in reforming it to better serve Ohio's critical school needs.\(^{121}\)

He believed further that twenty-three made an unwieldy number for the Board and as elected personnel they were bound to be pressured from their own districts distracting them from the broad view of state needs.\(^{122}\)

\(^{119}\) Cleveland News, March 21, 1957.

\(^{120}\) Editorial in the Oberlin News-Tribune, March 14, 1957.


\(^{122}\) Ibid.
The *Akron Beacon Journal* was both moderate and extreme in its judgments. On the one hand the editor was positive that the elected board was a mistake, that one experiment of a twenty-three member board was unsuccessful, yet he felt the experiment had not had a fair trial. He believed that when the legislators were convinced that the situation was hopeless, they should try an appointed board, and if that didn't work, then the voters should be given a chance to repeal the 1953 amendment.\(^{123}\) A short time later the same editor criticized the Board for conducting important business in private. He strongly believed that the people of the state would "hesitate to put confidence in a governmental agency that does business behind closed doors." He continued this line of attack by writing, "The board will be asking for liquidation if it indulges in anymore star chamber stuff."\(^{124}\)

The *Cleveland Press* has been a vigorous opponent of the present elected board. In the editor's opinion the legislature "should either get rid of the State School Board or remake it." He contended that the Board had fumbled in the hiring of its superintendent and had made perhaps its most important decision -- the scrapping of Mr. Vincent's contract -- in a hotel room. He charged that the president of the Board, more than any other member, was responsible for the Board's secret operations. "He doesn't think," said the editor, "all board affairs are the public's business." The editor favored a smaller board or an appointed one. The present one, he believes, is no good.\(^{125}\)


\(^{125}\) *Cleveland Press*, February 13, 1957.
Another persistent critic of the elected board of education was The Ohio State Journal, published in Columbus. The editor wrote that the Board was too large and unwieldy. "Since its organization a year ago," the editor said, "the State Board of Education has been unable to move effectively against Ohio's educational problems." In his judgment the Board has never been able "to get off the ground." He pointed out that the number of members of the Board makes it the largest of the state's principal boards or commissions. He mentioned the fact that it is two-thirds the size of the Ohio Senate. An appointed board, the editor intimated, would be able to get off the ground. In a later editorial he said that the elected Board had lost the confidence of too many people, too many local boards of education, and too many superintendents.

From the number of editorials appearing at one time it would seem that some of the metropolitan dailies were attacking the Board in concert. The editor of the Cincinnati Enquirer added his views. It would not be too large, he felt, if the Board merely debated and framed policies. In his judgment the Board was being compelled to make many administrative decisions and this was not consonant with its size. The editor believed further that there were entirely too many elected officers at the state and county levels, the implication being that the State Board of Education should be an appointed board.

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126 The Ohio State Journal (Columbus), February 15, 1957.
127 Ibid., March 12, 1957.
128 Cincinnati Enquirer, February 20, 1957.
Two other editors expressed some criticisms of the Board. The editor of the Dayton Journal-Herald opposed the elected board from the beginning, believing it to be the "triumph of petty partisanship over good judgment." The Board, he believed, was flagrantly inefficient. The editor of the Canton Repository was convinced that the Board was unwieldy for certain, that its effectiveness was still a matter of opinion, and that the ideal setup would be a small board, appointed by the governor and approved by the Senate. This kind of board would be made up of professionally competent people and it would be small enough to be manageable and cohesive.

Summary of Board relations with the press

The Board has been more than merely amicable in its relations with the press. Information has flowed freely from members of the Board to newspaper reporters. The press generally has been reporting activities of the Board in a factual manner without much interpretation. The Board has not escaped criticisms of the press. Most of these have come from metropolitan dailies. An examination of the position of these newspapers when the legislature was considering the joint resolution to establish a state board of education in 1953 shows that several of the most influential of these dailies opposed the idea of such a board.

129 Dayton Journal-Herald, March 10, 1957; yet in its issue of November 15, 1956, the Journal-Herald thought the Board was beginning to measure up to its responsibilities.

130 Canton Repository, March 10, 1957.

131 See above, pp. 157-58.
Summary of the Board's Relationships with Other Agencies

As a state agency with particular functions to perform in regard to education in the state, the State Board of Education is involved in a complexity of relationships with governmental agencies and officers on federal, state and local levels and with organizations and associations that have a particular interest to pursue. The most important of these relationships is with the Ohio legislature, for this agency assigns the Board its duties, delegates it authority to act, and appropriates the money to operate the Department of Education, which sum for the 1957-59 biennium the Board determined was not adequate. The bare fact is that the legislature at any of its sessions can enact, repeal, or modify statutes that may change or force modification of any policy of the State Board of Education, or even change the whole set-up of the Board.

Control of Board finances rests in several agencies besides the legislature. These offices or officers can thus affect Board policies also. The governor does this through the executive budget, which contains his financial plan for the state for two years. The Emergency Board and Board of Control exert a certain amount of influence over Board policy by approving certain Board expenditures or approving the shifting of funds within the Board's budget or granting approval of funds for emergency use from a fund established by the legislature for that purpose. Because state administration functions through many departments and other agencies the State Board of Education has to deal with these offices and officers whenever and wherever the Board's business is within their authority.
To carry out its own business the present Board attempted to reorganize its own administrative structure. The reorganization plan was not placed into effect because of lack of funds. The Board succeeded in adopting very general policy governing the relationships between itself and its executive secretary, the superintendent of public instruction. This relationship has not yet been clearly established in practice.

In dealing with school agencies over the state the present Board has made it possible for these agencies to be heard. Lines of communication have been established that make it possible for school boards and school people to make contact with the Board either directly or indirectly.

Since the State Board of Education is a governmental agency responsible for a particular area of state administration, it is not free from the influence of various organizations and associations seeking particular goals. The present Board has dealt with many interest groups who have concerns in state education.

Also the Board deals with the federal government, either because the law requires it or because cooperative action brings some advantage to the Board. Notable in this regard is the program for vocational education that is administered by the United States Office of Education through the various state central education agencies. The Office of Education, within limits, is a service agency to state departments of education as those departments are of service to boards of education in their own areas.

Of significance in this broad field of relationships between the Board and other groups is that of public relations, specifically the
relation between the Board and the press. The present State Board of Education has attempted to be as cooperative as possible with the press. Press coverage of Board meetings was more extensive for the first Board meetings in 1956 than for the ones since that time, except where controversies have occurred as in the cases of the question of segregation in the public schools and the problem of Mr. Vincent's contract. It is expected that the press will follow a pattern of giving preference to news about the Board's activities that is of the controversial kind.
CHAPTER VII

THE STATE BOARD -- ITS OPERATIONS
AS A REGULATORY AGENCY

Prior to the advent of a state board of education in Ohio the
director of the Department of Education, who was also the superin­
tendent of public instruction, administered the educational program
of the state. Within the broad outlines laid down by the legislature
he also made policies that related to the various areas of education
in the state. The establishment of a state board of education took
these responsibilities from the director-superintendent. A major change
resulted: policy making within the limits established by the state
school code became the responsibility of a board of twenty-three members
instead of the responsibility of a single state officer.

This function of policy making by a board was a principal argu­
ment used by proponents of a state board of education during the dis­
cussions in the legislature on the advisability of changing the state's
central educational agency in 1954. In 1955 the legislature outlined
the duties of the board:

... it shall administer the educational policies of this
state relating to public schools, and relating to instruction
and instructional material, building and equipment, trans­
portation of pupils, administrative responsibilities of
school officials and personnel, finance, and organization of
school districts and territory. 1

1 Sec. 3301.07 of the Revised Code of Ohio.

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The board was authorized further to formulate and prescribe standards for all elementary and high schools; to administer and supervise the allocation and distribution of all state and federal funds; and it was given discretionary authority to adopt rules and regulations as might be necessary for carrying out any function imposed on it by law.

The adoption of standards and the making of rules and regulations were matters of a regulatory nature. In its first eighteen months of operation the Board devoted the greater part of its time to the responsibilities assigned it with respect to the school foundation program, the distribution of funds for school building construction to needy school districts, and school district reorganization. The Board also gave a substantial amount of attention to the adoption of minimum standards for elementary schools and began preparations for the adoption of high school standards. Teacher certification and the approval of teacher training programs also occupied some of the Board's attention.

In exercising its regulatory powers the Board built up a code of policies governing the state's educational program. The adoption of certain of these policies will be briefly described to indicate the manner of operation and the extent of the Board's activities as a regulatory agency.

**Administering the School Foundation Program**

One of the most important school laws in the history of the state was enacted in 1935. This established a system of state financial support to local school districts based upon the average daily attendance of pupils in a school district. This was amended in 1947 to make
the distribution on the basis of average daily membership of pupils. The school foundation program, as it was commonly called, was changed again in 1955 when the legislature decided to calculate the subsidies to school districts by a new formula. A major revision was the change in method of calculating state aid from the use of the average daily membership as a standard to one based on teacher or classroom units. The law became effective October 1, 1956. The Board was responsible for administering this program. Several problems were encountered in its administration.

**Board powers with respect to the foundation program law**

Amended Substitute Senate Bill 321 of 1955 contained the provisions of the school foundation program as amended eventually; this law became Section 3317 of the Revised Code of Ohio. The basic idea behind the present law is that services given rather than number of pupils in average daily membership should be used as the basis for calculation of state aid. Services are thought of as teacher or classroom units: the number of teacher units in a district is computed by dividing the average daily memberships in elementary and secondary schools by thirty and the kindergarten by sixty. In addition to regular teacher units there are included in the foundation formula units or fractions of units for areas of special education and vocational education and units for areas in supervision and administration. Included also in the calculation of state aid under the foundation program are following: (1) salary allowances to each school district for each teacher based upon the amount of his training; (2) additional salary
allowances for services extending beyond the regular school year; (3) an allowance of $1,425 for each classroom or teacher unit for current expense; (4) transportation costs as approved by the State Board of Education; and (5) an allocation of ten per cent of the total approved salary allowance for the district board of education's contribution to the teachers' retirement fund.

In the administration of the state foundation program the State Board of Education according to Section 3317 of the state code is granted certain discretionary powers which include the following: (1) formulating rules for the calculation of extra-service salary allowances; (2) adopting standards relative to the experience requirements for approval of vocational teachers in trade and industry; (3) determining the amounts to be paid island school districts; (4) approving vocational and special education units; (5) ascertaining that tuition payments between school districts are fairly and correctly determined; (6) reviewing and approving budgets of county boards of education; (7) adopting rules and regulations governing pupil transportation; and (8) adopting a formula for approving transportation costs where such transportation is necessary and including a reasonable allowance therein for depreciation on school buses owned by boards of education.

Of particular significance in the provisions of the school foundation program is the grant of authority to the Board to withhold funds from a school district which has not complied with "the law and the rules and regulations pursuant thereto . . . except for good and sufficient reason established to the satisfaction of the state board of education and the state controlling board."\(^2\)

\(^2\)Sec. 3317.1\(h\) of the \textit{Revised Code of Ohio}.\footnote{Sec. 3317.1\(h\) of the \textit{Revised Code of Ohio}.}
Interpretations and definitions made by the Board

At its meeting of February, 1956, the Board made its initial pronouncements on policies and interpretations of the new foundation program. Actually the Board reiterated for the most part the provisions of the law, but in several cases it gave a definition or interpretation to certain terms. The Board defined the terms "certificated employee," "recognized college," and "supervisor." It was necessary also for the Board to define a recognized college year; the Board declared the year to be one of thirty semester hours or forty-five quarter hours. A further example of Board interpretation was the declaration that the salary allowance for a bachelor's degree was the same whether or not the degree was in the field of education.

Fourth-quarter distribution of 1956.—A question arose concerning the method of determining the salary allowance for each certificated employee of a school district for computing the first distribution of state funds in the last quarter of 1956. The legislature had decreed that for this last quarter distribution the school district's employment roll for the first two full weeks of April, 1956, was to be used. In regard to this problem the State Board of Education, supported by an opinion from the attorney general, made the following decision:

The annual salary of each certificated employee for the 1955-56 school year shall be deemed to be the amount of salary such employee would have earned during the 1955-56

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3 Minutes, February 1956 meeting, pp. 16-20.

school year for the months he was employed, at the salary
rate that governed his salary for the first two weeks of
April 1956.\(^5\)

For permanent teaching positions created after the beginning of the
1955-56 school year the annual salary was based on the rate for the
month of April, 1956.\(^6\)

**Budgets of county boards of education.** A fund for county boards
of education to be maintained in the state treasury was provided for in
the state foundation program.\(^7\) On or before the first day of December
of each year the county boards of education certify to the State Board
of Education a budget for operating expenses for the following year.
The budget is in two parts: Part A includes the cost of salaries and
travel expenses of supervisory teachers and of special instruction
teachers, and Part B includes the cost of all other lawful expenditures.
The State Board of Education reimburses the county boards of education
from a state fund for all of Part A of the budget as prescribed by law
but for only that part of Part B that is in excess of $100 a teacher
unit times the number of approved teacher units in the schools under the
jurisdiction of the county board.

Each county board of education submitted its budget in November,
1955, but many of the county boards asked that they be allowed to review
and revise their budgets since interpretations and regulations made by
the State Board of Education after the Board took office made a

\(^5\)Minutes, April 1956 meeting, p. 18. Actually this policy was
adopted at the meeting of February 1956, but inadvertently had been
excluded from the February minutes.

\(^6\)Ibid.

\(^7\)Sec. 3317.17 of the Revised Code of Ohio.
difference in their original proposals. The superintendent of public instruction pointed out that the budgets had been made prior to the Board's taking office and before the Board had made any regulations or interpretations. Also the county boards did not know precisely at the time just what their needs would be for additional administrative and supervisory services. The superintendent argued that the budgets had not as yet been reviewed and no action taken on them. He recommended that the county boards be allowed to revise these budgets. 8

In response to the superintendent's suggestion the Board adopted the following policy in this regard:

1. That the county boards of education whose 1956 budget requests have been affected by interpretations and regulations adopted by this Board relative to the new School Foundation Law be permitted to review and revise their budgets to conform to changed circumstances created by such interpretations and regulations.

2. That the annual budget requests of county boards of education be reviewed by the Superintendent of Public Instruction who will submit such budgets, together with his recommendations, for the Finance Committee for its consideration and recommendation for final action by the Board. 9

On reviewing the budgets that were revised by county boards of education the superintendent reported some problems had arisen. One concerned the wide variations in travel expenses of supervisors in the counties, and another was the limit which the state should pay in Part B of the budgets. The superintendent made several recommendations to regulate the approval of budgets of county board of education which the

8Report of Superintendent of Public Instruction to the State Board of Education, April 9 and 10, 1956, pp. 16-17.

9Minutes, April 1956 meeting, pp. 43-44.
Board adopted. Notable among these was a provision for limiting traveling expenses to $60 a month or $720 a year per person and a provision for limiting the state's contribution to Part B of the budget to $150 a teacher-classroom unit with several exceptions.

In April, 1956, upon the recommendation of the superintendent, the Board modified its policy once more to permit county boards to submit supplementary budget requests for 1957. This made it possible for county superintendents to hire additional supervisors and special instruction teachers for the 1957-58 school year. The policies concerning county board budgets adopted by the State Board of Education is a good example of the use of discretionary powers by the Board to regulate a particular aspect of state educational matters.

Transportation of pupils.—The Board was required by law to adopt a formula for approval of transportation costs in the various school districts and to include in these costs a reasonable allowance for depreciation on school buses owned by boards of education. The legislature directed the Board to establish an operation formula that would take into account such factors as sparsity of population, the number of pupils transported, and other factors "reasonably beyond the control of the board of education of each school district." At the

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10 Minutes, February 1957 meeting, pp. 7-8.

11 Minutes, April 1957 meeting, pp. 5-6.

12 Sec. 3317.051 of the Revised Code of Ohio.

13 Ibid.
meeting of June, 1956, the Board adopted the formula formerly used by
the Department of Education. In August, 1956, the Board adopted a
formula for operations that included four factors: (1) net number of
pupils, (2) density, (3) road conditions, and (4) bus drivers' salaries. The Board also constructed forms for reporting and set a
time for reporting. Regulations were also written to make adjustments
in transportation costs as the number of pupils transported increased
or decreased, and a list of five cost limitations were adopted, such
as limits for insurance costs, bus storage, and interest on bus notes.

At the meeting of May, 1956, the superintendent of public in-
struction proposed rules and regulations governing the bus depreciation
problem. These were adopted by the Board at the meeting of June,
1956. The formula for computing annual depreciation allowances for
buses owned by boards of education of the various school districts was
revised on two occasions. The first revision was made at the meeting of
August, 1956, following an opinion of the attorney general. The
second revision was made at the meeting of February, 1957. The change
was made because it was foreseen that continued accruals for deprecia-
tion in the year 1957 would place on deposit in the state treasury an


15 Minutes, August 1956 meeting, pp. 39-42.

16 Minutes, May 1956 meeting, pp. 11-15.


18 Minutes, August 1956 meeting, p. 38.
amount considerably in excess of what actually would be needed for the purchase of school buses in that same period. Thus a large amount of state money would be held in escrow in the office of the state treasurer. The Board adopted the superintendent's recommendation that only one year's depreciation be included in the approved transportation cost figure used in the foundation program calculation for each school district for the 1957 calendar year. The intent of this was to keep only enough money in the depreciation reserve to cover the costs of buses purchased for a particular period.

Extra salary allowances for extended service.—Another responsibility the Board carried out was the formulation of regulations for the calculation of extra salary allowances for certificated employees -- teachers, administrators, and supervisors -- whose terms of service extended beyond the regular school year. The law provided for the extra allowances for teachers to be proportionate to the time of service, but for the administrative and supervisory personnel it was to be twenty-five per cent more than the amount allowed for such personnel during the regular school year.

Regulations for the calculation of extra salary allowances for extended service of teachers were adopted by the Board at the meeting of October, 1956. The Board decided that the extended service was to be limited to classes and activities that were an extension of the regular school term curriculum. The superintendent of public instruction was made responsible by the Board to determine the services of teachers extended beyond the regular school term.

19 Minutes, February 1957 meeting, pp. 16-17.

20 Sec. 3317.051 of the Revised Code of Ohio.
that were to be considered for calculation under the foundation program. Appeals from the superintendent's decisions could be made to the State Board of Education.21

At the meeting of March, 1956, the Board adopted regulations for the calculation of extra salary allowances for administrators and supervisors.22 These were revised at the meeting of April, 1957.23 Meanwhile, House Bill 110 was being discussed in the legislature. The bill would have limited to a considerable extent the regulations for calculations of extended service credit already adopted by the Board.24 The bill, however, failed of passage.

At the meeting of June, 1957, the Board again revised its regulations upon the recommendation of the superintendent of public instruction. The Board agreed that the Department of Education should give further study to the whole problem of extended service credit to meet the criticism inherent in the bill just defeated in the legislature. The Board approved in principle the point of view of the superintendent to place some limit upon expansion of extended service or to make an overall allowance for each school district based upon number of classroom units or some other factors or combinations of factors.25

21 Minutes, October 1956 meeting, p. 12.

22 Minutes, March 1956 meeting, p. 15. The regulations appeared in the Report of the Superintendent of Public Instruction to the State Board of Education, March 12 and 13, 1956, pp. 18-21; however, a notation in the Board's minutes of March 1956 stated that the regulations would be incorporated into the permanent record.

23 Minutes, April 1957 meeting, pp. 20-24.

24 Minutes, May 1957 meeting, p. 21.

25 Minutes, June 1957 meeting, p. 20.
State funds for newly established schools.--The legislature made no provision in the school foundation law for state assistance to schools newly established in September, 1956. Obviously some policy had to be adopted for these schools. The Board studied the problem and, supported by an opinion from the attorney general,26 adopted a policy for them. The Board declared that any school district providing instruction in grades one to eight only which established a new high school in September, 1956, and any school district which placed in operation in September, 1956, a new elementary school in addition to its present elementary schools could file with the State Board of Education an application for state funds for such new school for the last quarter of 1956. The average daily membership for the first two weeks of September for these schools was to be filed with the State Board of Education no later than September 22, 1956, and this figure was to be used in calculating state aid. The school district was also to submit a list containing the name of each certificated employee, hired on an annual salary for such new school for the 1956-57 school year.27

Additional state funds for island districts and other special cases.--A special section in the law provides for state aid to island school districts.28 These islands are in Lake Erie and there are two of these districts. Because they are unique situations the state has made special provisions for them. The State Board of Education is

26Attorney General's Opinion, Number 6826, 1956.

27Minutes, August 1956 meeting, pp. 3-4.

28Sec. 3317.02 of the Revised Code of Ohio.
authorized to determine what amounts from the state school funds are to be paid to these island districts for the operation of each first grade high school and each elementary school without regard to the limitations that apply to other school districts. On petition of the county superintendent of schools in Erie County, the State Board of Education, upon the recommendation of the Board's finance committee and the director of the division of finance of the department of education, increased the allotment for Kellys Island School District for 1957.  

Board action was taken under its discretionary powers. Several cases arose where the Board was unable to act because it lacked authority to do so. Two school districts found that the elimination of tuition payments from the school foundation program seriously affected their ability to operate their schools. Tuition payments had been made to those districts without high schools who sent their high school pupils to schools in other districts. The Greenville Township Local School District and the Lincoln Heights City School District -- there were others later -- reported to the Board that they would be without funds to complete the school year. The director of the division of finance of the Department of Education advised the Board that it could not grant additional funds to these districts because it had no such authority under the law. The problem was reported to the legislature.

29 Minutes, April 1957 meeting, p. 4.

30 Minutes, March 1957 meeting, p. 35.

31 An emergency appropriation was eventually passed by the legislature to give some help to those districts who found themselves in urgent need of funds.
Other features of the foundation program.—Other aspects in the administration of the foundation program involved various actions by the Board, many of them merely ministerial ones. The Board could not release funds to a district which did not have a school term of at least 180 days including holidays and other non-teaching days approved by the Board. The Board could withhold funds from districts that did not supply certain membership records. School boards also were to comply with the section of the law that required teachers to be paid minimum salaries set by the state. In the calculation of approved teacher units the Board was to make certain that pupils who were in unauthorized attendance in a school district would be excluded from the official count of that district. In fact, the withholding of funds was extended to any case where a board of education did not conform with laws and regulations of the state. Reference was made to this power of the Board when the charge of segregation in the schools was discussed at several meetings. The power of the Board was tested in another case where the executive head of a local school district was charged with falsifying the attendance records. The Board dealt with this case by issuing a stern warning to the executive head and the local board of education and directing that the funds for the unauthorized pupils be deducted from future state subsidies to that district.

From the list of activities and responsibilities described above it is evident that the supervision of the school foundation program is

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32 Sec. 3317.14 of the Revised Code of Ohio.

33 See above, p. 341, for attorney general's opinion on segregation.

34 Minutes, May 1957 meeting, pp. 49-52, 57-58.
a most important duty of the Board. The record indicates that the Board gave a great deal of time to the making of policy for this particular state program.

Administering the Program for State School Building Construction

Another program that required a great deal of time and attention from the Board was the administration of state funds for aid in school building construction. Upon taking office the Board automatically became responsible for distributing $210,168 which was the remainder of money appropriated by the 101st General Assembly for school building rehabilitation for the 1955-57 biennium. In addition, the 101st General Assembly had also appropriated $3,000,000 for capital improvements for schools. These funds were voted from the surplus of the general revenues of the state. The Board also assumed responsibility for distribution of the balance in the improvements fund, which amounted to $386,100. A third sum for aid to needy districts for school building construction was appropriated by the 102nd General Assembly at an extra session in January, 1956. In enacting House Bill 942 the legislature gave the State Board of Education $7,000,000 to distribute to districts for school building construction. This sum was

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35 Minutes, February 1956 meeting, p. 5.

36 Amended House Bill 932, 101st General Assembly of Ohio.

37 This balance was calculated from figures given in the Report of the Superintendent of Public Instruction to the State Board of Education, April 9 and 10, 1956, p. 3. The superintendent had informed the Board in February that the balance was $390,000, but this included administrative costs of $13,900. Personal observations, February 1956.
given the Board in lieu of money from the state bond issue for public building construction. The 102nd General Assembly also granted the Board $100,000 to conduct a survey of school building needs and prepare a long range program in that regard. The Board was also directed to suggest enabling legislation for distribution of state bond issue money that would be forthcoming eventually. The expenditure of these appropriations required some extensive policy making by the Board.

Policies for school plant rehabilitation

At the meeting of February, 1956, the superintendent of public instruction reviewed the old policies and procedures used for distribution of money for school plant rehabilitation, which included the repair, improvement, remodeling, and equipping of school buildings. He then made several suggestions for modification of these policies and procedures which the Board adopted. The major policy provisions related to factors concerning the financial resources of school districts.

The appropriation of $3,000,000 for school buildings

The Board found only $386,100 remaining in the fund of $3,000,000 appropriated by the 101st General Assembly for capital improvements for schools. Reservations had been made for these funds in fourteen cases and the actual grant of funds had been made to three districts.

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38 Minutes, February 1956 meeting, pp. 5-6.

39 Computed from the Report of the Superintendent of Public Instruction to the State Board of Education, April 9 and 10, 1956, p. 3.
Grants were made only when a bond issue to raise the school district's share of the costs of a new building was voted favorably in the district, and after bids were advertised, opened, and the total cost determined.

The Board adopted the recommendations of the superintendent of public instruction, which were identical to the policies that had been established by the old Department of Education. The reservations of funds already made by the superintendent were approved in the general resolution. The Board's resolution to adopt these policies clearly stated that they applied only to state assistance in school building construction relating solely to the $3,000,000 appropriation made by the General Assembly in 1955. The policies adopted included such factors as the financial status of the school district, the critical need for new housing, the assurance that the building planned would be a permanent school center, and reservations in regard to the approval of separate gymnasiums and auditoriums.

The appropriation of $7,000,000 for school buildings

The $7,000,000 granted the State Board of Education by the legislature in 1956 was made available for immediate distribution. In the $3,000,000 appropriation the legislature limited the distribution to districts with an assessed valuation of property per pupil of less than $6,000 but in the $7,000,000 appropriation the legislature, upon request of the Board, granted it discretionary power to go beyond the

403 Minutes, February 1956 meeting, pp. 3-4.
valuation figure where the Board deemed it necessary.\(^1\) Some discussion
arose among Board members over the question of speed in distributing the
money; however, the vote was unanimous for the approval of the recom-
mendations of the superintendent and the finance committee of the Board
to govern the administration of this appropriation.\(^2\) The rules and
regulations adopted were described as general standards and procedures
and were similar in many respects to the policies and procedures adopted
for the $3,000,000 program.

**Differences in policies.**—There were some standards and pro-
cedures that differed substantially from the $3,000,000 program. For
one thing, the district was to have exhausted or be willing to exhaust
all local legal resources for raising funds for school buildings. An-
other significant departure was that the building planned was to be a
permanent school center and consideration was to be given to the ef-
ficiency of organization of the district. Several other factors were
to be considered: (1) an anticipated increase in pupil enrollment to
1958, and (2) the percentage of poorly-housed pupils in the district
was to be at least 20 per cent, but this figure was amended to read 30
per cent, projected to September, 1958.\(^3\) Another standard the Board
emphasized was the proper consolidation of districts; county lines or
other political factors were not to influence the recommended

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\(^1\) Amended House Bill 942, 102nd General Assembly of Ohio, 1956. The superintendent recommended that the Board ask for this modification because experience was proving that in some cases districts with higher valuations per pupil also were in need of such help.

\(^2\) Personal observations, meeting of February 1956. See also Minutes, February 1956 meeting, pp. 7, 23.

\(^3\) Minutes, June 1956 meeting, p. 13.
allocations of state funds. All the funds tentatively granted by the Board were to be submitted to the State Board of Control for that agency's approval as required by law.

**Priority system established.**—By the first of June, 1956, the Board had instructed the superintendent of public instruction to cease receiving applications for aid under the $7,000,000 program. A priority system was adopted at the meeting of June, 1956. The applications on hand were processed according to the priority system established which included factors pertaining to the percentage of pupils improperly housed and the financial resources of the district.

**Few exceptions to policies adopted.**—In the allocation of the $7,000,000, and, in some cases, of the $3,000,000, the Board attempted to adhere to its policies as closely as possible. In several cases the Board had to be flexible in following its own rules; for example, the River Local School District in Monroe County was granted $100,000 even though it did not meet all the criteria. The Board deemed this case to be of an emergency nature and "an unusual exception to ordinary policy." Each succeeding application was examined by the Board. In the case of the Paint Valley Local School District in Ross County the Board made another exception to its rules, granting that district aid for its proposed new facilities. This case also crystallized the Board's position on granting funds when gymnasiums were involved. Before this instance

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\[\text{Ibid.}, \text{p. 7.}\]

\[\text{Ibid.}, \text{pp. 7-9.}\]

\[\text{Minutes, March 1956 meeting, p. 13.}\]
the Board members were much divided on allowing money for such facilities as gymnasiums. The judgment of the county superintendent of the school district under discussion was that the bond issue for the building program would not pass without the gymnasium included. He added that this was a newly organized district and failure of the Board to allocate the money would set reorganization in that county back for many years to come. Many of the Board members believed that it was not the intent of the legislature to exclude gymnasiums from the state aid program and this case seemed to establish that conviction in the minds of the majority of the Board. The funds were granted. The Board made it known that it would consider the inclusion of gymnasiums where it felt they were justified.\textsuperscript{47} Generally, the exceptions to the Board's rules and regulations were few; the Board used its discretionary powers in the administration of these building aid programs with great care.

The state bond issue for public buildings

An undetermined but substantial source of funds for aiding school districts in constructing needed new school buildings was in prospect from the $150,000,000 state bond issue approved by the people in a constitutional amendment in 1955.\textsuperscript{48} Since half of this sum was to be set aside for mental institutions, there remained $75,000,000 for public schools, state universities, and state buildings. As previously noted, the provision in the amendment relating to public school

\textsuperscript{47}Minutes, June 1956 meeting, p. 15; also personal observations at the same meeting.

\textsuperscript{48}Article VIII, Section 2e, Ohio Constitution.
buildings required the "lease or sale" of the facilities to school districts. No portion of these funds was granted for the schools in 1956, but the legislature gave the Board $100,000 to conduct research on school building needs in the state, with a further mandate to prepare a capital plan and also enabling legislation for distribution of future allocations of this bond issue money.

Legislation for distributing bond money.—Accordingly, the Board employed the firm of Robert Heller and Associates of Cleveland to conduct the survey of school building needs and to help in the preparation of the enabling legislation. The Heller report formed the basis of the legislation eventually passed in the legislature in 1957. Provisions of the legislation enacted included the sale of buildings to school districts, a system of repayment which would terminate after twenty-three years even if the loan were not completely repaid by that time, and the establishment of a public school building rotary fund.

In connection with the construction of school buildings the Board employed an architect to study means of reducing the costs of school building construction. This report was made soon after June, 1957. When considered together, the administration of these several programs was a grave responsibility of the Board, requiring extensive but discreet use of its discretionary powers.

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Senate Bill 1443, 102 General Assembly of Ohio, which became Secs. 3318.01 to 3318.20 of the Revised Code of Ohio.
Policies Established for School District Organization

Like most states, Ohio has experienced a great deal of activity in the reorganization of school districts. The minutes of the State Board of Education for 1956 and the first half of 1957 show this to be a continuing process.

State policy of permissive legislation

The history of the state of Ohio in regard to the reorganization problem has been one of permissiveness. The legislature, if it wishes, can bring about any kind of school district organization, but over the years it has placed final decision on school district organization in the hands of people in the districts. The state has chosen to work by indirect means to bring about better school district organization. For example, state support for transportation of pupils in the past several decades has led to substantial reorganization of many districts. By providing funds to school districts to help purchase school buses or enter into contracts for their use, the state has induced many small school districts to merge into larger administrative units, which they might not have done without this financial aid.

The indirect approach to reorganization of districts

Recent state legislation in Ohio, though still indirect in its approach, makes it unwise or undesirable for certain school districts to keep their identity. The new school foundation program in some of its provisions reduces the amount of state aid to particular districts.
The legislation is oriented toward encouraging reorganization of undesirable school districts. The approach is more of a negative than a positive kind. The State Board of Education seems determined to use its discretionary powers to bring about more school district reorganization.

**Authority granted the Board.**—The authority of the Board extends to (1) approving or disapproving transfers of territory in connection with annexations to municipalities, 50 (2) conducting hearings when a county board of education refuses to transfer territory from one district to another upon petition of citizens of a district and approving or disapproving the transfer as a result of the hearings, 51 and (3) approving or disapproving transfers of territory from a city or exempted village district to any other school district upon the initiative of the board of education losing the district or upon petition of the people wishing to be transferred to another district. 52 In addition the legislature in 1957 granted the State Board of Education authority to conduct studies where there is evidence of need for the consolidation of several districts into a new district, 53 or for transfer of territory from one district to another. 54 In addition to these courses of action the present Board used several other approaches to move toward better school district
organization: these included discretionary powers in establishing high school standards and in distribution of state aid for new building construction.

Annexations to municipalities

For the year 1956 the Board reported that it had acted upon twenty-three cases of school district changes in connection with annexations to municipalities. From January, 1957, to June, 1957, the Board took final action on eighteen similar cases, making a total of forty-one cases in eighteen months.

In making its decisions the Board held for some time to the position that it would not consider a case of this kind until the annexation of the territory in question had been completed for municipal purposes. In previous years when territory was transferred from a political unit to a municipality the transfer for school purposes was automatic. The legislature, however, had changed the law by removing the automatic feature and giving the State Board of Education the authority to approve or disapprove the transfer of territory in question for school purposes. The question arose as to which party should initiate the request for transfer of territory for school purposes, the school board of the district losing the territory or the school board of the municipality receiving it. At its meeting of April, 1956, the Board decided that the board of education of the municipality should initiate a request to the State Board of Education to have the annexed territory become part of

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the school district of the municipality. The Board at the same time adopted a policy on the equitable division of funds and indebtedness between the school districts involved: the superintendent of public instruction would ask the two boards of education to meet, and, if possible, to agree on a satisfactory settlement, which would be submitted to the State Board of Education for approval. If an agreement were not reached, the matter would be arbitrated by a representative of the State Department of Education.

The original policy adopted on transfers of school district territory to a municipality for school purposes did not prove satisfactory. There were school districts that did not wish to lose any of their territory to a municipality and, on the other hand, some municipalities felt that these cases of transfers of territory were only evidence of the natural growth that was taking place around city areas. A spokesman for the city of Cincinnati told the Board that cities may cease to grow unless annexations of territory take place both for municipal purposes and for school purposes. He asked that the Board clarify its policy on such transfers; he suggested that the Board could state its intent to transfer the territory in question before final action was taken by the council of a municipality to annex the territory. He believed that the transfer of territory for school purposes should not be a gamble once the territory had been annexed by the municipal council. The Board at that time declined to consider such an approach.

56 Minutes, April 1956 meeting, p. 43.

57 Ibid.

58 Personal observations, meeting of September 1956.
Uniform tax laws created difficulties.—Complicating matters was the fact that the uniform tax law in Ohio creates situations where a governmental subdivision, such as a county, a school district, a township, or a city, may lose some of its revenue derived from taxes where an area is annexed and not subsequently transferred for school district purposes to the annexing municipality. Article XII of the Ohio constitution places a limit on the taxation of real property at 10 mills on each dollar of valuation of such property within a taxing jurisdiction. Accordingly, when taxing districts are combined the constitutional limitation of 10 mills may not be exceeded and it becomes the duty of the county budget commission to reduce proportionately the maximum levies prescribed by law to bring the total of these levies within the constitutional limitation. A tax loss, thus, could befall a taxing district where an area is annexed and not subsequently transferred for school purposes. To minimize such unhappy events the Board was asked to make known before an annexation was officially accomplished its decision on the transfer of territory for school purposes.

The Board reversed its policy.—In response to what had become a difficult situation, the Board reversed its policy; it would not wait until an annexation had been completely effected before considering the transfer of the annexed territory for school purposes. The Board adopted this policy statement:

Where a board of county commissioners, by resolution, proposes an annexation to a municipality on the condition

59 Additional taxes for limited periods may be authorized by vote of the people in a taxing district to exceed the 10 mill limitation.

60 Minutes, February 1957 meeting, p. 26.
that the territory affected be transferred for school purposes to the municipality by the State Board of Education, and

Where a village or city council accepts such annexation on condition that the territory be transferred for school purposes by the State Board of Education, then the State Board of Education shall order a study made of the proposed transfer of territory and subsequently approve or disapprove the proposed transfer of territory for school purposes and so inform the county auditor, the county commissioners, the council of the municipalities, and the boards of education concerned.\textsuperscript{61}

The Board made it clear that it would not take action unless the conditional annexation procedures had been completed by the county commissioners and the council of the municipality involved.

This step by the Board helped to ease one situation but it did not solve the problem of whether the Board should or should not approve the transfer of territory for school purposes. Cities argued on the premise of their need for natural growth and local school districts argued that the whittling away of their districts by continued annexations to cities would destroy them. In discussing the issues involved one member of the Board said that he did not believe the legislature intended the State Board of Education to block expansion of the cities but its aim was only to prevent the crippling or destroying of local school districts in favor of municipalities. He argued that the problem was one of preserving county school systems in the face of the growth of metropolitan areas.\textsuperscript{62} The Board made no further changes in its policy; it dealt with each succeeding case on its merits, trying to be fair to both municipalities and local school districts.

\textsuperscript{61} Ibid., p. 27.

\textsuperscript{62} Personal observations, meeting of June 1956.
Transfers of territory not involving annexations

Within its field of jurisdiction in the approval of transfers of territory other than those involving annexations to municipalities the Board reported that it had taken action on sixty-eight petitions for such transfers in 1956. According to law these transfers were to take place only in even numbered years. The Board made its decisions on the basis of the recommendations of its own committee on annexations and mergers. This committee of the Board in turn obtained its information, and also recommendations, from a committee of the State Department of Education that dealt with school organization.

Actually the Board did not establish any formal policy for these transfers of territories. In many cases it was a mere matter of supporting the decisions of the county boards of education. In others, it was a matter of assenting to old policies of the department, so it could be said that the Board followed some of the inherited policies. For example, in the meeting of April, 1956, the Board adopted the recommendation of the committee of the department in refusing several transfers of territory because the department had been opposed to piecemeal transfer of small tracts of land from one school district to another. The Board did not question any transfers when the boards of education of the interested districts were in agreement on the transfer.\textsuperscript{63} In all the cases considered in 1956 there were few that involved much debate. The sections of law in respect to these transfers of territories were not difficult to administer.

\textsuperscript{63} See the mimeographed report on transfers of territory with recommended action by the department committee and the Board committee on annexations and transfers, April 1956.
Criteria for determining permanent high school centers

An area in which the Board did encounter difficulties was the policy it had to adopt for determining what was to be a permanent high school center. The Board had to make known what it required as criteria for approving the establishment of a new high school and the merger of smaller high schools when several districts were combined. Criteria were necessary, for many mergers would be accomplished as a result of the operation of the new school foundation program. Several members of the Board insisted that the people should know what the Board's intentions were. The legislature by implication had already indicated that it wished to eliminate small inefficient high schools.

Since the Board was given authority to adopt standards, it proceeded to do so and the following criteria for high schools, grades nine through twelve, were approved:

(a) A district not operating or constructing a high school in 1954-55 should not be permitted to establish a high school unless (1) the high school will enroll 200 or more pupils and has a valuation in the district in excess of five million dollars, or (2) the factors of distance or transportation are such that the State Board of Education certifies, upon consideration thereof, that the operation of a smaller high school is justifiable. In granting exceptions to the minimum enrollment specified, the Board will give particular consideration to (1) whether there is another high school within 15 miles; (2) whether road conditions are such as to permit economical transportation; and (3) whether the pupils would be required to ride the school busses for longer than one hour each way.

(b) A small district now operating a high school enrolling less than 180 pupils should be urged to combine

64 Personal observations, meeting of June 1956.
with one or more other districts in order to meet the minimum enrollment requirement specified in Paragraph (a). 65

A motion to eliminate paragraph (b) was defeated in the discussion of the criteria. Several members were not convinced of the merits of the larger school. One member stated that this second part was no criterion at all and was not necessary. Another member suggested that the second part be deferred; he believed the legislature had actually "sounded the death knell" of the small high school in the new school foundation law. This same member felt that the only action the Board need take in regard to the new high schools was the approval or disapproval of requests from school districts for permission to issue bonds in excess of the statutory limitation of six per cent of the district's real property valuation. 66 The minority was unable to muster enough votes and the criteria were approved as presented. 67

Attempts of the Board to further reorganization

At times members of the Board expressed their frustrations over the inability of the Board to take action to solve some of the problems of school district organization. The Board could do no more than what was authorized by statute. There was some sentiment for legislation that would give the Board more authority than it had in working for the achievement of better school district organization.


66 By law the approval of bond issues over the six per cent limitation rested in the superintendent of public instruction, but the Board did ratify his actions.

67 Personal observations, meeting of June 1956.
The legislature denied the Board's request for authority to approve bond issues of school districts in excess of four per cent of the tax duplicate of the district. A second request of the Board was granted. The legislature gave it authority to conduct studies in areas where there was some evidence of need of further consolidations and to propose the creation of new districts, subject to final approval by the voters in the affected districts.68

There are several factors that indicate that the Board has achieved sufficient authority to influence school district organization in the state. It has power to establish criteria for newly established high schools, which also affects the merger of small high schools when districts combine. It may use its power to approve or disapprove transfers of territory between districts to induce weak school districts into consolidations with their neighbors. The Board can provide some leadership by making studies and proposing reorganizations of poor or inefficient districts. Another significant factor favoring more school district reorganization is the new school foundation program which limits the amount of aid to small school districts thus forcing them to merge with adjoining districts to secure more amply financial resources.

Regulating Teacher Certification, Teacher Institutions, and Other Institutions

The State Board of Education has certain responsibilities in connection with the establishment of standards for the preparation, training, and certification of personnel who work as teachers, supervisors, or administrators in the elementary and secondary schools of

68 These provisions were enacted as Secs. 3311.27 and 3311.28 of the Revised Code of Ohio in 1957.
the state, both public and private. The responsibilities in this area are practically the same as those of the old Department of Education.

Statutory Powers of the Board

Except for the type of teacher certificate, which is provided for by statute, the Board has some far-reaching powers in the regulation of teachers and teacher training institutions in the state. In addition, institutions of higher learning that wish to offer instruction in the Arts and Sciences leading to an academic or professional degree may not confer a degree or diploma without a certificate of authorization issued by the State Board of Education. In this latter case the legislature has established certain criteria, or prerequisites, for the issuance of a certificate of authorization, such as adequate housing, a productive endowment and stable income, and minimum standards in respect to faculty, library, and other facilities. These criteria must be adopted and published by the superintendent of public instruction.

The authority of the State Board of Education to regulate teacher training institutions is contained in several statutes. Section 3319.22 states that teachers' certificates valid for the state of Ohio shall be issued according to law, or in accordance with standards, rules, and regulations authorized by law. Grades of certificates are designated as temporary, provisional, professional, and permanent certificates. Anyone of these may be issued in each of twelve types: kindergarten-primary,

69 Sec. 1713.02 of the Revised Code of Ohio.

70 Sec. 1713.03 of the Revised Code of Ohio.
elementary, high school, special, elementary principal, high school principal, supervisor, superintendent, vocational, assistant superintendent, pupil personnel, and executive head.

Important discretionary powers were granted the Board in Section 3319.23 of the state code, which reads:

The state board of education shall establish standards and courses of study for the preparation of teachers, shall provide for the inspection of institutions desiring to prepare teachers, shall approve such institutions as maintain satisfactory training procedures, and shall properly certificate the graduates of such approved courses and institutions.

The standards and courses of study for the preparations of teachers together with the standards, rules, and regulations set for each grade and type of certificate and for the renewal and conversion thereof shall be adopted and published by the board in accordance with Chapter 119 of the Revised Code and no change therein shall be effective for at least one year from the first day of January next succeeding the publication of the said change.

The renewal of any certificate below the permanent one or conversion from one certificate to another may be approved by the Board providing the applicant has met the standards of preparation, experience, and teaching success set by the Board. To meet emergency requirements for teachers the legislature granted the Board authority to establish rules and regulations below those set for provisional certificates. These certificates are valid for one year but are renewable if deemed necessary.

Along with the power to grant certificates the legislature also gave the Board authority to revoke them. This function is a quasi-judicial one; the Board is required to follow a series of steps that

71 Sec. 3319.23 to 3319.27 of the Revised Code of Ohio.

72 Sec. 3319.28 of the Revised Code of Ohio.
terminate in a hearing. A certificate may be revoked where the holder is found to be "intemperate, immoral, incompetent, negligent, or guilty of other conduct unbecoming to his position." Another quasi-judicial function granted the Board is the authority to suspend a teacher's certificate for one year when it is adjudged that the teacher terminated his contract in a manner not according to law. The State Board of Education upon the complaint of the employing board of education is authorized to investigate and suspend the certificate if the teacher's action is found to be illegal.

Policies for Teacher Certification

The State Board of Education took action leading to the adoption of standards for temporary certification of teachers and to the revision of the teaching standards in general.

Problems of temporary certification

At the meeting of March, 1956, the director of teacher training and certification reported to the Board that it was necessary to adopt policy on the issuing of temporary certificates. He informed the Board that approximately 4,000 full-time teachers with temporary certificates had been employed by boards of education in the 1955-56 school year and that the same number, at least, would be needed in the 1956-57 school year. The director asked the Board to adopt the existing policy on

73 Sec. 3319.31 of the Revised Code of Ohio.

74 Sec. 3319.15 of the Revised Code of Ohio.
temporary certification and made adjustments as necessary. He believed that the Board should not lower standards below the statement on standards used by the Department of Education in 1955-56. The Board proceeded to adopt the old standards that required a teacher on temporary certification to earn six semester hours of credit toward a standard certificate for each renewal. At the same time the president of the Board appointed a committee of three members to work with the director on problems dealing with certification.

Problem of non-tax supported schools.—Since the power of the Board extended to teachers in private or parochial schools, the legislature was requested to pass legislation permitting the Board to issue temporary certificates to teachers in non-tax supported schools. The legislature did this, enacting Section 3319.28 of the state code that permitted the Board to accept applications for temporary certificates upon the request of a superintendent of a city, county, or exempted village school and "a superintendent of diocesan schools, or the administrative head of any non-tax supported school." The statute required also that evidence of a scarcity of suitable teachers otherwise certified be provided.

75 Personal observations, meeting of March 1956.
76 Minutes, March 1956 meeting, p. 13.
77 Ibid.
Comprehensive policy adopted

The culmination of the Board's effort in regard to policy on temporary certification of teachers occurred at the meeting of May, 1957, when it adopted in great detail a comprehensive statement on that subject. The Board described the steps that were to be followed in applying for a temporary certificate. The requirements for those individuals eligible for temporary certificates were enumerated. The categories for which certificates would be issued were as follows: (1) high school, (2) elementary school, (3) special education, (4) vocational education, (5) kindergarten, (6) adult evening classes, (7) administrative, supervisory, and pupil personnel services, and (8) substitute teachers. The Board further listed the requirements for renewal of temporary certificates and stated in precise terms the conditions of ineligibility.

Teacher certification standards in general

The adoption of standards for certification of teachers was accomplished in three phases. The first of these took place with the adoption of a set of standards on an emergency basis. The attorney general, upon request for an opinion from the Board, replied that it would be advisable for the Board to adopt a set of standards in accordance with the Ohio Administrative Procedures Act. The Board then asked the governor to declare an emergency to adopt the old standards

79 Minutes, May 1957 meeting, pp. 50-58.

80 Minutes, September 1956 meeting, p. 7.
temporarily. The governor responded by proclaiming that an emergency existed with respect to the "operation of standards and courses of study for the preparation of teachers, and rules and regulations for each grade and type of certificate adopted pursuant to Section 3319.23 Revised Code . . . ." The old standards were adopted on an emergency basis. Next the Board held a public hearing on November 13, 1956, to adopt these standards on a permanent basis. Following the hearing the Board declared that the standards for teacher certification heretofore adopted as an emergency measure were now adopted and were to become effective at the earliest possible time allowed by law.\textsuperscript{82}

The long term study of standards.--In the process of the emergency adoption of the old standards of teacher certification and the adoption of elementary school standards, several members of the Board became convinced that a reconsideration of current certification standards should be initiated. Part of the problem was the protest of the non-tax supported schools whose authorities were asking for more realistic certification standards for their teachers.

Upon the suggestion of one of its members the Board decided that it would begin work on a reconsideration of the standards and that some workable exceptions would eventually be adopted to meet the "varying purposes and needs of these schools." The full resolution adopted included the appointment of a committee to study teacher certification standards which was to report back to the Board not later than

\textsuperscript{81} Ibid., pp. 18-19.

\textsuperscript{82} Minutes, November 1956 meeting, p. 50.
October, 1957. The committee was charged with the responsibility of recommending any needed revisions in existing standards.\textsuperscript{83} This committee of five members was appointed at the meeting of February, 1957.\textsuperscript{84} The committee reported to the Board in June next that it was making definite progress toward a draft of certification standards. The committee also asked the Board to adopt a resolution asking the attorney general for his opinion on several questions relating to the committee's work.\textsuperscript{85}

Revocation of teachers certificates

The Board considered three cases involving revocations of teacher certificates. Using its quasi-judicial power the Board revoked the three certificates. Two of these concerned misrepresentation and one, immoral conduct. In another case the Board was asked to suspend a teacher's certificate for violation of a contract.

Fraud cases.--In 1954 the Department of Education issued certificates to a husband and wife upon submission of evidence that they were graduates of an approved college, with the proper credits in courses. It was discovered later that these two people had misrepresented themselves; they had falsified student credit hours from an institution that was non-existent. The Board notified the teachers in July, 1956, that a hearing was to be held concerning their cases and that they had a

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\textsuperscript{83} Minutes, January 1957 meeting, p. 5; see also the February 1957 minutes, p. 3.
\textsuperscript{84} Minutes, February 1957 meeting, p. 2.
\textsuperscript{85} Minutes, June 1957 meeting, p. 33.
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right to produce evidence in their own defense. The hearing was held and the certificates were revoked. 86

Revocation because of immorality.—Notice was given of another hearing on May 19, 1957, to determine whether a teacher's certificate should be revoked. This case concerned a teacher who had been found guilty and committed to prison for having taken indecent liberties with two minors and of having committed sodomy with a minor. The Board went through the formality of notifying the prisoner of his rights. He was represented by counsel at the hearing. The Board revoked his certificate. 87

Case involving legality of contract.—The Board at its meeting of October, 1956, refused to accede to the request of a city board of education to suspend the certificate of a teacher. The local board of education failed to notify the teacher before the statutory deadline of July 1 of the amount of his salary for the next school year. The teacher in turn failed to notify the board of education by July 10 that he was resigning. The Board refused to suspend the teacher's certificate on the grounds that the State Board of Education intended to implement the law but that in this case the city board of education had not itself complied with the statutes. 88

86 Minutes, August 1956 meeting, p. 3.
87 Minutes, May 1957 meeting, p. 2.
88 Minutes, October 1956 meeting, pp. 25-26.
The Board on several occasions exercised its powers of regulation in the field of higher education. It approved new programs of teacher preparation in three colleges but disapproved the petition of a college in another case. In two other instances it granted certificates of authorization for conferring degrees to institutions of higher learning. The procedure followed in these instances was to have the director of teacher training and certification, or another member of his staff, personally inspect the institutions making applications. A report was made to the superintendent or to some designated member of the Board who in turn recommended to the Board the action to be taken.

Problems of supervising teacher training institutions

To carry out one of its assigned functions the Board was to inspect the teacher training institutions in the state. The director of the division of teacher training and certification informed the Board that it was impossible for him to inspect the forty-eight teacher training institutions in Ohio with his present staff. The director had no other professional person to aid him; he recommended the addition of at least one trained person. The director had also informed the Board at its first meeting that his division was understaffed in relation to its assigned responsibilities: (1) the supervision of teacher programs in the forty-eight teacher training institutions; (2) the granting of teacher certificates -- 27,270 issued in 1955; (3) informing the public

89 Personal observations, meeting of July 1956.
on the supply and demand of teachers; (4) the awarding of 500 scholarships to prospective teachers in the elementary field; and (5) formulating programs to attract teachers.\(^90\)

The Board generally did not concern itself with the quality of teacher training programs. A few members of the Board voiced some criticisms, but these remarks were of a general kind. The Board did not attempt to make any changes in the teacher training programs until late in 1957.

**Regulating other degree granting institutions**

The Board acted in two instances in the exercise of its power to issue certificates of authorization to institutions of higher learning wishing to grant degrees in the arts and sciences. The Board approved the request of Hebrew Union College to confer the degree of Master of Arts in Hebrew Letters,\(^91\) and the request of Borromeo Seminary to confer the degree of Bachelor of Philosophy.\(^92\) In connection with this function of issuing certificates of authorization the Board finally authorized the employment of two additional persons to assist the director of teacher training and certification in the inspection of such institutions for compliance with legal requirements and for recommending the granting or withholding of such certificates of authorization.\(^93\)

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\(^90\) Personal observations, meeting of January 1956.

\(^91\) Minutes, November 1956 meeting, p. 45.

\(^92\) Minutes, April 1957 meeting, p. 15.

\(^93\) Minutes, March 1956 meeting, p. 34.
For the most part the regulatory activities of the Board in the area of teacher training and certification occurred in the establishing of rules and regulations for granting the various kinds of teacher certificates. Part of this duty was accomplished with the formulation of rules and regulations for issuing temporary certificates. For all other certificates granted the Board adopted the rules and regulations that had been established by the old Department of Education, though the Board declared its intention to revise these before the end of 1957. The revision was a product of the controversy that arose over the certification standard for teachers in the adoption of the minimum standards for elementary schools.

Adoption of Standards for Elementary Schools and High Schools

Following the mandate of the legislature the Board took immediate steps to formulate and prescribe standards for the elementary schools in the state. The Board decided that the question of high school standards should be deferred for a while. A committee of the Board was given the responsibility for the entire procedure of the adoption of elementary standards.

The elementary standards

The process of preparing the standards and adopting them turned out to be a problem requiring a full year to accomplish.

The preliminaries to the adoption of standards.—At its meeting in March, 1956, the Board received copies of a set of recommended standards prepared by the staff of the Department of Education. Members
were asked to study these and to discuss them with school officials in their districts. Copies were also distributed to educators and school groups in the field. Board members soon found that the proposed standards had provoked a great deal of comment and criticism. The chairman of the Board committee remarked that a set of standards should be adopted as promptly as "careful work will permit," but that the manner in which they would be adopted would reflect much of the basic philosophy of the Board toward school problems. The proposed standards were then more widely circulated throughout the state to invite more discussion and more criticism.

By July, 1956, the Board committee had revised the standards in response to criticisms from "hundreds of school people throughout the state." The Board directed that the modified standards again be circulated throughout the state, making it known that they were in substance what the Board believed would be eventually adopted. From July to the time of the hearing on the proposed minimum standards, December 10, 1956, the Board received many pleas, especially from the independent and parochial schools, that several of the standards be modified. At the hearing the standards were both defended and adversely criticised by various groups.

As a result of the hearing the Board committee made several modifications in the standards and at the February, 1957, meeting the

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94 Minutes, March 1956 meeting, p. 12.
95 Minutes, April 1956 meeting, p. 17.
96 Minutes, July 1956 meeting, pp. 20-21.
Board adopted them as the minimum standards for elementary schools, both public and non-public, in the state.

**Nature of the adopted standards.**—In all, the Board adopted fourteen standards. Some of these were general in nature but others were very specific. The most controversial standards were Standard II and Standard VI. Standard II, effective in the school year 1959-60, required an elementary school to have at least three full time teachers and no more than two grades housed in the same classroom. Standard VI, also effective in the school year 1959-60, required all teachers, supervisors, and principals in non-tax supported schools to hold the same legal certificates for the work performed as were required of the public school teachers.

Two of the standards dealt with curriculum, including approximate time allocations for instruction in the various subject areas. Several standards were concerned with the administration of pupil personnel and with staff personnel practices. Special services were to be provided, such as a guidance program and central or classroom libraries. Two of the standards pertained to the school plant and its maintenance. Several other standards related to the educational philosophies of individual schools and to instructional materials.

**Steps toward advisory standards.**—The chairman of the Board committee on elementary standards recommended that a set of advisory standards be written, stating that he felt there was a need for upgrading the minimum standards. The chairman was of the opinion that the minimum standards might be regarded as optimum ones by many people.

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97 Minutes, February 1957 meeting, pp. 34-39.
throughout the state. These advisory standards were to be included in an administrative manual to accompany the minimum standards adopted by the Board. The chairman made two further observations. He reminded the Board that the job of inspecting and evaluating all the elementary schools of the state was borne by two persons in the division of elementary and secondary education. In regard to the writing of the advisory standards the chairman believed that it was a question of whether the two staff members should write these standards or carry on their inspection work. He suggested that the decision should be made by the superintendent of public instruction.\^98 No immediate decision was made.

**High school standards**

When the Board took office in January, 1956, it assumed that the high school standards established by the old Department of Education were in effect. Accordingly, the Board granted temporary charters in May, 1956, to fifty-three high schools for the next school year\(^99\) and recognized new or reorganized high schools by issuing charters or certificates of affiliation in several instances.\(^100\) At its meeting of January, 1957, the Board refused to grant a high school charter to the Morgan Township School District in Butler County, but the Board based this action on its policies of not granting charters to high schools of less than 240 pupils and a tax valuation of less than $5,000,000.\(^101\)

\(^98\) Minutes, April 1957 meeting, p. 17; see also Minutes, March 1957 meeting, p. 35.

\(^99\) Minutes, May 1956 meeting, p. 53.

\(^100\) Ibid; see also Minutes, August 1956 meeting, p. 35.

\(^101\) Minutes, January 1957 meeting, p. 4.
At the meeting of January, 1957, the superintendent of public instruction called attention to the attorney general's opinion of August 13, 1956, that said that standards do not survive the public agency which adopted them. The superintendent recommended that the high school standards of the old Department of Education be adopted on an emergency basis and that a Board committee undertake a revision of the standards for final adoption.\textsuperscript{102} The Board adopted the old standards according to law. A Board committee was assigned the job of developing new standards. At the meeting of June, 1957, the committee reported that it would hold talks on June 12 with members of the Department of Education and representatives of a number of different organizations to begin work on the minimum standards for high schools.\textsuperscript{103} The Board intended to follow the procedures used in adopting the minimum standards for elementary schools. Notice of a hearing and other requirements of the Ohio Administrative Procedure Act would have to be followed.\textsuperscript{104}

The writing and adopting of the minimum elementary standards for elementary schools proved to be a long and troublesome task. The Board did not envision the same difficulty with the high school standards. The most difficult obstacle seemed to be the interpretation of what the legislature meant by the wording of Section 3301.07 of the state code, "the board shall also consider the particular needs, methods and objectives" of the non-tax supported schools in the formulation and

\textsuperscript{102}Ibid., p. 22.

\textsuperscript{103}Minutes, June 1957 meeting, p. 32.

\textsuperscript{104}The Board adopted the minimum standards for high schools at its meeting of December 1957.
administration of standards. Some flexibility was eventually placed in the elementary school standards. In general, the Board followed very closely the broad outlines of policy written into the statutes by the legislature. How well the standards will be enforced is another matter. As of June, 1957, the Department of Education lacked the necessary personnel to inspect and approve approximately 3,000 public elementary schools plus all the non-tax supported ones. The same staff must also inspect the 1,110 public high schools and the 1,288 private and parochial high schools.¹⁰⁵

Regulating Vocational Education

Regulation of vocational education in the state became the responsibility of the Board for two reasons. Programs of vocational education in a particular state are partially subsidized by the federal government but only if the states see that certain requirements are met. In addition, the school foundation program in Ohio allows state funds to be distributed to school districts for each vocational unit or fraction of a unit that is maintained. The State Board of Education is required to approve these units annually.

Vocational agriculture

At its meeting of March, 1956, the Board approved criteria for determining a unit of vocational agriculture. The standards defined a unit as three approved vocational classes and two conference periods. A lengthy list of general conditions was placed in the criteria, such as

¹⁰⁵ Figures from the Minutes, April 1956 meeting, p. 37.
the time schedules, adequacy of facilities, and the term of employment of teachers. Part II of the criteria described what the Department of Education would accept as out of school programs for young and adult farmers; salary requirements were also established. Part III listed the conditions for reimbursements for traveling expenses of the teachers.¹⁰⁶

**Distributive education**

At its meeting of May, 1956, the Board adopted criteria for determining units or a fraction of a unit in distributive education for disbursement of state aid under the school foundation program. The Board defined the occupations that would be included in this type of vocational education. Special provisions for reimbursement of instructors and for travel allowances were established also. Criteria for two programs for adults were included.¹⁰⁷

**Home economics**

Criteria for determining the approval of home economics units for calculation of state aid under the school foundation program were adopted at the meeting of April, 1956. Criteria for programs for adult homemakers were also established and conditions listed for the reimbursement and travel expenses of instructors.¹⁰⁸


¹⁰⁷ Minutes, May 1956 meeting, pp. 20-22, 54.

¹⁰⁸ Minutes, April 1956 meeting, pp. 30-31, 42.
Trade and Industrial Education

One part of the problem in the area of trade and industrial education concerned the evaluation of the trade and industrial experience of instructors in the program. The legislature in Section 3317.061 of the state code granted the Board authority to set up standards for evaluating this experience. At the meeting of May, 1956, the Board adopted these standards so that allowances for these teachers could be precisely calculated for inclusion in the school foundation program. 109

The second part of the problem was the formulation of criteria for determining the approval of vocational units in trade and industrial education for calculation of state aid under the school foundation program. The Board proceeded to adopt criteria for the 1956-57 school year. Four programs were described and the allotment schedule specified. 110

Also in the area of trade and industrial education the Board revised its vocational service for the practical nurse training program by making provisions to extend and improve it. The Federal Vocational Act of 1946 was amended by the Congress in August, 1956, making more funds available to alleviate the shortage in trained nurse personnel. The Board, in keeping with the amendment to the law, directed that a special supervisor in practical nursing be employed within the trade and industrial education service. Accordingly, the Board made pertinent additions to its state plan for vocational education to include

109 Minutes, May 1956 meeting, pp. 7, 54.

110 Minutes, May 1956 meeting, pp. 16-19, 54.
practical nursing in order to establish the legal basis for qualification for federal funds.\textsuperscript{111}

**Business education**

At its meeting of June, 1956, the Board deferred a proposed plan to create a business education service in the division of vocational education. The plan as presented included (1) the employment of a supervisor and secretary, (2) the assignment of responsibility to the supervisor to develop criteria for the approval of vocational cooperative units in office practice for use in the 1957-58 school year, and (3) the listing of qualifications for the state supervisor. The recommendation to create the business education service was made by a Board committee but upon the advice of the finance committee of the Board the decision was made to defer the plan temporarily.\textsuperscript{112} The Board committee again recommended the employment of a supervisor of business education at the meeting of September, 1956. The minutes do not precisely specify that a section of business education was created in the division of vocational education but the preliminary remarks of the committee chairman intended this. The motion to employ the supervisor was passed. The Board committee strongly advocated the action because it felt that the service was badly needed in the state.\textsuperscript{113}

\textsuperscript{111} Minutes, September 1956 meeting, pp. 9-14.

\textsuperscript{112} Minutes, June 1956 meeting, pp. 11-12; see also Report of the Superintendent of Public Instruction to the State Board of Education, June 11 and 12, 1956, pp. 2-3.

\textsuperscript{113} Minutes, September 1956 meeting, p. 20.
The budget for vocational education

Besides the establishment of standards and regulations for vocational education the Board exercised the concurrent duty of regulating finances for these functions. The Board, according to law, was responsible for the administration of funds provided by the federal government and the state. The budget adopted pertained to teacher training and supervision for the division of vocational education. The Board followed one of the policies of the old State Board of Vocational Education by contracting with teacher training institutions and several local boards of education for the training of teachers, for vocational guidance, and for certain supervisory duties.\textsuperscript{111}

One significant improvement in the administration of the vocational education program in the state was the transfer of responsibility for it from the old State Board of Vocational Education to the State Board of Education. Under the old system the program was administered by an ex officio board within the state central educational agency. The separate administration of the program was abolished when the State Board of Education assumed responsibility for education in the state.

Regulating Special Education

At its meeting of June, 1956, the Board approved a long detailed list of criteria for determining the approval of special education

\textsuperscript{111}Minutes, June 1956 meeting, p. 12; see also Report of the Superintendent of Public Instruction to the State Board of Education, June 11 and 12, 1956, pp. 4-8.
These units had to be approved annually by the Board and they were to be the basis upon which the calculations for state aid under the school foundation program would be made. Section 3317.05 of the state code specified that these units would include plans for the teaching of the deaf, blind, crippled, slow learning and speech handicapped children where they were maintained by school boards of education, including county boards of education.

**Nature of the criteria**

The standards prescribed by the Board were comprehensive in scope. Basic rules for eligibility were established; for example, the intelligence quotients of slow learning children were to be in the range between the low fifties to the middle seventies and for the blind children a minimum of seventy. Class sizes were prescribed and these differed with the nature of the disability of the handicapped children. The Board further prescribed standards relative to the housing of the handicapped children, the equipment to be provided, and the materials to be used. The qualifications for the teachers of the handicapped included some special training. Because the law required it, the Board formulated rules for the dismissal of children from the public schools for psychological reasons.

**Child study services**

Provision was made by law to facilitate the state's program for special education services by authorizing boards of education to

115 Minutes, June 1956 meeting, p. 7; see also Report of the Superintendent of Public Instruction to the State Board of Education, June 11 and 12, 1956, pp. 12-50.
establish and maintain child study, counseling and adjustment services for persons over five years of age whose learning had been retarded, interrupted or impaired by physical or mental handicaps. Under this provision the State Board of Education through the division of special education in the Department of Education approved standards for psychological services in the public schools. ¹¹⁶

Though the Board was successful in formulating criteria for special education units as required by law, it is faced with the formidable task of providing assistance in securing trained personnel to meet present and future needs. The state is obligated to provide school programs for the handicapped children; the State Board of Education is assigned the responsibility of administering the policies established by the legislature in this regard.

Other Regulatory Acts of the Board

In addition to the broad areas already dealt with, the State Board of Education performed other regulatory acts. Some of these have already been described or referred to in other chapters above. The several regulatory acts and intended actions of the Board described below are meant to give some further notion of the extent of Board activities.

Report forms for schools and colleges

Section 3301.07 of the state code provides that the State Board of Education shall require reports from school districts, school officers, 

¹¹⁶ Minutes, August 1956 meeting, p. 25.
and employees as are necessary and desirable. The superintendent of
public instruction submitted a list of forms to the Board that were
adopted as necessary and desirable. The list included four enumeration
report forms, three statistical report forms, two financial report forms,
and one report form for higher institutions of learning.\textsuperscript{117}

\textbf{Policy for school bus purchases}

Policy of the State Department of Education in regard to the
purchase of school buses by boards of education prior to the advent of
the State Board of Education was to list the manufacturers of school
buses who could do business in the state. At its meeting of March,
1956, the Board considered a request from a bus manufacturer in Ohio
that competition from out of state manufacturers\textsuperscript{1} of buses be challenged.
The Ohio bus company argued that it was a "good citizen" of Ohio and
that the job security of Ohio workers should be protected. This company
cited several other reasons for restricting out-of-state competition.\textsuperscript{118}
The Board saw no merit in the arguments made and decided that any bus
manufacturer could sell in Ohio as long as it met the safety standards
established by the Department of Education. The preferred list was thus
stricken from the new policy statement. The standards of safety adopted
were the old standards of 1954 which had already been revised. At the
same time the Board, upon a suggestion of one of its members, directed

\textsuperscript{117} Minutes, January 1957 meeting, p. 20.

\textsuperscript{118} Personal observations, meeting of March 1956.
the president to set up a committee to consider further minimum standards for school buses.119

The bus standards were revised on several occasions. Additions were also made. The procedure for making these changes was to have the transportation advisory committee, which consisted of staff members of the department and administrators in the field, make recommendations to the superintendent of public instruction who relayed the recommendations to the Board. The changes involved specifications for such items as batteries, tires, transmission and other parts of a bus. Modifications of the standards were approved at the meetings of June, 1956,120 and May, 1957.121

**Intended actions of the Board**

One of the fields of activity in which the Board was ready to move was the modification of the state's program for vocational rehabilitation. The Board awaited the results of the survey of the Ohio program by the Federal Bureau of Vocational Rehabilitation. With this report in hand the Board intended to take steps to provide an optimum program for the handicapped citizens in Ohio.122

In its recommendations to the legislature the Board demonstrated that it was orienting itself to making provisions for certain aspects of

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119 Minutes, March 1956 meeting, pp. 2-4.
120 Minutes, June 1956 meeting, p. 14.
121 Minutes, May 1957 meeting, pp. 19-21.
122 Minutes, June 1956 meeting, p. 22.
education in the state. It was expected that such future programs would fall in some measure under the regulatory authority of the Board. The Board, for example, mentioned the study of the need for junior colleges and vocational schools. Standards for these would probably be established by the Board.

**Summary of the Board's Regulatory Functions**

Members of the State Board of Education spent a great deal of time and devoted much effort to the difficult task of formulating rules and regulations and adopting criteria for the regulation of the many functions assigned them as a board by the legislature. Operating within the broad outlines of policy established by the legislature the Board exercised its discretion to formulate more detailed policies of its own to carry out the intent of the legislature. Matters of finance, teacher certification, school district organization, and distribution of state aid for needed school building construction were significant areas within which the Board used its discretionary powers. The Board perforce looked to the experienced professional staff of the Department of Education for information, orientation, and leadership.

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CHAPTER VIII

LEADERSHIP STRUCTURE AND ACTIVITIES OF THE BOARD

In passing the constitutional amendment in 1953 creating a state board of education, the people in Ohio made a value judgment. They decided that education in the state would be served better by a board than by a department in charge of a state superintendent of public instruction appointed by the governor. Proponents of the board were convinced that the state superintendents, burdened as they were by the many duties of the office, had failed to provide the necessary leadership for advancement of education within the state. This weakness, they believed, would be eliminated or ameliorated by establishing a state board of education that would be better able to provide the missing leadership.

Accordingly, the legislature, in 1955, in writing the statutes delegating authority and assigning responsibilities to the board inserted a directive that the state board of education "shall exercise leadership in the improvement of public education in Ohio." Since the term leadership has no clear definition, it is evident that any

1Sec. 3301.07 of the Revised Code of Ohio.

2There are many definitions of leadership. The Personnel Research Board at The Ohio State University has carried out a series of studies in the past decade concerning leadership. This research group chooses to describe the so-called leadership activities of individuals
appraisal of the present Board will be a value judgment. Whatever leadership may be attributed to the Board has been a result of individuals operating within it, that is to say, it has been the behavior of individual members that influenced the Board as a group to take some particular action. Notwithstanding the difficulties involved in the use of the term leadership, it will be used herein as a heuristic device to describe what seemed to be some of the most significant leadership acts of the Board, considered as a unit, and the leadership acts of individual members. Some attention will be given to leadership structure to see how opportunities for leadership emerged.

The Board as a Unit

Some indications of the Board's potential for leadership activities may be noted in looking at the leadership structure of the Board as a whole. The authority of the Board, its position as the chief state educational agency, and its relationships with other state agencies in the hierarchy of state government gave the Board a staging-point from which it could exert leadership for public education.

Status position of the Board

The authority granted the Board by statutes placed it in a position from which it directed, managed, and supervised nearly the whole complex of public education in the state. It can hardly be said as leader behavior. The research orientation of this group has shifted from the study of traits to that of the situation within which the leader operates. For a brief statement of this point of view see Donald T. Campbell, Leadership and Its Effect Upon the Group, The Bureau of Business Research, College of Commerce and Administration, The Ohio State University, Columbus, Ohio, 1956, Chapter I.
that in carrying out its ministerial duties the Board engaged in leadership activities. On the other hand, when the Board used its discretionary powers, it may be said that it used its leadership position to attempt to contribute to the development of education within the state.

As the chief educational agency in the state the Board established a network of communications with groups, institutions, and individuals. The many educational agencies in the state looked to the Board to take steps to further the cause of education. Boards of education and other groups petitioned, criticized, or made recommendations to the Board to take certain actions, and, on its own initiative, the Board sought opinions and suggestions from these various groups. Having been granted the authority to supervise and control the state educational system the Board was placed in the crucial position of being responsible for whatever duties were assigned to it. Of necessity the Board was forced to take action to meet these responsibilities.

The status accorded the Board by law provided it with lines of communication to other state level agencies so that the Board had opportunities to work with and through these agencies to achieve its purposes. The annual report to the governor and legislature, for example, provided the Board a means to make formal recommendations to these agencies. In a similar manner, wherever the Board had formal contacts with any agency of state or national government, it was in a position to use its influence.
Where the Board exercised leadership

In most cases the Board was aggressive in seeking solutions to problems, but in several instances it was hesitant in taking action on matters. A brief but general description of what seemed to be some of the Board's significant leadership activities may indicate the extent to which the Board's influence ranged.

Formulating standards.--Standards were formulated in several important areas: (1) standards for elementary schools, (2) standards for establishing criteria for teaching units under the state school foundation program, (3) standards for permanent high school centers, (4) standards for school buses, and (5) standards for teacher certification. The Board also took steps to formulate standards for high schools. It is true, however, that many of these standards were merely carried forward from the old Department of Education.

In writing the minimum standards for elementary schools the Board took action in an area that had not previously been regulated because the legislature had not provided for it. The standards served to establish a floor below which no elementary school was to operate. The standards for teaching units provided rigid measuring devices for distribution of state funds under the school foundation program. The standards for permanent high school centers represented a step toward establishing rather rigid levels for the size of high schools, not only in numbers of pupils in membership but also in financial resources to support a minimum educational program. In regard to school buses the Board developed minimum specifications to protect the lives and health of school children. In establishing standards for teacher certification
the Board attempted to upgrade the quality of teachers by requiring a minimum level of training. The Board was unsuccessful in trying to eliminate completely a system of double standards, one for public school teachers and one for non-public school teachers. Some modification of the standards was made for the latter group by law over the Board's head. The Board, however, continued to study the problem of teacher certification.

School building construction.—In distributing state aid for school building construction the Board tried to be as fair and equitable as possible to see that the most needy school districts received the money available. The Board, however, went beyond mere regulation in planning for the future. One of its accomplishments was persuading the legislature to appropriate $100,000 to conduct a survey of school building problems in Ohio for the immediate future. The legislature granted the money, specified the needs to be surveyed, and asked the Board to suggest legislation for distributing the share of state bond issue money for public building construction that would be distributed to schools. The Board had the survey accomplished and with the help of several agencies presented to the leaders of the legislature the suggested legislation to control the expenditure of state bond issue money for the schools.

A second significant step taken by the Board was the employment of an architect to study means of reducing costs of school building construction. The architect submitted his study to the Board in late 1957. From some of the preliminary findings a list of changes in the school occupancy code was formally presented to the State Board of Building Standards. This resulted in several modifications of a building code that was reportedly archaic in many of its provisions. The architect told the Board that these modifications would substantially
lower school building costs. For the future the regard shown for economies in school building construction represented a positive orientation of the Board in one aspect of state public education.

School district organization.—From the very beginning of its deliberations the Board aimed to establish policies that would eliminate many of the small school districts that were commonly regarded as inefficient. The Board found this to be a controversial subject. On the one hand the Board sought to eliminate the small inefficient school district but, on the other hand, it tried to prevent the cities from acquiring piecemeal portions of adjacent school districts. The Board attempted to establish a workable policy for considering cases of annexations to municipalities where approval or disapproval of such annexations for school purposes was the responsibility of the Board. A policy was established; it will take some time to judge its effectiveness. The Board was successful in another aspect of the problem in convincing the legislature that the Department of Education should be given authority to initiate studies of school district reorganization where deemed necessary to bring about properly organized districts.

Vocational rehabilitation.—The Board took advantage of the services of the national government in having a survey made of the vocational rehabilitation services of the state. This action was taken on the initiative of the Board. The purpose of the survey was to learn the extent and the strengths and weaknesses of the current program. In terms of the findings and recommendations of the survey team the Board hoped to establish a sound and forward looking program for vocational rehabilitation in Ohio.
Recommendations to the legislature.—Evidence of the Board's determination to take the initiative in matters regarding the educational program of the state is contained in the recommendations it made to the legislature for the passage of certain legislation. The Board found the legislature receptive to several of its proposals, and laws were enacted on these matters: (1) A minimum number of days for the school year was established so that a conflict in the laws was clarified.\(^3\) (2) County boards of education were granted authority to use funds for conducting school surveys for buildings, school district organization, curriculum needs, and additional services at the county level.\(^4\) (3) A flat fee of $2.00 was to be charged for the issuance and renewal of all teaching certificates, regardless of type.\(^5\) (4) Certification was provided for executive heads of local school districts.\(^6\) (5) Employment of executive heads was authorized for terms not to exceed five years.\(^7\) (6) Authority was granted superintendents of schools to expel as well as to suspend pupils.\(^8\) (7) The State Board of Education was authorized to initiate the creation of new local districts or transfers of territory.

\(^3\)Secs. 3311.37 and 3311.38 of the Revised Code of Ohio.

\(^4\)Sec. 3315.061 of the Revised Code of Ohio.

\(^5\)Sec. 3319.29 of the Revised Code of Ohio.

\(^6\)Sec. 3319.22 of the Revised Code of Ohio.

\(^7\)Sec. 3319.02 of the Revised Code of Ohio.

\(^8\)Sec. 3313.66 of the Revised Code of Ohio.
to a city or exempted village. The legislature made provision for the granting of temporary certificates to teachers in non-tax supported schools.

In some cases, however, the legislature failed to grant the Board its requests. The legislature did not make any provision for state subsidies for the education of the gifted children in the public schools. Neither did the legislature consider the request of the Board to exclude all Department of Education professional employees from the classified civil service system. Nor did the legislature agree to the suggestion that all federal funds for vocational education be channeled through the State Board of Education and that the Board be allowed to decide on the acceptance of future programs. Probably the most significant step the Board wished to take, which would have provided it with more opportunities for exerting leadership in educational matters, was the implementation of a plan to reorganize the Department of Education; however, this plan was shelved because the legislature refused to grant the Board the necessary increase in appropriations to do this.

In addition to the recommendations for legislation the Board called the attention of the legislature to at least eight other problems or needs. Notable among these was the need to consider the creation of a commission to study educational opportunities beyond the high school

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9 Secs. 3311.37 and 3311.38 of the Revised Code of Ohio.

10 Sec. 3319.28 of the Revised Code of Ohio.

level, specifically junior colleges and special vocational schools. Several other needs were pointed out in the area of school finance.\footnote{Ibid., p. 5.}

From the activities described above it may be said that the State Board of Education, considered as a unit, was quite aggressive in attempting to bring about improvements in the educational program of the state. In a board of such size it is expected that some members were more influential than others in initiating or contributing to the process of leadership.

**Leadership and Members of the Board**

Because of their status positions the president of the Board and the executive secretary, who was also the state superintendent of public instruction, were in positions of advantage in influencing members of the Board to act together in achieving some goal. Yet it was possible, because of what might be termed situational factors, for individual members, besides these officials, to make some contribution to the Board's effectiveness, either through persuading, urging, or otherwise convincing the group to do or not to do some particular thing.

**Situational factors related to leadership**

Outside of the president and vice-president there were no other officials that occupied positions that could be considered of superior rank. One must include the executive secretary in this group, even though he was not truly a member of the elected Board. The election of members did not give any of them a superior or inferior rank. Though
some members came from more populous Congressional districts than others, it cannot be said that this factor gave any member a more authoritative position in the group.

The members of the Board were all electors of Ohio. There were about ten members who were elected from Congressional districts that contained counties that were predominantly rural; however, it would be erroneous to conclude that these members had a rural outlook, if such an attitude can be identified. Only one member gave his occupation as farmer. Eleven members were lawyers. With few exceptions members of the Board were graduates of colleges. It may be said that the Board was fairly representative of what has commonly been described as the American middle-class. All the members had backgrounds of service to their communities. Some had distinguished records of service in the state. By training and experience these members of the Board were apparently ready to provide leadership for the Board's activities.

Among the situational factors were those of an elusive kind, such as the expectations or prejudices of individual members. In some instances members gave evidence of these personal factors. For example, at least two members were convinced that something should be done for the gifted child in the schools; another member was certain more driver education and driver training were needed; another wanted the legislature to grant the Board more power to force the reorganization of poor and inefficient school districts; another member was determined to prevent the small high school from being indiscriminately eliminated; another member pressed the Board to do some "housecleaning" in the teacher training institutions. On several occasions members of the Board gave
signs that they believed the Board was either proceeding too fast or too slow toward some particular goal. The aggressive behavior of some members could be related to the high expectations they held for the Board.

The behavior of a particular member may partly be attributed to the pressure of groups and individuals from his Congressional district. For example, the city of Cincinnati led the way in trying to get the Board to change its policy on transfers of territory for school purposes in the cases of annexations of territory to municipalities for municipal purposes. The member of the Board from the eastern section of Cincinnati came forward to persuade the Board that a change in policy was necessary. In another case the Amish, a religious sect whose members lived in several Congressional districts, requested members of the Board from their districts to plead their cause in the debate over the formulation of standards for certification of teachers. The two members of the Board in these districts apparently felt they were obligated to present the case for these people.

Convincing evidence of pressure from home was reflected in remarks of several Board members in the discussions of the approval or disapproval of applications of school districts for state subsidies for school building construction. These members found themselves defending the applications of school boards in their Congressional districts or they complained that the justification of funds for schools in their districts was as good as or better than other.\textsuperscript{13} From other remarks

\textsuperscript{13} From personal observations these instances may be mentioned: (1) the River Local School District, Monroe County (October 1956 meeting), (2) Green Local School District, Gallia County (June 1956 meeting), (3) Twinsburg Local School District, Summit County (May 1956 meeting).
made by members it is evident that they were exposed to many suggestions and recommendations as they attended meetings, met with school boards, or carried on correspondence with people in their districts. One can only speculate that these factors made some difference in the behavior of Board members. On the other hand the leadership activities of some members of the Board are beyond the speculative and can be more definitely identified.

The President of the Board

The president of the Board held a high status position. He used the powers of his office and the prestige of his position to move the Board to accomplish its tasks with reasonable speed and at a high level of performance.

The president as chairman of Board meetings

The meetings of the Board were always well structured. With the aid of the secretary of the Board the president prepared the agenda for each meeting. On several occasions he changed the position of an item on the agenda, either moving it up or down. He also decided that people attending the meetings requesting an audience with the Board should be granted at least five minutes of time to address the Board at the beginning of the meetings. Once the agenda was adopted the president, except for exceptional circumstances, adhered to it.

The president and Board committees.--Either through parliamentary maneuvers or the use of the prerogatives of his office the president demonstrated that his position was a most significant one.
For one thing the president decided how the work load was to be distributed among the members; this duty, he said, would be meted out as fairly as possible. He appointed members to committees. In doing this he tried to utilize the talents of the members. It was the president's prerogative to decide how many members should be on a committee and it was his duty to define clearly what their assignments were. The president may increase the membership of a committee if he wishes, and on several occasions this was done.

Use of parliamentary maneuvers.—The president of the Board found it expedient to resort to parliamentary maneuvers to suit particular occasions. In several instances he felt it necessary to end discussion on a motion; this he accomplished by inviting a member to move the question. The president recessed meetings when he believed it necessary to clear up some point of procedure or give members an opportunity to confer together informally on some perplexing problem. Usually upon the suggestion of a member the president, when he had authority to do so, deferred some particular problem until later in the meeting or until the next monthly meeting. One notable exception to this privilege of deferment occurred at the meeting when the segregation issue was being discussed. The president refused to defer discussion of the problem believing it should be resolved as quickly as possible.

At no time did the president attempt prematurely to stop debate on a motion. At no time did a member go unrecognized when he wished to

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14 Minutes, March 1956 meeting, p. 1.

15 Personal observations, May 1956 meeting.
speak on a subject, excepting instances when a point of order was involved. In one case, however, the president was subject to some criticism on his handling of a motion. When the elementary standards were being considered, a minority of the Board favored the establishment of separate standards for the certification of teachers in non-public schools. It was known the president favored a uniform standard for all teachers. On a motion to table the adoption of the standards, the president declared the motion lost because it lacked a second. A dispute ensued when a member declared that he had made the second in proper order. It was reported that the member making the second accused the president "of some pretty fast foot work" in trying to ignore the tabling motion. The second to the motion was recognized and Board action on the minimum standards for elementary schools was delayed until the following month.

The ambivalent position of the president.—In chairing the meetings of the Board the president served in a dual capacity. First of all, as a representative-at-large of the people of the state he was obligated to participate in the discussion of issues to help solve them. Yet, as the president of the Board he was automatically its chairman. The president managed to chair the meetings and also to express his views. The president was a very vocal member of the Board; he also expressed his views on educational matters outside of meetings on many occasions. The prestige of his position brought him many invitations to speak before a large number of groups over the state.

16 Cleveland Plain Dealer, January 15, 1957.
Educational views of
the president

The president had some definite views on education. He believed
that members of the Board represented the people of the state and that
they were not representatives of a particular Congressional district.\(^\text{17}\)
He was one of several members who thought the gifted children were being
neglected in the public schools of the state and that provision should
be made for giving them a suitable education.\(^\text{18}\) Along with other members
he was convinced that something would have to be done to minimize the
inequalities that occur when industrial valuations in one school district
provide resources for a good school program whereas an adjoining school
district without industries may have too few resources to provide a
satisfactory school program.\(^\text{19}\) He declared himself opposed to federal
aid to schools, if it could be avoided, because federal control would
follow. At the same time he said that the State Board of Education would
interfere as little as possible with the affairs of a local board of edu-
cation.\(^\text{20}\) He told the powerful state teachers' organization, however,
that the Board would seek help from the legislature if difficulty arose

\(^{17}\) Personal observations, May 1956 meeting.

\(^{18}\) Personal observations, January 1956 meeting.

\(^{19}\) Personal observations, August 1956 meeting. In transfers of
territory from one school district to another it was reported there were
occasions when the territory transferred contained industrial property
but few school children, thus robbing a district of sources of revenue
for its schools.

\(^{20}\) Reported in the Akron Beacon Journal, May 5, 1956. He said
the same thing in a speech at Dayton, Ohio, which was reported in the
in consolidating small and inadequately financed school districts; he said further that the status of the county superintendents should be strengthened.21

The president talks back to state agencies

Some of the president's remarks were directed to state governmental agencies. He chastised the legislature for considering a bill to regulate certification of teachers in non-public schools, a responsibility that it had already charged the Board to assume.22 He questioned the right of the state Board of Control to withhold allocation of funds for school building construction already approved by the State Board of Education.23 To an influential member of the legislature he expressed his hope and that of other members of the Board that the Department of Education could have an auditing staff and a research division.24

The president's expectations for the Board

The isolated statements mentioned above are partly descriptive of how the president used his office to promote the cause of education. Some of his thinking reflected the thoughts of other members of the Board; however, the expectations of the president in regard to the role

21 The Wooster Record, December 8, 1956.

22 Ravenna Kent Evening Record-Courier-Tribune, May 21, 1957.

23 Columbus Citizen, July 15, 1956.

of the Board for education in the state can be identified and are definitely his own. Before a conference of school administrators at The Ohio State University on July 12, 1956, the president outlined his ideas on the role of the Board. He believed the Board would in effect keep the administration of schools close to the people because it would act as a forum for all to express their views. The Board would discover and represent the needs of the schools to the legislature, and it would act as a non-sectarian and non-partisan agency. The Board would act as a clearing house for information. It would serve as a service center in Ohio, affording help to all schools, including the city schools who long complained that the Department of Education in Ohio had offered little or no service to them. He concluded by stating that the Board would coordinate the efforts of all organizations for the best interests of schools.25

The president stands by the elected Board

In the opinion of the president the present organization of the state central educational agency is the best that could have been devised. He said to a reporter that education should be kept out of politics and that the more he works with the present elected Board the more he is convinced that it is right, although he had originally opposed the idea of an elected board.26

25 Personal observations, July 12, 1956. Much the same things were said by the president in a personal interview at his business office on November 9, 1956.

26 Reported by Sherwood Kohn in a feature story in the Cincinnati Times-Star, March 8, 1957.
From the various statements made by the first president of the Board it is evident that he had some decided views about its operations. Much of the internal organization of the Board, apart from the legislature's direction, must be attributed to his influence.

The Superintendent of Public Instruction

From the outset the State Board of Education found itself depending upon the chief state school officer for advice and guidance. The first State Board of Education in Ohio was able to look to an experienced school officer who had directed the Department of Education for nearly five years and has served education on the state level for nearly twenty years. The adjustment of the role of the chief state school officer from that of director of the Department of Education to that of the executive secretary of the Board seemed to have been effected without any trouble. It is, however, true that his role was a different one. Instead of making policy and executing it, he now suggested policy to a new authority, the State Board of Education, and carried out its orders. This new situation did not limit to any noticeable extent the opportunities of the superintendent of public instruction to influence the Board to take some particular action. Few of his formal recommendations were rejected.

Status position of the superintendent

By virtue of his position as secretary of the Board and as superintendent of public instruction, the chief state school officer held and still holds a high status position. As superintendent of public instruction he is the executive officer of the Board, responsible for the
administration of its policies. The Board looks to him to provide the information upon which it makes its decisions; he also is able to make any recommendations he wishes about Board policies and proposed actions. Because of his status position, the superintendent keeps in close contact with educational problems in the state. To him are directed inquiries and requests from school people throughout the state and many problems that he deems important are referred to the Board for action. As secretary to the Board he acts as a liaison person between the Board and governmental agencies and other groups throughout the state.

How the superintendent aided the Board

 Probably the most important assistance given the Board by the superintendent was the collection and assembling of data which the Board used as a basis for making its decisions. In many cases the information concerning a problem was accompanied by the superintendent's recommendation for action. The superintendent at times suggested several alternatives for solving a problem, allowing the Board to decide on what it thought the best course of action. On many occasions he quoted the school code, pointing out conflicts in the law, clarifying the powers of the Board, and directing attention to certain implications and ramifications in the law. He reminded the Board of its responsibilities, especially the many duties imposed on it by Amended House Bill 212 passed by the 101st General Assembly. On one occasion he advised the Board that its committee on finance did not have the time nor the ability to write the enabling legislation for implementing the plan for lease or sale of school buildings to school districts under provisions of the
state capital bond issue. Having had a great deal of experience with budget making for the Department of Education and for state assistance to school districts he urged the Board to give high priority to preparation of the budget for the next biennium. He warned the Board that the budget would have to be defended item by item before the legislature's finance committees. Through such activities the superintendent played his role of secretary to the Board and superintendent of public instruction.

Where the superintendent acted

Some of the most valuable help the Board got from the superintendent occurred in the first several months of the Board's operations. To place the activities of the superintendent in perspective a description of some of the most significant things he did in the early months will be made, followed by selected instances at further meetings that may help to fill in the background of his operations.

The meeting of January, 1956.--The actions the superintendent took to orient the members of the first State Board of Education to the tasks before them have already been noted in Chapter V above. Briefly some of these actions were (1) the distribution of biographical materials about each member, (2) the calling of an informal meeting the evening before the first official meeting to prepare an agenda, and (3) the distribution of a financial report of the Department of Education and descriptions of the functions and duties of the department. He further informed the Board of the problem of giving financial assistance to school districts for constructing needed school buildings. He
recommended that the Board's committee on finance meet with the legislature's subcommittee that was currently considering school building needs and that these Board members be instructed concerning the amount of money to be requested of the legislature through the state Capital Planning and Improvement Board.27

At the meeting of the finance committee of the Board with the legislature's subcommittee on finance on January 10, 1956, the superintendent recommended that the legislature eliminate the per pupil valuation of $6,000 which limited the aid for school building construction to those districts that had valuations below that figure. He also recommended a rotary fund to recover money for further school building construction.28 These views reflected the thinking of members of the Department of Education who had worked with problems of state aid in school building construction in previous years. The superintendent also presented to the legislature's subcommittee the request of the Board for a grant of $100,000 for research and planning purposes in the school building area. When it was evident that the subcommittee believed it impossible to draft legislation at the short session of the legislature in January, 1956, for distributing state bond issue money for school building construction, one of the members of the Board, following a previous suggestion of the superintendent,29 asked that money


28 Personal observations at the committee hearing, January 10, 1956, at the state house.

29 Personal observations at the meeting of the finance committee of the Board at the office of the state superintendent of public instruction, January 10, 1956.
from the existing state surplus be granted the Board to meet some of the emergency needs. This was eventually done.

The meeting of February, 1956.—The superintendent informed the Board at this meeting what he believed to be the five most critical problems facing it at the moment.30

1. He informed the Board that it was necessary to employ two field agents and one clerk-stenographer to help administer the grant of $7,000,000 recently made to the Board for emergency school building construction. The legislature had not allocated any money for the administration of the grant. The superintendent recommended that the Board request the State Board of Control for a specific sum to be set aside in the appropriation to hire additional personnel and to take care of related expenses.

2. The superintendent indicated the need for additional space for housing the staff of the department. Additional responsibilities that had been assigned to several divisions of the department had resulted in a need for more office space.

3. The superintendent pointed out to the Board that the legislature had assigned them many more duties than the Board had contemplated in making the request for research and planning in school building construction. There were three separate studies that were to be completed by January, 1957.

4. Since the new budget for the department was to be submitted to the director of finance in November, he urged the Board to begin its

preparation. The superintendent advised the Board that the moneys on hand for the operation of the Department of Education were insufficient to make a desirable expansion of services. He expressed the hope that some day the legislature would make appropriations to the Board in one lump sum, allowing the Board to subdivide the total appropriation as it desired. In connection with the budget he explained that studies were in progress for reorganization of the Department of Education as directed by the Board.

5. The last critical and immediate problem the superintendent reported was the need for purchasing duplicating equipment to prepare the many reports, brochures, and other materials coming from the various offices of the department. With the advent of the Board this need had increased.

At this same meeting the superintendent recommended that old policies of the department be adopted for granting state assistance for school building construction under the $3,000,000 program. This was done.\(^1\) The superintendent's recommendation in regard to policies for school plant rehabilitation was also adopted.\(^2\)

The meeting of March, 1956.--The first draft of the reorganization plan for the Department of Education was presented to the Board at the March meeting. The superintendent explained it in some detail. Previous to this meeting members of the Board had been furnished copies

\(^{1}\) Minutes, February 1956 meeting, pp. 3-4.

\(^{2}\) Ibid., pp. 5-6.
of reports of the operation and functions of the department. These reports were distributed so that Board members could give them close study. Under the superintendent's supervision, members of the Board had begun to visit the various divisions of the department to note their operations and functions at first hand. One of the recommendations made by the superintendent at this meeting in March was the granting of salary increases to the deputy superintendent, the assistant superintendents, and directors of the divisions. This was eventually done.

The superintendent took the occasion to describe the whole problem of teacher supply and demand to the Board; he recommended that support be given to the director of teacher preparation and certification to maintain a minimum standard for issuance of temporary certificates. The Board responded by adopting the standards suggested by the director. The superintendent also recommended that standards be adopted for approval of vocational agricultural units for calculation of state assistance under the school foundation program. The suggested standards were described to the Board by an official of the division of vocational agriculture. The standards were adopted. Upon the superintendent's recommendation reservations of funds for aid in school building construction were made to several school districts.

It was at this meeting, too, that the superintendent told the Board that in his judgment the finance committee of the Board should not write the suggested enabling legislation under which state bond

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33 Minutes, March 1956 meeting, p. 13
34 Ibid., p. 14.
issue money for school building construction would be distributed to needy school districts. He believed that it was too big a job for the committee to handle.#35

Miscellaneous acts of the superintendent.—A great deal of the superintendent's time from April, 1956, till April, 1957, was given to the processing of applications of school districts for funds from the state subsidies of $3,000,000 and $7,000,000. In many cases the superintendent and members of the staff were called upon to give other supporting data or make further judgments upon issues raised. At the meeting of May, 1956, the superintendent raised the problem of whether the Board should renew the temporary charters of fifty-three high schools. He recommended that the charters be granted for another year, for at the end of that time the new high school standards would be adopted and those schools not meeting the standards would probably have their charters revoked.#36

Also during the succeeding months the superintendent recommended to the Board the approval or disapproval of the division of funds and indebtedness between school districts involved in the transfer of territory by reason of annexation to a municipality in accordance with law. In connection with other transfers of territory, the superintendent with his staff made recommendations to the Board's committee on annexations and mergers of territory concerning the approval or disapproval of such proceedings. At each meeting for the balance of 1956 there were

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#35 Personal observations, March 1956 meeting.

#36 Minutes, May 1956 meeting, pp. 4-5.
cases of transfers of territory that were acted upon; for example, in May, 1956, the superintendent and his staff made recommendations on fourteen instances of such transfers.

Another important area where the superintendent gave advice or made recommendations was in the adoption of standards and criteria for such matters as the minimum standards for elementary schools, standards for high schools, criteria for permanent high school centers, criteria for calculation of teacher units for special education and vocational education under the school foundation program, minimum standards for school buses, and criteria for calculation of depreciation on allowances for the purchase of school buses. Though much of the preparation of these several standards and criteria was the work of staff personnel of the department, and in some cases of Board committees, it remained the responsibility of the superintendent to coordinate the work of the staff or assist Board committees in developing them.

Much assistance was given the Board by the superintendent in the preparation of the budget. He advised the Board to adopt a plan of reorganization for the Department of Education so that the need for personnel could be established and the budget for the department estimated on that framework. The reorganization plan submitted by the superintendent at the meeting of September, 1956, was adopted as a working basis for the budget of the department. The budget was prepared and sent to the director of finance in November as required by law. As noted already the legislature granted the Board only a slight increase

37 Minutes, September 1956 meeting, p. 18
in funds for operation of the Department of Education. At the meeting of March, 1957, the superintendent discussed in detail the problems confronting the Board after the governor's budget failed to include the increases the Board had proposed. The superintendent declared that the services of the Board would actually have to be curtailed unless the legislature would grant the increases in spite of the governor's recommendations. He showed how salary increments and increases alone would use up the slight increase set aside in the executive budget for operation of the department.

In summary, the superintendent was called upon to carry out a great number of assignments. He helped prepare the agenda and was responsible for the minutes. Copies of the minutes were dispatched to members prior to the meetings. Accompanying the minutes were the printed agenda and the report of the superintendent to the State Board of Education. This latter contained information and recommendations that the superintendent would present at the next meeting. These recommendations and others were usually adopted by the Board. At all the meetings the superintendent was called upon to furnish additional information and advice. Between meetings he worked with Board committees aiding them to gather information or counseling them upon some problem. While he was accomplishing these duties he was also acting as the Board's executive officer: in this capacity he was implementing the policies, rules, and regulations of the Board and taking care of the day-by-day duties in the operation of the Department of Education.

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38 Minutes, March 1957 meeting, p. 25.
Other Board Members

As noted above, the superintendent of public instruction and the president of the Board, because of their offices, were in advantageous positions to influence members of the Board to take some particular action. The vice-president also occupied a position that had some prestige attached to it, but little more so than the ordinary Board member. There were several opportunities or means for members of the Board to participate in leadership activities. The most significant means was through membership on committees. Other opportunities were available also, such as the privilege of securing a place on the agenda for making a formal presentation for a particular purpose, or simply gaining the floor to express points of view on some issue. These were observable circumstances. However, the occasions when Board members met in caucus previous to their official meetings to discuss matters or plan courses of action are obviously not reportable. Leadership activities in these meetings are known only to the members who were in attendance. The observable instances, however, may be used to single out what seemed to be activities and attitudes that composed the pattern of leadership for each member.

Walter E. Beckjord Jr., First Congressional District

At the first meeting of the Board in January, 1956, Mr. Beckjord proposed the resolution, which was adopted, authorizing the superintendent of public instruction to present to the Board for discussion and action (1) studies of existing functions and activities of the
Department of Education, and (2) recommendations for changes in existing functions and activities of the department in view of recent changes in the laws of Ohio. Mr. Beckjord was also one of several members who strongly urged that separate standards be established for certification of teachers in non-tax supported schools. His resolution to that effect was defeated at the meeting of January, 1957.

In the discussion over policy on the transfers of territory for school purposes when those territories were involved in annexations to municipalities, Mr. Beckjord took a position apart from the rest. At the meeting of September, 1956, he suggested that the Board give an advisory opinion declaring its intention to approve or disapprove the transfer of any territory for school purposes prior to the point when annexation for municipal purposes had been completed by a municipal council. Eventually, Mr. Beckjord's suggestion was accepted as the basis of Board policy on such annexation questions.

Mr. Beckjord was also a member of the personnel committee that screened the candidates for the job of state superintendent of public instruction. He was a member, too, of the research committee that supervised the progress of studies of state school building needs made by the Heller research group of Cleveland, Ohio. The committee worked closely with the Heller group and was made responsible for distributing the Heller report throughout the state. This same committee also recommended

39Minutes, January 1956 meeting, p. 18.

40Minutes, January 1957 meeting, pp. 6-7.

41Personal observations, meeting of September 1956.
the employment of an architect to conduct a study of how school building construction costs could be lowered.

David B. Wood, Second Congressional District

Mr. Wood acted as the liaison between the Board and the State School for the Deaf. He served on the committee to study the revision of certification standards for teachers. Along with one other member he examined the feasibility of formulating a capital plan for new plant construction at the state schools for the deaf and the blind.

Ruth D. Mayne, Third Congressional District

Mrs. Mayne was a member of the finance committee of the Board, one of its busiest committees. As chairman of the committee on vocational rehabilitation she succeeded in having the Board approve her suggestion that the national government make a study of the vocational rehabilitation program in Ohio so that steps could be taken to improve the services of the state in this regard. Mrs. Mayne was also a member of the legislative committee of the Board that was appointed to represent the Board on legislative matters before the state legislature in the 1957 session.

Cecil M. Sims, Fourth Congressional District

Mr. Sims was the liaison between the Board and the division of surplus property in the Department of Education. He also served on the committee on vocational rehabilitation. He was appointed to the committee to study the revisions of certification standards for teachers.
Mr. Sims became a member of the committee on elementary standards in June, 1956, when the chairman of that committee, who had worked alone for nearly five months, asked for more help. This committee worked on one of the most controversial of Board problems, that of the development of minimum standards for all the elementary schools of the state. Mr. Sims was a proponent of the need for examining teacher training institutions, some of which he claimed were no longer challenging the students. He suggested a "general housecleaning" for them.\(^2\)

Wayne E. Shaffer, Fifth Congressional District

Mr. Shaffer was one of three members of a committee that worked with the director of teacher training and certification to help point up any additional actions that were to be taken in regard to certification of teachers immediately after the Board had approved a policy for issuance of temporary certificates. The work of this committee was partly superseded by the committee established in January, 1957, to study revision of standards for teacher certification. Mr. Shaffer was also appointed to this latter committee. When a member requested permission to withdraw from membership on the committee on vocational rehabilitation, the president of the Board appointed Mr. Shaffer in his stead. Mr. Shaffer also participated in the examination of the petition of the Morgan Local School District in Butler County for the reissueance of its high school charter.

His most responsible assignment occurred in connection with his chairmanship of the committee on elementary and secondary education.

\(^2\) Personal observations, meeting of February 1956.
As a committee of one, Mr. Shaffer labored through the early months of 1956, in cooperation with staff members of the Department of Education, to develop a set of minimum standards for elementary schools. He had to ask for extra help in June and the committee was increased to three members. The committee took major responsibility in setting up procedures whereby the tentative standards were submitted for criticism throughout the state and, in addition, seeing that a public hearing was held on the standards as required by law. Mr. Shaffer carried the brunt of the criticisms on the uniform standard for certification of elementary teachers; he fought the move to establish a separate standard for certification of teachers in non-public schools.

In connection with the elementary standards he suggested that the Board formulate a set of advisory standards that would upgrade the ones just adopted. This idea had been presented several months earlier by Mr. Shaffer; it represented the views of members of the staff of the Department of Education.  

At the meeting of February, 1956, Mr. Shaffer urged the Board to take steps to adopt high school standards. He did this because he felt that the current standards could not be used to revoke a high school charter. The Board deferred action on this; however, the Board later had to adopt a set of high school standards under the emergency clause of the Administrative Procedure Act, because the attorney general held that the old standards for high schools were invalid. At this same meeting Mr. Shaffer expressed his opinion that county boards of education

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43 Personal observations, meeting of October 1956.
should take more responsibility in hearing petitions presented to them and not shift them to the State Board of Education.\textsuperscript{44}

Mr. Shaffer cast the only negative vote in the adoption of standards for permanent high school centers. He favored deferring the standards. He believed that the provisions of the school foundation law would eventually solve the problem of the small and inadequately financed high school. He seemed to be the least inclined of the members to take aggressive measures against the small high school centers.\textsuperscript{45}

Ward M. Miller, Sixth Congressional District

Mr. Miller acted as the liaison between the division of scholarship testing and the Board. He made several reports about the activities of this division. Mr. Miller was the person who made the formal presentations of applications of school districts for reservations of funds for state subsidies for school building construction. In most cases he also moved the granting of funds already reserved. The data and recommendations actually came from the staff members of the Department of Education who investigated and processed the applications. At the meeting of June, 1957, Mr. Miller stated that he was in the process of preparing a report dealing with the scope and depth of teacher training courses in the state of Ohio.\textsuperscript{46}

\textsuperscript{44} Minutes, February 1956 meeting, p. 10; also personal observations at the same meeting.

\textsuperscript{45} Minutes, June 1956 meeting, p. 13; also personal observations at the same meeting.

\textsuperscript{46} Minutes, June 1957 meeting, p. 34. See also the \textit{Columbus Citizen}, June 14, 1957, which quoted his remarks.
Harold Whitaker, Seventh Congressional District

Mr. Whitaker was the liaison between the division of transportation of the Department of Education and the Board. He was one of the members of the personnel committee. Mr. Whitaker served on the committee that studied the problem of audio-visual education in the state. He helped prepare the report on that subject to the Board. In that part of the report that dealt with television in the classrooms, Mr. Whitaker was quoted as saying that television would be of little advantage in the elementary schools. He also was reported as saying that the rural schools could not afford to support the use of television in the schools.\textsuperscript{47}

Charlton Myers, Eighth Congressional District

Mr. Myers was a member of the committee on elementary and secondary education. He served, too, on the committee that prepared the annual report for the legislature and governor.

Mr. Myers' major efforts went into the problems he dealt with as chairman of the personnel committee. He had the major responsibility of writing the report of the observations made by the committee members when they traveled to Missouri and Texas to study the operations of the departments of education of those states.\textsuperscript{48} Included in the report were comments on the qualities of their chief state school officers. He was

\textsuperscript{47} Minutes, May 1957 meeting, pp. 29-30.

\textsuperscript{48} Minutes, April 1956 meeting, pp. 6-16.
also responsible for making recommendations on the criteria for a state superintendent of public instruction for Ohio. These were adopted at the meeting of February, 1956. At this same meeting Mr. Myers presented to the Board a statement containing five principles that should govern the relationships between the Board and the superintendent of public instruction. This statement, too, was adopted by the Board.

The procedure for screening and seeking out people for the position of chief state school officer was presented to the Board by Mr. Myers.

It was his committee that recommended the employment of the research firm of Robert Heller and Associates of Cleveland, Ohio, to conduct the survey of school building needs in the state as required by the legislature. His committee further recommended that the responsibility for research on lowering costs in school building construction be turned over to a research committee of the board. This was done.

Under Mr. Myers' guidance the personnel committee also was involved in the discussions on the scheme for reorganization of the Department of Education, since this involved problems in personnel. Mr. Myers strongly supported a division of research in the proposed reorganization of the department.

On two occasions Mr. Myers expressed his belief that county lines represent an obstacle to further school district reorganization.

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49 Minutes, February 1956 meeting, pp. 13-14.

50 Ibid., p. 15.

51 Personal observations, meeting of September 1956.
He believed that the legislature should be approached and urged to eliminate or mitigate the problem of county lines.\(^{52}\) Yet in a previous meeting he remarked that a county unit system might help equalize the tax base for financing schools and prevent inadequacies in educational support that occur within counties.\(^{53}\)

**Joseph D. Stecher, Ninth Congressional District**

Mr. Stecher was a member of the committee that dealt with problems on annexations and mergers of school district territories. School district organization was one of the extremely sensitive issues the Board had to face. Mr. Stecher held firmly to the view that the Board should follow a consistent policy in approving or disapproving transfers of territory.\(^{54}\) In cases of transfers of territory involved in annexations to municipalities he held that the legislature did not intend to block the expansion of cities when it passed legislation giving the State Board of Education responsibility for approving such transfers to municipalities.\(^{55}\) Mr. Stecher was a prime mover in the search for a satisfactory solution to the problem of transfers of territory in annexations to municipalities. He probably was instrumental in helping to formulate the new statement of policy made in February, 1957.\(^{56}\)

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\(^{52}\)Personal observations, meeting of September 1956.

\(^{53}\)Personal observations, meeting of May 1956.

\(^{54}\)Personal observations, meeting of August 1956.

\(^{55}\)Personal observations, meeting of September 1956.

\(^{56}\)Minutes, February 1957 meeting, pp. 26-27.
Along with two other members Mr. Stecher was responsible for recommending the rules of procedure adopted by the Board at the meeting of January, 1956, for the conduct of its business. This committee on rules and procedures reviewed the Board's activities approximately every three months to identify and compile the policies established by the Board that were to be collected into a policy book.

Mr. Stecher reviewed the application of Cedarville College for authority to engage in teacher training. He recommended disapproval for this purpose. In two other cases he recommended approval of applications of colleges seeking authority to grant degrees in specific areas of instruction.

Upon Mr. Stecher's suggestion the Board changed a part of its policy on the purchase of school buses. Rather than permit the purchase of buses from companies on a list approved by the Department of Education, the Board decided that boards of education were to purchase buses from any manufacturer as long as the specifications of the bus met the standards set by the Board.

At the first meeting of the Board it was Mr. Stecher who recommended the appointment of the committees on finance and on personnel. In connection with the personnel committee Mr. Stecher strongly opposed the motion made at the meeting of July, 1956, to extend the life of this

57 Minutes, June 1956 meeting, p. 11
58 Minutes, November 1956 meeting, p. 145.
59 Minutes, March 1956 meeting, p. 3; also personal observations at the same meeting.
committee. He believed the question of employing a superintendent of public instruction should not be delayed any longer and that it should be brought to a vote. The motion to extend the life of the committee was passed over his objections; four other members supported his position.

Mr. Stecher proposed the criteria for establishing new high schools and for mergers of smaller high schools. These were adopted by the Board. These criteria were meant to set up standards that would prevent the formation of permanent high school centers that would have too few pupils or too small a tax base to provide a satisfactory educational program.

In the controversy over Standard VI in the minimum standards for elementary schools Mr. Stecher proposed the resolution that was accepted as a solution to the problem of certification of teachers in the non-public schools.

Elliott E. Meyers, Tenth Congressional District

As vice-president, Mr. Meyers had the privilege of being an ex-officio member of any committee established by the Board. He worked with the committees on finance and rules and procedures. Mr. Meyers on several occasions disclosed that he favored the adoption of reasonable and enforceable standards that the Board should adhere to once they were adopted. He supported the director of teacher training and certification

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60 Personal observations, meeting of July 1956.

in holding the line on policies for temporary certification of teachers. He recommended that the policies for temporary certification of teachers be continued until the Board could take action on them.\(^6^2\) When the minimum standards for elementary schools were in their stages of development, he criticized them as being too philosophical and thus unenforceable.\(^6^3\) At the meeting of October, 1956, he chided the members for considering the abandonment of the standards on permanent high school centers in applying them to a case under discussion. He believed the rule of 240 pupils as the minimum number for a high school was a good one and not to be relaxed. He stated that the Board would not be carrying out its obligation of serving as a watchdog of the legislature if it relaxed its rules in this case.\(^6^4\)

Mr. Meyers was one of the Board members to take a position on the segregation question. He held that the determination of the existence of segregation in the schools was a matter for the courts to decide. He believed that the Board could act to withhold funds from districts practicing segregation only where the courts judged it existed.\(^6^5\)

Mr. Meyers was an outspoken critic of one feature of the plan proposed in the Heller report that required a school district to vote up to nine per cent of its tax duplicate before it could be eligible

\(^6^2\)Minutes, March 1956 meeting, p. 13; also personal observations at the same meeting.

\(^6^3\)Personal observations, meeting of April 1956.

\(^6^4\)Personal observations, meeting of October 1956.

\(^6^5\)Personal observations, meeting of March 1956.
for assistance from the state bond issue money for school building construction for the purchase of classrooms. He argued that the legislature had made outright grants to school districts under the $3,000,000 and $7,000,000 appropriations of the past several years. He believed it unfair to have a neighboring district reimburse the state for its new school building when the adjacent district had been given a free one.66

When the legislature denied the Board the increase in appropriations it wished for operation of the Department of Education, Mr. Meyers expressed disapproval of the legislature's action for having given the Board so many duties to perform without sufficient funds to fulfill them. He frankly stated that the Board would have to choose from several fields of endeavor to do a respectable job or else run the state's program in such a way as to make it useless.67

John W. Morrison Sr., Eleventh Congressional District

Mr. Morrison was the liaison between the division of special education and the Board. In this connection he pointed out at the Board's first meeting that the state did not provide a program for education of the gifted children.68 At the meeting of March, 1957, he recommended the establishment of a program to help train teachers for


67 Minutes, April 1957 meeting, p. 12.

68 Personal observations, meeting of January 1956.
the handicapped, an area that was in need of teachers. He also advocated scholarships for students wishing to prepare for teaching in special education.69

Mr. Morrison was one of several members who held from the beginning that the Board should approve the costs of gymnasiums in making reservations and grants of funds for state aid in helping school districts construct school buildings. He believed that the health of children was important and that gymnasiums should not be eliminated from the applications of school districts for state aid.

One of Mr. Morrison's proposals was the establishment of a division of driver education and safety in the Department of Education. He further recommended that the Department of Education prescribe further courses for the certification of teachers of driver education.70

Mr. Morrison was one of the minority on the Board who urged that consideration be given to parochial schools in the development of minimum standards for elementary schools. He believed that the standards as proposed threatened the existence of Protestant parochial schools, especially the Amish. He said that the Ohio constitution had not been written to bring about standardization and regimentation, and he opposed the standards because they would prevent parents from sending their children to schools of their choice.71

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69 Minutes, March 1957 meeting, p. 30.

70 Minutes, March 1957 meeting, p. 30.

71 Minutes, December 1956 meeting, pp. 43-44.
To gather information from the field and to discuss problems in the Congressional district from which he was elected, Mr. Morrison called a meeting of the superintendents, newspaper reporters, and members of the legislature from that area in December, 1956. At this meeting the participants succeeded in forming committees on taxation and school finance and on school district organization. County superintendents were made chairmen of county committees to conduct forums on reports from the committees mentioned. Recommendations of these county committees were to be sent to legislators.72

Paul L. Walker, Twelfth Congressional District

Mr. Walker served as the liaison between the Board and the division of health, physical education, and safety. He was responsible for securing meeting places for the Board before space was made available in the Department of Education suite in the state office building. He helped also in leasing space within the city of Columbus for the needs of several of the divisions within the Department of Education. On one occasion he suggested the possibility of constructing a building for use of the Department of Education only.73 Mr. Walker was a member of the committee on public information. He consistently voted against reservations and grants of funds to school districts when their plans for new buildings included gymnasiums. Mr. Walker stated on several occasions

72 Minutes, January 1957 meeting, pp. 1-2.

73 Minutes, March 1956 meeting, p. 11
that he believed the legislature intended its appropriations to be applied to the construction of classrooms only and not to gymnasiums.  

As the chairman of the committee on audio-visual education Mr. Walker was responsible for the lengthy report which that committee made to the Board. The first part of the report contained recommendations for the preparation of teachers in regard to the use of audio-visual aids. In the second part recommendations were made for the mechanization of the division of audio-visual education in the Department of Education to streamline its operations in processing films for distribution to the schools in the state. The third part was the most detailed part of the report and contained an extended exposition of the possibilities of using television for educational purposes in the state. Practices in other states were also reported. Mr. Walker's committee made several recommendations on what actions the Board could take, suggesting especially that the Board undertake a survey of the television needs of the schools in Ohio so as to inform and orient the legislature on the possibilities in this field.  

James P. Lavey, Thirteenth Congressional District

Mr. Lavey served as the liaison between the division of vocational education and the Board. In this capacity he presented the recommendations of the division to the Board. Two of these were adopted: (1) the creation of a position of supervisor of business education

\[7^4\] Minutes, April 1956 meeting, pp. 2-3.

\[7^5\] Minutes, May 1957 meeting, pp. 37-50.
within the division of vocational education and (2) the establishment of an expanded program for practical nurse training. He was also appointed to the committee that was to study moral and spiritual values in the public schools.

Francis W. Spicer, Fourteenth Congressional District

Mr. Spicer was chairman of the committee on finance. This committee worked closely with the staff members of the division of finance of the Department of Education. The committee studied and made recommendations on all the problems related to school finance.

When the Board began to develop its proposals for legislation to be presented to the legislature, it approved the appointment of a committee on legislation to carry out this assignment. Mr. Spicer was made the chairman of this committee. This was one of several assignments in which Mr. Spicer demonstrated a willingness and ability to work with leaders in the legislature.

One of Mr. Spicer's earliest contacts with the legislature occurred after the Board's first meeting in January, 1956. He helped present the requests of the Board for funds for school building needs to a subcommittee of the legislature. In May, 1956, he held a conference with Senate and House committees on finance in seeking a solution to the problem that had arisen in the allowances to be set aside for school bus depreciation. When the legislature denied the Board the increase in appropriations it requested for operation of the Department

76 Personal observations at this meeting with the subcommittee of the legislature, January 10, 1956.
of Education, Mr. Spicer urged the Board to accept the decision of the legislature rather than expect the Board's committee on legislation to continue to present itself to the legislature as a lobby.77 The committee on legislation was successful in working with leaders of the legislature to introduce nineteen proposals of the Board for consideration in the 1957 session of the state's law-making body.

Willard G. Foreman, Fifteenth Congressional District

Mr. Foreman was the chairman of the committee on annexations and mergers. Along with the other member of the committee he reviewed and made recommendations on the many cases of transfers of territory that arose within the jurisdiction of the Board. Mr. Foreman took a decided stand on the problem of whether or not gymnasiums should be approved in the reservations and grants of funds to school districts for needed school building construction. He was one of the first to declare that gymnasiums should be approved.78

Loren E. Souers Jr., Sixteenth Congressional District

One of the difficulties encountered by the Board with some regularity was the wording of particular resolutions for consideration by the group. For this service the Board tended to rely upon Mr. Souers. For example, he drew up the following resolutions: to grant funds for school building construction to the River Local School District in

77 Minutes, May 1957 meeting, p. 61.

78 Personal observations, meeting of January 1956.
Monroe County so that a new industry could locate in the state;\textsuperscript{79} to establish a committee on public relations;\textsuperscript{80} to request an opinion from the attorney general relative to the state library board;\textsuperscript{81} to adopt policy on calculation of the fourth quarterly distribution of school foundation funds in 1956;\textsuperscript{82} to request an opinion from the attorney general relative to the scope of Board authority in penalizing boards of education who do not conform to law;\textsuperscript{83} to adopt policy on the number of improperly housed pupils relative to the priority system for distributing the $7,000,000 state subsidy for school building construction;\textsuperscript{84} to give notice of a hearing for revocation of two teacher certificates;\textsuperscript{85} to give notice of a hearing for the adoption of teacher certification standards;\textsuperscript{86} to adopt standards for teacher certification following the declaration of an emergency by the governor;\textsuperscript{87} to give notice of a hearing

\textsuperscript{79} Minutes, March 1956 meeting, p. 13.

\textsuperscript{80} Ibid., pp. 7-8.

\textsuperscript{81} Minutes, April 1956 meeting, p. 4.

\textsuperscript{82} Ibid., p. 2.

\textsuperscript{83} Minutes, June 1956 meeting, p. 4.

\textsuperscript{84} Ibid., p. 13.

\textsuperscript{85} Minutes, July 1956 meeting, p. 8.

\textsuperscript{86} Minutes, September 1956 meeting, pp. 18-19.

\textsuperscript{87} Minutes, October 1956 meeting, p. 25.
for the adoption of high school standards;\textsuperscript{88} to hire two additional persons to aid the director of teacher training and certification in inspecting institutions wishing to grant degrees in the arts and sciences;\textsuperscript{89} and to adopt policies for the temporary certification of teachers.\textsuperscript{90}

As chairman of the committee on rules and procedures Mr. Souers took major responsibility in reviewing the actions of the Board about every three months to select out policies adopted by the Board so that they could be incorporated into the Board's policy book. Mr. Souers also phrased the changes made in Board rules. Two such changes were made at the meeting of April, 1956.\textsuperscript{91}

Mr. Souers served as a member of the finance committee and also of the legislative committee. In connection with this latter committee he voiced his displeasure of the attempt made in the legislature to establish a separate policy for granting certificates to teachers of non-public schools. He observed that whenever people were dissatisfied with policies established by the Board they could pressure the legislature to pass a bill thus effectively undermining the Board's authority.\textsuperscript{92}

\begin{itemize}
\item[88] Minutes, January 1957 meeting, pp. 22-23.
\item[89] Minutes, March 1957 meeting, p. 34.
\item[90] Minutes, May 1957 meeting, pp. 59-60.
\item[91] Minutes, April 1957 meeting, pp. 46-47.
\item[92] Minutes, May 1957 meeting, p. 59.
\end{itemize}
Upon Mr. Souer's suggestion a committee to study revisions in certification of teachers was appointed. He was made chairman of the committee. The purpose of the committee was to follow up on the promise made by the Board at the adoption of minimum standards for elementary schools that it would study the teacher certification problem to give consideration to non-tax supported schools.\(^93\)

On several occasions Mr. Souers disclosed some definite points of view on educational matters. He delivered a comprehensive statement on why he did not favor any investigation by the Board of allegations of segregation in the public schools of the state. If any such situations existed he believed a Negro parent could bring a mandamus action to have his child admitted to a school, and he declared that the Board, should it become involved, would be usurping the judicial functions of the court.\(^94\) In another instance he argued against the Board delivering advisory opinions on transfers of territory involved in annexations to municipalities.\(^95\) Mr. Souers was an advocate of stronger powers for the Board to put pressure on boards of education that resisted consolidations when their districts did not measure up to the criteria for permanent high school centers.\(^96\)

\(^93\) Minutes, January 1957 meeting, p. 5.

\(^94\) Minutes, May 1956 meeting, pp. 56-57.

\(^95\) Personal observations, meeting of September 1956.

\(^96\) Ibid.
Russell Hoy, Seventeenth Congressional District

Mr. Hoy, a minister, was made the chaplain of the Board. He opened and closed the meetings with a prayer. He also acted as the liaison between the division of school lunch and the Board. Mr. Hoy was appointed to the committee that helped prepare the annual report to the legislature and the governor.

Upon his suggestion a committee was appointed in May, 1957, to study moral and spiritual values in the public schools of the state. He was made the chairman of that committee. Previous to the appointment of this committee Mr. Hoy had circulated a statement on this problem to Board members, also requesting their criticisms.

Mr. Hoy was one of the few members of the Board who favored a cautious approach to the problem of school district reorganization. He had reservations about the desirability of larger schools, believing that they were not necessarily better than the smaller ones. He stated that he was for larger schools, but he still was convinced that many small schools were doing a good job.

Robert W. Walker, Eighteenth Congressional District

Mr. Walker was a member of the personnel committee. He was the chairman of the research committee which was given the assignment of supervising the progress of the studies made under the $100,000 appropriation from the legislature for research on school building needs in the state. Mr. Walker made periodic reports on the progress of these studies.

97Personal observations, meeting of June 1956.
studies. When the Heller report on school building needs was made in October, 1956, it was the job of Mr. Walker's committee to supervise distribution of the report throughout the state. His committee also recommended the employment of an architect to study methods of reducing costs of the construction of school buildings. Preliminary findings, as already noted, were reported to the State Board of Building Standards which used the data to modify the state school building code.

Mr. Walker served on two other committees. He was a member of the legislative committee of the Board, and in February, 1957, he was made chairman of the finance committee when the membership of that committee was rotated.

Esther L. Carman, Twentieth Congressional District

Mrs. Carman was the liaison between the State School for the Blind and the Board. She was also a member of the committee for capital planning for the state schools for the deaf and the blind. This committee had a short life; it was appointed in April, 1957, and apparently ceased operations when it reported at the meeting of June, 1957, that a capital plan could not be formulated because of lack of funds.98

Charles P. Lucas, Twenty-first Congressional District

Mr. Lucas was the only Negro on the Board. He served on the committee to study moral and spiritual values in the public schools of

98 Minutes, June 1957 meeting, p. 34.
the state. He was also appointed to the committee that studied the petition of the Morgan Local School District, Butler County, for re-issuance of its high school charter.

He was chairman of the committee on teacher certification, and in that capacity worked with the director of teacher training and certification to study what further changes needed to be made in this area. Mr. Lucas presented the resolution requesting the governor to declare an emergency so that the Board could adopt temporary standards for the certification of teachers. He was also appointed to the committee to study the revision of teacher certification standards.

Mr. Lucas made the motion to appoint a committee to investigate allegations of segregation in the public schools of Ohio. At the meeting of May, 1956, Mr. Lucas presented a resolution that the Board was to insist that the public schools of the state operate in conformance to state and federal laws requiring equality of treatment for all pupils, regardless of race, creed, or color under penalty of loss of state funds. Furthermore, the Board was to instruct the State Board of Control to withhold funds from any school district that operated a racially segregated school in defiance of laws and constitutional guarantees. Mr. Lucas was the only Board member voting in the affirmative.

Francis M. Payne, Twenty-second Congressional District

At the first meeting of the Board the superintendent of public instruction suggested that a set of basic principles be adopted that

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99 Minutes, September 1956 meeting, p. 7.

100 Minutes, May 1956 meeting, pp. 55-57.
would govern the relationships between the Board and the superintendent. Mr. Payne was assigned the task of reviewing the suggested principles. Though Mr. Payne recommended their adoption on a temporary basis, the majority of the Board decided to delay making such a policy statement.  

Mr. Payne was a member of the research committee. He was chairman of the committee on the annual report. At the meeting of February, 1957, he was appointed to the committee on finance to replace a member being rotated.

He was one of the members of the minority who sought to have a separate standard established for the certification of teachers in non-public schools. He believed it was unnecessary to have uniform standards for certification of teachers. He stated that the rights of the minority should not be glossed over and that every consideration be given them. In his opinion the legislature intended that the needs of these small parochial groups were to be taken into consideration.

Mr. Siedel was probably the most public-relations-minded member of the Board. Because of his background in the field of communications he was appointed chairman of the committee on public relations. The work of this committee was not recorded in the minutes. In one instance Mr. Siedel called attention to an ill-considered statement made by a member of the Board that had been publicized in the press. He described

101 Minutes, February 1956 meeting, pp. 12-13; also personal observations at the same meeting.

102 Personal observations, meeting of September 1956.
this as "awkward reporting" over which the Board had no control. He believed the statement made was out of proportion to the work accomplished by the Board that day. He offered the services of the committee on public relations to members of the Board who felt they needed the kind of help the committee could offer.\footnote{103}

Mr. Siedel was extremely critical of the governor's budget for the operation of the Department of Education. He believed the life of the Board was at stake and that "the Board could not afford to stand by and wait if ordinary processes are not going to work; that he believed the Board would be doing less than its duty if the matter was not made clear to everyone in the state . . . .\"\footnote{104} The Board, however, did not choose to carry its struggle over the budget as far as Mr. Siedel wished to go. In May, 1957, when the legislature had the budget under consideration, Mr. Siedel again protested that the legislature was not giving the Board sufficient funds to carry out all the responsibilities assigned to it.\footnote{105}

Mr. Siedel served on the committee for audio-visual education. He helped prepare the report for the use of television in the schools. On reviewing the services of the division of audio-visual education in the department he observed that the services of the division were ridiculously inadequate and that the division was in need of more money.\footnote{106}

\footnote{103}Minutes, March 1956 meeting, p. 19; also personal observations at the same meeting.

\footnote{104}Minutes, April 1957 meeting, p. 24.

\footnote{105}{\textit{Cleveland Plain Dealer}}, May 13, 1957.

\footnote{106}Personal observations, meeting of February, 1956.
As a member of the personnel committee he participated in the many activities of that group. In the plan for the reorganization of the Department of Education he strongly supported the idea of a division of research.

Mr. Siedel was inclined to have the Board use its powers, where possible, to bring about school district reorganization. For example, in the case of the Fayetteville-Perry School District in Brown County, he favored making the grant of funds for a new school building contingent upon consolidation of the district with another. In another instance in March, 1956, when the Board was discussing a problem concerning three school districts in the Cleveland area, Mr. Siedel expressed his conviction that the Board needed legislation to force consolidations of this kind. He also was of the opinion that the legislature should eliminate or mitigate county lines as hazards to movements for consolidation of school districts.

When the school bus standards were discussed in March, 1956, Mr. Siedel supported the motion of another member to allow any bus manufacturer to sell buses in Ohio as long as the buses met standards adopted by the Board.

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107 Personal observations, meeting of March 1956.
108 Ibid.
109 Personal observations, meeting of September 1956.
110 Personal observations, meeting of March 1956.
In several other areas Mr. Siedel disclosed some strong convictions. He urged the raising of standards for teachers. In approving reservations and grants to school districts for needed school building construction, he consistently refused to vote approval of any distribution of funds where gymnasiums were included. He said that the need was strictly for classrooms and not for gymnasiums. When the segregation question arose Mr. Siedel voted against the motion to have the Board investigate any allegation of segregation in the public schools. It was Mr. Siedel who presented the resolution that the Board would consider withholding funds from those districts practicing segregation when this was judicially determined by the courts. Mr. Siedel was made the target of an attack by a Cleveland newspaper that charged the Board with ducking the issue, and Mr. Siedel with leading the movement to do this.

Summary

Generally, the State Board of Education found that its desire to provide leadership for the improvement of education in Ohio was hampered by the burden of duties assigned it, many of these being purely ministerial. The Board spent a great deal of its time in dealing with problems of school district organization and the processing of

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\(^{111}\) Ibid.

\(^{112}\) Personal observations, meeting of February 1956.

\(^{113}\) Minutes, March 1956 meeting, p. 19.

\(^{114}\) *Cleveland Press*, March 14, 1956.
applications for state subsidies for needed school building construction in a large number of school districts. It is true, however, that the Board discovered itself in better position to make significant contributions to the improvement of education in those areas where it used its discretionary powers. For example, the Board used its authority to establish minimum standards for certification of teachers, for elementary schools, and for permanent high school centers. The Board took advantage of its relations with the legislature to ask for funds to conduct research on how to reduce the costs of school building construction. A survey was also made of the services the state provided in vocational rehabilitation. The Board also took advantage of its relations with the legislature to present a series of proposals for enacting or modifying legislation for education in the state. Perhaps the most significant act of the Board, though it turned out to be a fruitless endeavor, was the development of a scheme of reorganization of the Department of Education. The expanded services of the Department of Education, as envisioned in the plan of reorganization, were postponed until the legislature at some future date would vote the funds to make them possible.

From the review of the activities of the officers and other members of the Board it may be said that these people demonstrated that many possibilities existed in the formal and informal structure of the Board for the emergence of individual leadership. The president of the Board and the secretary -- the superintendent of public instruction -- seemed to be in the most advantageous positions for providing such leadership.
CHAPTER IX

A FORWARD LOOK

The changing character of the state central educational agency in Ohio

State supervision and control of public education in Ohio has passed through several phases since Samuel Lewis was appointed by the legislature in 1837 as the first state commissioner of the common schools. In 1853, the chief state school officer by statutory provision became a popularly-elected official serving for a term of three years. A notable change in the status of the chief state school officer was made in 1912 when an amendment to the Ohio Constitution provided for the appointment of that officer by the governor for a term of four years. A further important change was made in 1921 when the commissioner, or state superintendent, of schools was elevated to the rank of director of the Department of Education, a change resulting from an act of the legislature making the state office of education a code department under the reorganization act of 1921. The present system, established by a constitutional amendment in 1953, provides for a state board of education to have responsibility for supervision and control of the state's educational system, with a state superintendent of public instruction appointed by the board to act as its secretary and executive officer.
Since the present system rests on a constitutional basis, it is unlikely that there will be any change in the basic structure which provides for a policy-making board with an executive secretary. The changes that may occur are in the statutory provisions that concern the number of members on the board and the manner in which they are selected. Twenty-three members is held by most experts in administration to be much too high a figure for a policy-making board of this kind. Should the twenty-three member feature be changed to a lower figure, it is probable that the elective feature will also be modified to provide for appointment of the members by the governor. Several bills embodying these changes were introduced in the 1956 session of the legislature. Several influential newspapers in the state editorialized in support of the proposed changes. Whether or not the legislature will eventually make these changes rests with the appraisals it will make of the present Board's performance in the next several years.

The most persistent criticisms of the Board's performance occurred in several matters pertaining to procedure, especially the private meetings held by the Board. A good deal of criticism was also incurred over the delay in choosing the superintendent of public instruction. These acts really did not concern the policy-making function of the Board. It would seem that the policy-making principle is the most crucial point in viewing the worth of the Board. In making policy the Board cannot go beyond the authority delegated it by the legislature, thus it would appear that the Board is vulnerable in respect to its neglect or failure to carry out the mandates of the legislature. No significant criticism was made on this point.
It may be argued that the membership of the Board could be reduced to about half of its present size without affecting its efficiency; in fact, the argument is made that reducing the number of members will increase the efficiency of the Board. If the question is one of inefficiency because of size, the merit of a smaller board should be considered.

Quality of Board members

The first State Board of Education was composed of individuals with high qualifications with respect to educational preparation, success in occupations, and broad community experiences. Just as the Ohio School Survey Committee had predicted, the method of nominating by petition provided opportunity for any elector, with few exceptions, to become a candidate and eliminated the possibility of any one interest group having complete control of the nominations of individuals for the Board. If the first election produced a membership indicative of the calibre of future members, the Board's membership will be made up of competent individuals, but the Board will probably be dominated by lawyers and business men.

There is at least one undesirable feature in the elective method. On the strength of the experiences of the first election of members to the State Board of Education, future candidates will have to spend, or have spent in their behalf, from $100 to $400 in their campaigns for office. Only three members of the first Board declared that they were elected without some sum of money being spent in their election
campaigns. The knowledge that one's candidacy may involve an expenditure of over $100 would be a deterrent to many individuals who might have a desire to become a member of the State Board of Education.

Another deterrent to becoming a member of the Board is the probability that the number of days the Board would be in session in one year would go beyond the limit set by the legislature of the twelve days for which members receive a compensation of twenty dollars a day. The Board was in session for twenty-four days in 1956 and by the end of the meeting in July, 1957, had exhausted its twelve days for that year. Though expenses would be paid for the meetings in excess of twelve days, there would still be a loss of income to members whose livelihood depended upon a daily wage. This objection may no longer apply if the Board in future years limits its meetings to the maximum of twelve days. In any event, the provision of twelve days seems unrealistic and should be modified by the legislature to provide compensation for members of the Board for extra days of service made necessary by extraordinary circumstances.

The representative system

Though the Board members generally regard themselves as representatives of the people-at-large, they cannot escape being looked upon by many individuals as representatives of the people in the Congressional districts from which the members are elected. Instances were observed at Board meetings where members took the floor to report the wishes of individuals or groups in their Congressional districts. From the point of view of providing a means of communication from the field to the State
Board of Education, this procedure has some worth. There was, however, an undesirable situation created in the case of the distribution of state subsidies for school building construction where several Board members argued the merits of the need for funds for constructing school buildings in school districts in their bailiwicks as compared with the need in other Congressional districts. There may be other questions arising in future years that may tend to induce Board members to play the role of a representative of a district rather than of a representative of the people in all the state. This conflict in role is an inherent element of the elective system in respect to the State Board of Education in Ohio. Though Board members are elected on nonpartisan ballots, their political affiliations are not a secret and political parties will probably give their support to particular candidates. The way is open for political influence to intrude.

Relationships of the Board with the superintendent

One of the sensitive areas in which the Board operates is its relationships with its executive secretary, who is also the state superintendent of public instruction. The Board showed a tendency to examine the recommendations of the superintendent carefully and to evaluate them before it acted on its own judgment. Under the leadership of its president the Board consistently demonstrated an aggressiveness that significantly overshadowed the relative status of the superintendent and the professional staff of the Department of Education.

The acting state superintendent of public instruction worked at a disadvantage between the time that the Board took office in
January, 1956, until May, 1957, when the Board's appointee for the state superintendency took office. The acting superintendent did not know when he would be replaced, and the Board, though it relied upon the superintendent's advice and recommendations, was apparently reluctant to give him too free a hand in dealing with matters. The Board was looking forward to the day when it would place total responsibility for executive functions in the hands of its own appointee. In the meantime the Board had established a pattern of operating procedures, especially in respect to its extensive committee system, that made it difficult at times to distinguish clearly the line of demarcation between policy making and administration. The powers the superintendent had under the old Department of Education have been taken over in part by the Board president. The present superintendent has less freedom in his operations than the former director-superintendent. Future relationships between the superintendent and the Board will probably be influenced by the degree of aggressiveness exhibited by the Board president.

Relationships of the Board with the legislature

Another sensitive area in which the Board operates is its relationships with the legislature. Though the Board was established by constitutional amendment, it actually is the handmaiden of the legislature which assigns the Board certain responsibilities, determines the scope of the Board's operations, and delegates to the Board whatever authority it wishes. The power of the legislature to assign responsibilities and to delegate authority to the Board may also be used to remove or reduce these responsibilities and authority.
Since the State Board of Education is not a taxing authority like district boards of education, it must depend upon the legislature for the funds necessary to operate the Department of Education. This is an effective control device that rests in the legislature. The significance of this control of the purse exercised by the legislature is in the relationship it bears to the number and extent of services provided by the Department of Education. The intentions of the Board to expand services and provide more effective supervision over education in the state were made known in the proposed plan of reorganization of the department which was adopted at the meeting of November, 1956. The plan was not carried out because the legislature did not appropriate the funds for that purpose that the Board requested. Lack of funds for employing additional personnel in the department will continue to hamper the Board in providing the services it believes are necessary.

The Board antagonized some of the leaders in the legislature at the 1956 session by protesting the proposed budget for the Department of Education. The Board in the future may find the legislature receptive to its budget requests; if not, it will have to acquiesce in the decisions of the legislature or else it may seek to marshal public opinion to influence the legislature in its favor. In the latter case, the Board may find that the legislature may not be amenable to criticism and it may retaliate in several ways; for example, the legislature may change the Board from an elected to an appointed board and reduce its membership. Against such a background it is fairly obvious that the independence of the Board, whether elected or appointed, is a relative matter. Control of education in the state is the ultimate
responsibility of the legislature, and the cause of education in the state may be adversely affected if the relationships between the Board and the legislature are not on a level of mutual accord.

**Increased state regulation is in prospect**

The history of state regulation in the area of education has been characterized by a slow but steady increase in the passage of legislation by the legislature extending state supervision or restricting the powers of district boards of education. Local control of education, for example, is less inclusive than it was at the turn of the century, and especially is this true with the passage of the school foundation laws of the past several decades. In Ohio, though the Board has declared its intentions not to interfere with the authority of district boards of education, it has given evidence that it will use its discretionary powers to overcome the inactivity or protests of these boards of education with respect to the elimination of what the Board believes to be poor and inefficient school districts. The Board also demonstrated that it stands ready to use its discretionary powers with much more vigor than did the director of the Department of Education who had these responsibilities before the advent of the Board.

The Board is in a more favorable position to ask for more authority from the legislature than was the director of the old department. This situation is due to the fact that the Board is an elected body and the primary state agency promoting the cause of education. The accretion of the Board's responsibilities and authority indicates that there will be more rather than less regulation of the state's educational
system. It is unlikely, however, that the legislature will extend the Board's authority to include powers to regulate institutions of higher learning in the state.

The Board will continue to enjoy an advantageous position from which to give leadership in improving education in the state. Whether such leadership will be good or bad becomes a question of judgment. To some individuals any further lessening of local control of education is bad and to others any measure that brings more efficiency into the state's school system, even though it reduces local control of education, is good. The trend in state school administration seems to be toward ever increasing state regulation and the lessening of control at the local level.

Does the elective board lead to better state school administration?

There are varying opinions as to the best system for the administration of education in the states. The practice of having a board exercise supervision and control of a state's common school system, within the bounds of authority established by the state legislature, is in operation in forty-five of the forty-eight states. In some cases these boards have responsibilities in other areas of a state's educational system. These boards have usually been appointed boards but within the past two decades there has been a movement to elect these agencies by popular vote. In Ohio the elective principle is meant to remove the state board of education from undesirable political influences.
Evaluation of whether or not the elective system eliminates or satisfactorily reduces the play of politics needs to be made. It may be that it is too soon to make a judgment on this matter. The administration of state government in Ohio makes it practically impossible for the State Board of Education to remain free of political influences. It was shown above that the Board in Ohio is controlled by the legislature and that several other state governmental agencies have some influence over the policy-making function of the Board. For example, the governor, though he cannot interfere directly with the work of the Board, may make his influence felt through his power to recommend a budget to the legislature and his control over his party's program in the legislature. As mentioned earlier in this chapter the representative system for electing members contains an inherent weakness, for popular election makes it virtually impossible to eliminate the influence of political parties.

An elected state board of education operating as an administrative entity outside of the executive department is a unique agency in state administration. To be placed apart in this manner raises the question of whether a board of this kind is responsible to the legislature or to the people who elect it. A further question is, Should the board operate outside of the executive department? As an independent agency a board of this kind is faced with some important problems. One of these is the coordination of the activities of the board with other agencies of state government. In Ohio, for example, the legislature is incompetent to coordinate the activities of the State Board of Education with other state agencies because of its infrequent
meetings, which means that the Board must solve the problem on its own initiative. Another problem is in the important area of finance. The education department is only one of many state agencies seeking funds to carry out the responsibilities assigned each of them by law. The State Board of Education in Ohio has learned that it is in competition with these other agencies for scarce financial resources.

With eight states\(^1\) now using the elective principle with respect to the state board of education it would seem that a next step is to evaluate the operations and effectiveness of these boards. The elective state board of education apparently represents a new phase in state school administration. Before more states adopt this form of organization it may be well to explore fully the implications of this trend.

\(^1\)Colorado, Iowa, Louisiana, Nebraska, Nevada, Ohio, Texas, Utah. Another state, Washington, elects its members by conventions of school board members.
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Your State Department of Education and Its Services to You. The State Department of Education. Columbus, Ohio, August 1, 1955.
I, Marius Peter Garofalo, was born in Yorkville, Ohio, May 4, 1918. I attended St. Charles Borromeo Preparatory School, Columbus, Ohio, and Central High School, Steubenville, Ohio. I received my Bachelor of Science degree from Ohio University in 1947 and my Master of Arts degree from The Ohio State University in 1948. I taught in the public schools at Clark, Ohio, for two years, serving as the executive head for one year, and I also taught for a year in the elementary schools in Columbus, Ohio. I returned to The Ohio State University to do further graduate work leading to the degree of Doctor of Philosophy. While in residence I was employed as a research assistant in the School-Community Development Study and in the Bureau of Educational Research. After completing my residence requirement I accepted a position as research assistant in the Department of Research, Statistics, and Information of the Cincinnati Public Schools where I am currently employed.
APPENDIX

Amended House Bill 212

Brief Biographical Sketches, Members
of State Board of Education, Ohio, 1956
AN ACT

To create the state board of education and to define its powers and duties and for that purpose to amend sections 121.02, 121.03, 121.04, 141.03, 149.01, 1713.02, 1713.04, 1713.06, 3301.04 to 3301.08, inclusive, 3303.04, 3303.06, 3303.21, 3311.23, 3311.24, 3313.56, 3313.57, 3313.61, 3313.71, 3313.81, 3315.33 to 3315.35, inclusive, 3319.15, 3319.22 to 3319.28, inclusive, 3319.31, 3319.33 to 3319.36, inclusive, 3321.03 to 3321.05, inclusive, 3321.07, 3321.09, 3321.12, 3321.18, 3321.24, 3321.30, 3321.31, 3321.33, 3321.35, 3321.38, 3323.01, 3323.02, 3323.04 to 3323.15, inclusive, 3325.01, 3325.02, 3325.05 to 3325.07, inclusive, 3329.02, 3329.03, 3331.01, 3331.05, 3375.01, 3375.02, 3375.03, 3375.04, and 3375.33; to enact supplemental sections 3301.01, 3301.02, 3301.03, 3301.04, 3301.05, 3301.09 to 3301.17, inclusive, 3313.81, 3325.01, 3325.07, 3513.259; to repeal sections 3301.01, 3301.02, 3301.03, 3301.05, 3311.35, 3315.01 and 3319.20 of the Revised Code; and to declare an emergency.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 121.02, 121.03, 121.04, 141.03, 149.01, 1713.02, 1713.03, 1713.04, 1713.06, 3301.04 to 3301.08, inclusive, 3303.04, 3303.06, 3303.21, 3311.23, 3311.24, 3313.56, 3313.57, 3313.61, 3313.71, 3313.81, 3315.33, 3315.34, 3315.35, 3319.15, 3319.22 to 3319.28, inclusive, 3319.31, 3319.33 to 3319.36, inclusive, 3321.03, 3321.07, 3321.09, 3321.12, 3321.18, 3321.24, 3321.30, 3321.31, 3321.33, 3321.35, 3321.38, 3323.01, 3323.02, 3323.04 to 3323.15, inclusive, 3325.01, 3325.02, 3325.05, 3325.06, 3325.07, 3329.02, 3329.03, 3331.01, 3331.05, 3375.01, 3375.02, 3375.03, 3375.04, and 3375.33; to enact supplemental sections 3301.01, 3301.02, 3301.03, 3301.04, 3301.05, 3301.09 to 3301.17, inclusive, 3313.81, 3325.01, 3325.07, 3513.259; to repeal sections 3301.01, 3301.02, 3301.03, 3301.05, 3311.35, 3315.01 and 3319.20 of the Revised Code; and to declare an emergency.
Sec. 121.02. The following administrative departments and their respective directors are hereby created:

(A) The department of finance, which shall be administered by the director of finance;

(B) The department of commerce, which shall be administered by the director of commerce;

(C) The department of public works, which shall be administered by the superintendent of public works as director thereof;

(D) The department of highways, which shall be administered by the director of highways;

(E) The department of agriculture, which shall be administered by the director of agriculture;

(F) The department of natural resources, which shall be administered by the director of natural resources;

(G) The department of health, which shall be administered by the director of health;

(H) The department of industrial relations, which shall be administered by the director of industrial relations;

*** (I) The department of public welfare, which shall be administered by the director of public welfare;

*** (J) The department of liquor control, which shall be administered by the director of liquor control;

*** (K) The department of highway safety, which shall be administered by the director of highway safety;

(L) The department of mental hygiene and correction, which shall be administered by the director of mental hygiene and correction.

The director of each department shall exercise the powers and perform the duties vested by law in such department.

Sec. 121.03. (A) The following directors of administrative departments shall be appointed by the governor, *** with the *** consent of the senate, and shall hold their offices during the pleasure of the governor:

(1) The director of finance;

(2) The director of commerce;

(3) The director of highways;

(4) The director of agriculture;

(5) The director of industrial relations;

(6) The director of public welfare;

(7) The director of liquor control;

(8) The director of highway safety;

(9) The director of mental hygiene and correction.
(B) The director of public works shall be appointed by the governor, with the consent of the senate, and shall hold his office for a term of one year from date of appointment.

(C) The director of health shall be appointed by the governor, with the consent of the senate, from a list giving the names and qualifications of not less than six physicians, which list has been certified to him by the public health council. Such director shall hold his office for a term of five years and he shall be removed only for incompetence or gross neglect of duty.

***

*** (D) The director of natural resources shall be appointed by the governor with the approval of the natural resources commission and with the consent of the senate, and shall hold his office for a term of six years. The governor may remove the director of natural resources for inefficiency, neglect of duty, malfeasance, misfeasance, or nonfeasance in office, giving such director a copy of the charges against him and affording him an opportunity to be publicly heard in person or by counsel in his own defense upon not less than ten days’ notice. If such director is removed, the governor shall file in the office of the secretary of state a complete statement of all charges made against such director and the governor’s findings thereon, together with a complete report of the proceedings, and the governor’s decision thereon is final.

Sec. 121.04. Offices are created within the several departments as follows:

In the department of finance:
Superintendent of budget.
Superintendent of purchases and printing.

In the department of commerce:
Superintendent of building and loan associations.
Fire marshal.
Superintendent of insurance.

In the department of public works:
State architect and engineer.

In the department of highways:
First assistant director of highways.

In the department of agriculture:
Chiefs of divisions as follows:
Animal industry.
Food and dairies.
Plant industry.
State fair.
Bureau of markets.

In the department of natural resources:
Chiefs of divisions as follows:
Lands and soil.
Water.
Forestry.
Wildlife.
Geological survey.
Sec. 141.03. The annual salaries of the following appointive state officers and employees are as follows:

(A) Director of finance, twelve thousand dollars;
(B) Director of commerce, ten thousand dollars;
(C) Director of highways, twelve thousand dollars;
(D) Director of public works, ten thousand dollars;
(E) Director of agriculture, ten thousand dollars;
(F) Director of health, twelve thousand dollars;
(G) Director of industrial relations, ten thousand dollars;

***

(H) Director of public welfare, ten thousand dollars;
(I) Commissioner of soldiers' claims, five thousand five hundred dollars;
(J) Director of natural resources, ten thousand dollars;
(K) Administrator of bureau of unemployment compensation, ten thousand dollars;
(L) Tax commissioner, ten thousand dollars;
(M) Director of liquor control, ten thousand dollars;
(N) Director of highway safety, ten thousand dollars.
(O) Director of mental hygiene and correction, twelve thousand dollars.

The assistant director of a department designated to fill one of the offices within such department for which a salary is fixed by this section shall receive the salary fixed by this section for the position so held by him.

Sec. 149.01. Each elective state officer, the adjutant general, the pardon and parole commission, *** the department of agriculture, the director of public works, the public utilities commission, the superintendent of insurance, the superintendent of building and loan associations, the
superintendent of banks, the superintendent of purchases and printing, the division of geological survey, the state commissioner of soldiers’ claims, the fire marshal, the industrial commission, the state department of highways, the department of health, the state medical board, the state dental board, the board of embalmers and funeral directors, the department of public welfare, the Ohio commission for the blind, the accountancy board of Ohio, the state board of uniform state laws, the state civil service commission, the board of commissioners of the sinking fund, the department of taxation, the clerk of the supreme court, the department of liquor control, the director of state armories, the trustees of the Ohio state university, and every private or quasi-public institution, association, board or corporation receiving state money for its use and purpose, shall make annually, at the end of each fiscal year, in triplicate, a report of the transactions and proceedings of his office or department for such fiscal year, excepting receipts and disbursements unless otherwise specifically required by law. Such report shall contain a summary of the official acts of such officer, board, commission, institution, association, or corporation, and such suggestions and recommendations as are proper. On the first day of August of each year, one of said reports shall be filed with the governor, one with the secretary of state, and one shall be kept on file in the office of such officer, board, commission, institution, association, or corporation.

Sec. 1713.02. Any institution seeking permission to offer instruction in the arts and sciences, of such kind and quality as may lead to the giving of customary academic or professional degrees may become incorporated under sections 1701.01 to 1702.43, inclusive, of the Revised Code; but no corporation established for this class of higher education may offer instruction, confer degrees or diplomas or other written evidences of proficiency or achievement, until it has received a certificate of authorization issued by the state board of education. Such certificate shall specify the fields of training permitted and the diplomas or degrees authorized to be given. A copy of such certificate shall be filed with the secretary of state.

Sec. 1713.03. The prerequisites for the giving of a certificate of authorization by the state board of education are:

(A) Adequate housing for the declared field or fields of education;

(B) A productive endowment including the capitalization of contributed services and stable income exclusive of tuition and fees in the following sums:

1. Two hundred fifty thousand dollars for each institution of a junior college rank which offers a two-year program of studies;
2. Five hundred thousand dollars for each institution of a senior college rank which offers a four-year program of studies;
3. One million dollars for each institution of a graduate school rank which offers a program of studies of five years or more;

(C) Such minimum standards in respect to faculty, library, laboratories, and other facilities as are adopted and published by the superintendent.
Sec. 1713.04. A certificate of authorization provided for in section 1713.02 of the Revised Code is subject to revocation by the *** state board of education for cause.

Sec. 1713.06. If any corporation offers instruction or confers degrees, diplomas, or other written evidences of proficiency or achievement without the certificate of authorization required by section 1713.02 of the Revised Code, the *** state board of education may, through the office of the attorney general, apply to the court of common pleas in the county in which such corporation is operating to restrain such corporation from the exercise of its franchise.

Sec. 3301.011. There is hereby created the state board of education, to consist of twenty-three members. For the purpose of election of board members, the state of Ohio is hereby divided into twenty-three districts. The boundaries of such districts and the counties composing each district, shall coincide with the boundaries and the counties composing each of the twenty-three congressional districts, as such latter districts were in lawful existence on January 1, 1955, under the provisions of section 3521.01 of the Revised Code.

One member of the state board of education shall be elected from each of the twenty-three districts herein created.

Sec. 3301.021. In November, 1955, at the general election, in conformity with the general election laws of this state, one member shall be elected from each district for a term of office beginning the first day of January immediately following such election. The term of office of each member shall be determined by lot at the initial organization meeting of the state board of education, with eight members so selected to serve each for a term of six years or until his successor is elected and qualified, eight members so selected to serve each for a term of four years or until his successor is elected and qualified, and seven members so selected to serve each for a term of two years or until his successor is elected and qualified.

In November, 1957, and biennially thereafter at the general election, in conformity with the general election laws of this state, seven or eight members shall be elected as required by expiration of respective terms, each for a term of six years or until his successor is elected and qualified. One member shall be elected from each of the seven or eight districts respectively in which the term of office of a board member expires at the end of each biennial period. The term of office of each member so elected shall begin on the first day of January immediately following his election.

Sec. 3301.031. Each member of the state board of education shall be a qualified elector residing in the territory composing the district from which he is elected, and shall be nominated and elected to office as provided by Title XXXV of the Revised Code of Ohio. A member of the board shall not during his term of office hold any other public position of trust or profit, or be an employee or officer of any public or private school, or a public or private college, university, or other institution of higher education. Before entering on the duties of his office, each member shall subscribe to the official oath of office.
Each member of the state board of education shall be paid twenty dollars per day for each day of actual attendance at any meeting of the board, not to exceed payment for more than twelve days in any one calendar year, together with his actual and necessary expenses incurred while engaged in the performance of his official duties or in the conduct of authorized board business, and while en route to and from his home for such purposes.

Sec. 3301.04. *** A meeting of the members elected to the state board of education at the general election in November, 1955, shall be held on January 3, 1956, in Columbus, Ohio, at 1:30 p. m. eastern standard time at the office of the superintendent of public instruction, at which time the board shall organize, select the term of members as provided by section 3301.021 of the Revised Code, adopt rules of procedure, elect a president and a vice-president each of whom shall serve for two years or until his successor is elected and qualified, and transact such other business as the board deems advisable. At such initial organization meeting the state board of education may continue to employ and determine the salary of any person holding any position or office in the department of education as such department was in existence immediately prior to January 3, 1956, until such time as appointments of personnel are made under the provisions of sections 3301.08 and 3301.13 of the Revised Code. Thereafter, between the first and fifteenth day of January of each year immediately following the general election at which board members are elected, the board shall hold an organization meeting at which time it shall adopt rules of procedure, elect a president and a vice-president each of whom shall serve for two years or until his successor is elected and qualified, and transact such business as the board deems advisable.

The state board of education shall hold regular meetings once every three months and at such times as they may be called as provided in this section. Special meetings of the board may be called by the president, and upon written request signed by at least a majority of the members the president shall call a special meeting of the board. The president shall give notice through the superintendent of public instruction by registered mail to each member of the board at least ten days prior to the time of any special meeting. The state board of education shall hold its meetings at the office of the superintendent of public instruction.

Sec. 3301.05. *** Fifteen members of the board shall constitute a quorum for the transaction of business. Official actions of the board, including the making and adoption of motions and resolutions, shall be transacted only at public meetings open to the public. The superintendent of public instruction, or a subordinate designated by him, shall record all official actions taken at each meeting of the board in a book provided for that purpose, which shall be a public record. The record of the proceedings of each meeting of the board shall be read at its next succeeding meeting, corrected and approved, which approval shall be noted in the proceedings. The president shall sign the record and the superintendent of public instruction or his subordinate attest it.

Sec. 3301.06. *** A vacancy in the state board of education may be caused by death, non-residence, resignation, removal from office, failure
of a person elected to qualify within ten days after the organization of the board or of his election, removal from the district of election, or absence from any two consecutive regular meetings of the board if such absence is caused by reasons declared insufficient by a vote of fifteen members of the board. When such vacancy occurs, the governor, upon satisfactory information thereof, may issue a writ of election directing that a special election be held to fill such vacancy for the unexpired term in the district entitled to fill it on a day specified in the writ. Such writ shall be directed to the board of elections of the most populous county within such district, which shall give notice of the time and places of holding such election as provided in section 3501.03 of the Revised Code. Such election shall be held and conducted and returns thereof made as in case of a regular election for members of the state board of education.

If, however, such special election is not called by the governor as provided in this section, then the vacancy shall be filled at the next general election for board members, at which time a qualified elector residing in the district in which the vacancy occurred shall be elected for the unexpired term. Such member shall assume office at the next succeeding organization meeting of the board.

Sec. 3301.07. *** The state board of education shall exercise under the acts of the legislature general supervision of the system of public education in the state of Ohio. In addition to the powers otherwise imposed on the state board under the provisions of law, such board shall have the following powers:

A. It shall exercise policy forming, planning and evaluative functions for the public schools of the state, and for adult education, except as otherwise provided by law.

B. It shall exercise leadership in the improvement of public education in Ohio, and shall administer the educational policies of this state relating to public schools, and relating to instruction and instructional material, building and equipment, transportation of pupils, administrative responsibilities of school officials and personnel, finance, and organization of school districts and territory. Consultative and advisory services in such matters shall be provided by the board to school districts of this state.

C. It shall administer and supervise the allocation and distribution of all state and federal funds for public school education under the provisions of law, and may prescribe such systems of accounting as are necessary and proper to this function. It may require county auditors and treasurers, boards of education, clerks of such boards, teachers, and other school officers and employees, or other public officers or employees, to file with it such reports as it may prescribe relating to such funds, or to the management and condition of such funds.

D. It shall formulate and prescribe minimum standards to be applied to all elementary and high schools in this state for the purpose of requiring a general education of high quality. Such standards shall provide adequately for: a curriculum sufficient to meet the needs of pupils in every community; the certification of teachers, administrators and other professional personnel and their assignment according to training and qualifications; efficient and effective instructional materials and equipment, in-
cluding library facilities; the proper organization, administration and super-
vision of each school, including regulations for preparing all necessary
records and reports and the preparation of a statement of policies and
objectives for each school; buildings, grounds, health and sanitary facili-
ties and services; admission of pupils, and such requirements for their
promotion from grade to grade as will assure that they are capable and
prepared for the level of study to which they are certified; requirements
for graduation; and such other factors as the board finds necessary.

In the formulation and administration of such standards for non-tax-
supported schools the board shall also consider the particular needs,
methods and objectives of said schools, provided they do not conflict with
the provision of a general education of a high quality and provided that
regular procedures shall be followed for promotion from grade to grade
of pupils who have met the educational requirements prescribed.

E. It shall prepare and submit annually to the governor and mem-
bers of the general assembly a report on the status, needs and major
problems of the public schools of the state of Ohio, with recommendations
for necessary legislative action.

F. It shall prepare and submit to the director of finance the biennial
budgetary requests of the state board of education, for its agencies and for
the public schools of the state.

G. It shall cooperate with federal, state and local agencies con-
cerned with the health and welfare of children and youth of the state of
Ohio.

H. It shall require such reports from school districts, school officers,
and employees as are necessary and desirable.

I. It may adopt such rules and regulations as are necessary
for the carrying out of any function imposed on it by law, and may pro-
vide such regulations as are necessary for its government and the gov-
ernment of its employees, and may delegate to the superintendent of public
instruction the management and administration of any function imposed
on it by law.

J. It may provide for the appointment of board members to serve
on temporary committees established by the board for such purpose as
are necessary. Permanent or standing committees shall not be created.

Sec. 3301.08. *** The state board of education shall appoint the
superintendent of public instruction, who shall serve at the pleasure of
the board and at a salary to be determined by the board but not to exceed
the salary of the governor.

The superintendent of public instruction, while holding such office,
shall not hold any other office or position of employment, or be an officer
or employee of any public or private school, or a public or private college,
university, or other institution of higher education. He may, in the con-
duct of his official duties, travel within or without the state, and his
necessary and actual expenses therefor when properly verified shall be
paid by the state.

No one who is interested financially in any book publishing or book
selling company, firm, or corporation, shall be eligible to appointment as
superintendent of public instruction. If a superintendent becomes in-
inerested financially in any book publishing or book selling company, firm, or corporation, said superintendent shall forthwith be removed from office by the state board. The interest of a person as author of a book shall not be improper, provided such book is not one offered for use by pupils in the public schools of Ohio.

Sec. 3301.09. The superintendent of public instruction shall serve as secretary to the state board of education, and shall attend all meetings of the board, or designate a subordinate to attend for him if he is unable to be present, except at such times as the board is considering the employment, retention, or salary of the superintendent of public instruction.

Sec. 3301.10. The superintendent of public instruction shall be a member of the board of trustees of the Ohio archaeological and historical society, in addition to the members constituting such board.

Sec. 3301.11. The superintendent of public instruction shall be the executive and administrative officer of the state board of education in its administration of all educational matters and functions placed under its management and control. He shall execute, under the direction of the state board of education, the educational policies, orders, directives, and administrative functions of the board, and shall direct, under rules and regulations adopted by the board, the work of all persons employed in the state department of education.

Sec. 3301.12. The superintendent of public instruction in addition to the authority otherwise imposed on him, shall perform the following duties:

A. He shall provide technical and professional assistance and advice to all school districts in reference to all aspects of education, including finance, buildings and equipment, administration, organization of school districts, curriculum and instruction, transportation of pupils, personnel problems, and the interpretation of school laws and state regulations.

B. He shall prescribe and require the preparation and filing of such financial and other reports from school districts, officers, and employees as are necessary or proper. He shall prescribe and require the installation by school districts of such standardized reporting forms and accounting procedures as are essential to the businesslike operations of the public schools of the state.

C. He shall conduct such studies and research projects as are necessary or desirable for the improvement of public school education in Ohio, and such as may be assigned to him by the state board of education.

D. He shall prepare and submit annually to the state board of education a report of the activities of the department of education and the status, problems, and needs of education in the state of Ohio.

E. He shall supervise all agencies over which the board exercises administrative control, including schools for education of handicapped persons.

Sec. 3301.13. The department of education hereby created, shall be the administrative unit and organization through which the policies, directives and powers of the state board of education and the duties of the
superintendent of public instruction are administered by such superin­
tendent as executive officer of the board.

The department of education shall consist of the state board of educa­
tion, the superintendent of public instruction, a staff of such professional, 
clerical and other employees as may be necessary to perform the duties 
and to exercise the required functions of the department.

The department of education shall be organized as provided by law or 
by order of the state board of education. The superintendent of public 
instruction shall be the chief administrative officer of such department, and 
subject to board policies, rules and regulations, shall exercise general super­
vision of the department.

The department of education shall be subject to all provisions of law 
pertaining to departments, offices, or institutions established for the exercise 
of any function of the state government, save and excepting that it shall 
not be one of the departments provided for under the provisions of para­
graph (A) of section 121.01 of the Revised Code. In the exercise of any 
of its functions or powers, including the power to make rules and regu­
lations and to prescribe minimum standards, the department of education 
and any officer or agency therein, shall be subject to the provisions of 
chapter 119. of the Revised Code. The headquarters of the department 
of education shall be at the seat of government, where office space suitable 
and adequate for the work of the department shall be provided by the ap­
propriate state agency. There the state board of education shall meet, trans­
act its business, and keep its records; and there the records, papers, and 
documents belonging to the department shall be kept, in charge of the 
superintendent of public instruction.

The superintendent of public instruction shall recommend for approval 
by the board the organization of the department of education, and the 
assignment of the work within such department. The appointment, number, 
and salaries of assistant superintendents, and division heads shall be de­
termined by the state board of education after recommendation of the 
superintendent of public instruction. Such assistant superintendents and 
division heads shall serve at the pleasure of the board.

The superintendent of public instruction may appoint, fix the salary, 
and terminate the employment of other employees of the department, in 
accordance with the provisions of the state civil service laws, but the 
appointment, fixing of salaries, and dismissal of all assistant superin­
tendents and division heads shall be with the approval of the state board 
of education.

Each employee of the department of education shall be entitled to all 
sick leave rights and privileges, as provided by section 143.29 of the 
Revised Code, and to all vacation leave rights and privileges, as provided 
by section 121.16 of the Revised Code.

Sec. 3301.14. Each year the state board of education shall require a 
report of the president, manager, or principal of each seminary, academy, 
parochial, or private school. The report shall be made upon forms fur­
nished by the board and shall contain a statement of such facts as it 
requests. The president, manager, or principal shall complete and return 
such forms within a time fixed by the state board of education.
Sec. 3301.15. The state board of education or its authorized representatives shall inspect at least annually all institutions under the control of the department of public welfare and the department of mental hygiene and correction which employ teachers, and shall make a report on the teaching, discipline, and school equipment in these institutions to the director of public welfare, to the director of mental hygiene and correction, and to the governor.

Sec. 3301.16. Pursuant to standards prescribed by the state board of education as provided in paragraph D of section 3301.07 of the Revised Code, such board shall classify and charter high schools. Such board shall revoke the charter of any high school which fails to meet the standards of high schools as prescribed by the board. In the issuance and revocation of high school charters, the state board of education shall be governed by the provisions of chapter 119 of the Revised Code. In case a high school charter is revoked, the board of education maintaining such high school shall assign the pupils to an approved high school.

A high school is one of higher grade than an elementary school, in which instruction and training are given in accordance with sections 3301.07 and 3313.60 of the Revised Code and which also offers other subjects of study more advanced than those taught in the elementary schools and such other subjects as may be approved by the state board of education.

An elementary school is one in which instruction and training are given in accordance with sections 3301.07 and 3313.60 of the Revised Code and which offers such other subjects as may be approved by the state board of education. An elementary school may also include a preparatory kindergarten year. In districts wherein a junior high school is maintained, the elementary schools in that district may be considered to include only the work of the first six school years inclusive.

Sec. 3301.17. The state board of education may cooperate with federal agencies in the administration of an act of congress, the Federal Property and Administrative Services Act of 1949, as amended (63 Stat. 377), for the purpose of distributing personal property and transferring real property to eligible public and private education and health institutions and, to this end, shall establish an agency for property utilization within the department of education and shall adopt, amend, or rescind such rules or regulations and take such other action as it deems necessary to carry out the provisions of property acts of congress.

Sec. 3303.04. The state board of education may cooperate with the office of education of the United States department of health, education and welfare in the administration of the act of congress referred to in section 3303.02 of the Revised Code and of any legislation pursuant thereto enacted by the state, and in the administration of the funds provided by the federal government and by the state under sections 3303.01 to 3303.11, inclusive, of the Revised Code, for the improvement of agricultural, business, distributive, trade and industrial and home economics subjects, and vocational guidance. The board may appoint such directors, supervisors, and other assistants as are necessary to carry out such sections, such appointments to be made upon nomination by the
superintendent of public instruction. The salaries and traveling expenses of such directors, supervisors, and assistants, and such other expenses as are necessary, shall be paid upon the approval of the board. The board may formulate plans for the promotion of vocational education in such subjects as an essential and integral part of the public school system of education; and provide for the preparation of teachers of such subjects, and expend federal and state funds appropriated under sections 3303.01 to 3303.11, inclusive, of the Revised Code, for any purposes approved by the *** office of education of the United States department of health, education and welfare. It may make studies and investigations relating to prevocational and vocational education in such subjects; promote and aid in the establishment by local communities of schools, departments, and classes, giving training in such subjects; co-operate with local communities in the maintenance of such schools, departments, and classes; establish standards for the teachers, supervisors, and directors of such subjects; and co-operate in the maintenance of schools, departments, or classes supported and controlled by the public for the preparation of teachers, supervisors, and directors of such subjects.

Sec. 3303.06. The treasurer of state is hereby designated as the custodian of all funds received from the United States treasury for vocational education. All money so received or appropriated by the state for the purposes contemplated in the act of congress referred to *** in sections 3303.01 to 3303.11, inclusive, of the Revised Code, or in acts supplementary thereto, shall be disbursed upon the order of the state board of *** education.

Sec. 3303.21. *** As used in sections 3303.22 to 3303.35, inclusive, of the revised code.

(a) “State Board” *** means the state board of *** education created under section *** 3301.011 of the Revised Code.

(b) “Bureau” *** means the bureau of vocational rehabilitation established by *** sections 3303.22 of the Revised Code.

(c) “Director” *** means the director of the bureau of vocational rehabilitation.

(d) “Occupational handicap” *** means a condition which, regardless of its physical or mental origin, constitutes, contributes to, or if not corrected will probably result in, an obstruction to occupational performance.

(e) “Disabled individual” *** means any person other than one who is legally blind and who has a disability which imposes on him a substantial occupational handicap.

(f) “Vocational rehabilitation” and “vocational rehabilitation services” *** means any activity or service calculated to enable a disabled individual to engage in a remunerative occupation. The term shall include, but shall not be limited to, medical and vocational diagnosis, vocational guidance, counseling and placement, rehabilitation training, physical restoration, transportation, occupational or business licenses, occupational tools, equipment and supplies, maintenance, and training books, supplies and materials.
(g) “Rehabilitation training” *** means all training provided, through public or private instrumentalities, to a disabled individual to compensate for his occupational handicap. The term shall include, but shall not be limited to, preconditioning, prevocational, vocational and supplementary training.

(h) “Prosthetic appliance” *** means any artificial appliance designed to support or take the place of a part of the body or to increase the acuity of a sense organ.

(i) “Physical restoration” *** means any medical, surgical, or therapeutic treatment necessary to correct or substantially modify a disabled individual’s occupational handicap within a reasonable length of time. The term shall include, but shall not be limited to, medical, psychiatric, dental and surgical treatment, nursing services, hospital and convalescent home care, medical and surgical drugs and supplies and prosthetic appliances, excluding curative treatment for acute or transitory conditions.

(j) “Occupational *** license” means any license, permit or other written authority required by any governmental unit to be obtained in order to engage in any occupation or business.

(k) “Maintenance” *** means money payments to disabled individuals found to require financial assistance, for their subsistence during vocational rehabilitation.

Sec. 3311.23. If a county board of education deems it advisable to transfer a part or all of the territory comprising a local school district within the county school district to an adjoining county school district or to an adjoining city or exempted village school district, such transfer may be made by the county board of education by the adoption of a resolution providing for such transfer. Such a transfer shall not take effect if, within thirty days after the filing of the map showing boundaries as required by paragraph (C) of this section, a majority of the qualified electors residing in the territory transferred voting at the last general election file with the county board of education a written remonstrance against such transfer. A county board of education may accept a transfer of territory from another county school district or from a city or exempted village school district and annex such territory to a contiguous local school district of the county school district.

If there is filed with a county board of education prior to the first day of February in any even numbered year a petition requesting the transfer of a part of or all of the territory comprising a local school district of the county school district to an adjoining county school district or to an adjoining city or exempted village school district, and such petition is signed by seventy-five per cent of the qualified electors residing in the territory which the petition seeks to have transferred, voting at the last general election, such county board of education shall, prior to the first day of April next following the filing of such petition with the county board of education, either adopt a resolution transferring the territory as requested by such petition or adopt a resolution objecting to the requested transfer. If the resolution adopted by the county board of education is a resolution objecting to the requested transfer, then the county board of education shall, within ten days after the adoption of such resolution, file a copy of the resolution, together with a copy of the petition
and a map showing the boundaries of the territory which the petitioners seek to have transferred, with the *** state board of education. The *** state board of education, if *** it is not in agreement with the county board of education's action in objecting to the requested transfer of territory, shall, prior to the first day of August next following such action, *** provide for a hearing to be held in the county where the proposal to transfer territory was filed. The *** state board of education, a committee of its members designated by such board, or its representative designated by such board, shall conduct and preside at such hearing. For a period of ten days after such hearing the petitioners who signed the original petition which was filed with the county board of education pursuant to this section may request that their names be removed from such petition. Not later than the first day of September after the filing with the *** state board of education, pursuant to this section, of a proposal to transfer territory, the *** state board of education shall either approve or disapprove such proposed transfer of territory and shall submit, in writing, to the county board of education filing such proposal, notice of *** its decision. If the decision of the *** state board of education is an approval of the proposed transfer of territory, then the county board of education shall, within thirty days after receiving the *** state board of education's decision, adopt a resolution transferring the territory.

Upon the adoption by a county board of education, as authorized by this section, of a resolution transferring territory to another county school district or to a city or exempted village school district such county board of education shall, forthwith, submit a copy of such resolution to the clerk of the board of education of the county, city, or exempted village school district to which the territory is transferred. Such transfer of territory shall not be complete until:

(A) A resolution accepting the transfer has been passed by a majority vote of the full membership of the board of education of the county, city, or exempted village school district to which the territory is transferred;

(B) An equitable division of the funds and indebtedness between the districts involved has been made by the county board of education making the transfer;

(C) A map showing the boundaries of the territory transferred has been filed, by the board of education accepting the transfer, with the county auditor of each county affected by the transfer.

When such transfer is complete the legal title of the school property in the territory transferred shall be vested in the board of education of the school district to which the territory is transferred.

Sec. 3311.24. If the board of education of a city school district or of an exempted village school district deems it advisable to transfer territory from such district to an adjoining city or exempted village school district or to a county school district, or if a petition, signed by seventy-five per cent of the qualified electors residing within that portion of a city or exempted village school district proposed to be transferred voting at the last general election, requests such a transfer, the board of education of
the district in which such proposal originates shall file such proposal, together with a map showing the boundaries of the territory proposed to be transferred, with the *** state board of education prior to the first day of April in any even numbered year. The *** state board of education may, *** if it is advisable, provide for a hearing in any suitable place in any of the school districts affected by such proposed transfer of territory. The *** state board of education or *** its representatives shall preside at any such hearing.

Not later than the first day of September the *** state board of education shall either approve or disapprove a proposed transfer of territory filed with *** it as provided by this section and shall notify, in writing, the boards of education of the districts affected by such proposed transfer of territory of *** its decision.

If the decision of the *** state board of education is an approval of the proposed transfer of territory then the board of education of the district in which the territory is located shall, within thirty days after receiving the *** state board of education’s decision, adopt a resolution transferring the territory and shall forthwith submit a copy of such resolution to the clerk of the board of education of the city, exempted village, or county school district to which the territory is transferred. Such transfer shall not be complete, however, until:

(A) A resolution accepting the transfer has been passed by a majority vote of the full membership of the board of education of the city, exempted village, or county school district to which the territory is transferred;

(B) An equitable division of the funds and indebtedness between the districts involved has been made by the board of education making the transfer;

(C) A map showing the boundaries of the territory transferred has been filed, by the board of education accepting the transfer, with the county auditor of each county affected by the transfer.

When such transfer is complete the legal title of the school property in the territory transferred shall be vested in the board of education of the school district to which the territory is transferred.

Sec. 3313.56. The board of education of any city, exempted village, or local school district may establish and maintain part-time schools or classes for the further education of children who are employed on age and schooling certificates. Such schools and classes shall be conducted not fewer than four hours per week while in session, and for not fewer than one hundred forty-four hours per calendar year between the hours of seven in the morning and six in the afternoon, excluding Saturday afternoon and Sunday. Such schools and classes shall be conducted under such standards as the *** state board of education prescribes. Boards of education may provide for the expense of such schools and classes the same as for the expense of ordinary elementary schools.

Sec. 3313.57. Boards of education of city, exempted village, or local school districts may provide or approve, subject to the approval of parents, activities for children during the summer vacation period which will promote their health, their civic and vocational competence, and
their industry, recreation, character, or thrift. The superintendents of schools shall cause records to be kept of such activities assigned and completed. With the approval of the *** state board of education the successful completion of such vacation activities may be required for promotions and diplomas of graduation; but the completion by any child of such vacation activities shall not be prerequisite to the issuance of an age and schooling certificate for such child. Boards of education shall provide the service necessary to direct such activities and may pay any necessary expenses incident thereto, the same as the expense of an ordinary elementary school.

Sec. 3313.61. A diploma must be granted by the board of education to any one successfully completing the curriculum in any high school, which diploma shall state the grade of the high school issuing it as certified by the *** state board of education, be signed by the president and clerk of the board, the superintendent of schools, and the principal of the high school and shall bear the date of its issue. Such diploma shall be in such form as the board prescribes and shall be paid for out of the general fund.

Sec. 3313.71. School physicians may make examinations, which shall include tests to determine the existence of hearing defects, and diagnoses of all children referred to them. They may make such examination of teachers and other school employees and inspection of school buildings as in their opinion the protection of health of the pupils, teachers, and other school employees requires. Whenever a pupil, teacher, or other school employee is found to be ill or suffering from positive open pulmonary tuberculosis or other communicable disease, the school physician shall promptly send such pupil, teacher, or other school employee home, with a statement, in the case of a pupil, to its parents or guardian, briefly setting forth the discovered facts, and advising that the family physician be consulted. School physicians shall keep accurate card-index records of all examinations, and said records, that they may be uniform throughout the state, shall be according to the form prescribed by the *** state board of education, and the reports shall be made according to the method of said form. If the parent or guardian of any pupil or any teacher or other school employee after notice from the board of education furnishes within two weeks thereafter the written certificate of any reputable physician that the pupil, teacher, or other school employee has been examined, in such cases the service of the school physician shall be dispensed with, and such certificate shall be furnished by such parent or guardian, as required by the board of education. Such individual records shall not be open to the public and shall be solely for the use of the boards of education and boards of health officer. If any teacher or other school employee is found to have positive open pulmonary tuberculosis or other communicable disease, his employment shall be discontinued, or suspended upon such terms as to salary as the board deems just until the school physician has certified to a recovery from such disease.

Sec. 3313.81. The board of education of any city, exempted village, or local school districts may establish lunchrooms, provide facilities and equipment, and pay operating costs in the schools under its control for the preparation and serving of lunches, and other meals or refreshments to
the pupils, the teachers, and to other employees therein, and to other persons taking part in or patronizing any activity in connection with the schools, provided that such privileges and facilities shall apply to all pupils and teachers and no restrictions or limitations shall operate against any such pupil or teacher in the use of such facilities except for reasons applicable to all alike. ***

Such facilities shall be under the management and control of the board and the operation of such facilities for school lunch purposes shall not be for profit. In the operation of such facilities for school lunch purposes there shall be established a lunchroom fund in the clerk's cash journal, which shall be separate from all other funds of the board. All receipts and disbursements in connection with the operation of lunchrooms for school lunch purposes and the maintenance, improvement and purchase of equipment of lunchrooms shall be paid directly into and disbursed from the lunchroom fund which shall be kept in a legally designated depository of the board. Revenues for the operation, maintenance, improvement and purchase of equipment shall be provided by the lunchroom fund, appropriations transferred from the general fund, and from other proper sources.

The board may also make provision by appropriations transferred from the general fund of the district or otherwise for serving free lunches to such children as it determines are in need thereof.

The endorsement of this section shall be under jurisdiction of the state board of education.

Sec. 3313.811. No board, the principal or teacher of any schoolroom, or class organization of any school district shall sell or offer for sale, or supervise the sale of uniform school supplies, foods, candies, or like supplies for profit on the school premises except when the profit derived from such sale is to be used for school purposes or for any activity in connection with the school on whose premises such uniform school supplies, food, candies, or supplies are sold or offered for sale. No individual student or class of students, acting as an agent for any person or group of persons directly connected with the school shall sell or offer for sale for profit outside the school building, any such articles, except when the profit derived from such sale is to be used for school purposes or for any activity in connection with the school.

Uniform school supplies are those adopted by the board for use in the schools of the district.

The enforcement of this section shall be under the jurisdiction of the state board of education.

The school district board of education shall provide rotary funds for the purchase and sale of uniform school supplies either by appropriations from the general fund or accumulation from sales or receipts. Such fund shall be kept separate from other transactions of the board.

Sec. 3315.33. There is hereby established a fund to be known as the Ohio scholarship fund for teacher trainees for the public purpose of relieving the existing teacher shortage in public schools, to be administered and expended as prescribed in sections 3315.33 to 3315.35, inclusive, of the Revised Code. Appropriations by the ***general assembly for the purpose of scholarships for teacher trainees shall be paid into this fund.
Each scholarship for a teacher trainee shall have a maximum value of five hundred dollars annually and shall be awarded as follows:

A. The *** state board of education shall prescribe standards and requirements which shall be met by persons who are eligible for such scholarships. Scholarships shall be allocated among the counties of the state on *** an equitable basis by the *** state board of education, provided that not less than three such scholarships shall be available annually to residents of each county of the state. If, on the first day of September in each year, the *** state board of education finds that the number of eligible persons recommended from any county is less than the number of scholarships allocated to that county, *** it may reallocate the remaining scholarships among the counties in which the number of eligible persons exceeds the number of scholarships allocated. Such reallocation as may affect a county in one year shall not prejudice in any way the allocation to it in succeeding years.

B. In accordance with the requirements of sections 3315.33, 3315.34 and 3315.35 of the Revised Code, the county superintendent of schools in each county as committee chairman shall appoint one city or exempted village high school principal, one elementary school principal and one city or exempted village classroom teacher. This committee shall select and recommend, on the basis of merit, a number of high school graduates, not to exceed the number allocated to each county by the *** state board of education, who are interested in teaching and whose work and qualifications are such as to indicate that they possess the qualities which should be possessed by a successful teacher. Such persons shall not, however, have previously been enrolled in any college of education or have majored in education in any college or university. Such other college training as he might have shall be considered in determining his qualifications to become a successful teacher.

The scholarship fund for teacher trainees shall be disbursed to scholarship holders upon their application as approved by the *** state board of education upon vouchers for that purpose. Such scholarships shall be paid in equal installments at the beginning of each quarter or semester while college is in session to each person who has been awarded such a scholarship when the following requirements are met:

A. Such person shall be a bona fide student in the college of education or department of teacher training in an Ohio institution of higher *** learning.

B. Such person shall pursue a course of study in elementary education in said college of education or department of teacher training approved by the *** state board of education.

Sec. 3315.34. Each person who receives a scholarship shall execute a cognovit note which shall be endorsed by some responsible citizen, and shall deliver said note to the *** state board of education or to *** its representative. Each such note shall be made payable to the treasurer of state for the amount of the quarterly or semi-annual payment, and shall bear interest at the rate of five per cent per annum from the date of the note. The *** state board of education shall hold said note un-
til it has been paid or cancelled as prescribed in section 3315.35 of the Revised Code.

Each person awarded a scholarship under the terms of sections 3315.33 to 3315.35, inclusive, of the Revised Code shall be eligible upon the completion of satisfactory work during the first year, under rules and regulations promulgated by the *** state board of education, to have the scholarship renewed for a period not to exceed one additional year.

Sec. 3315.35. At the expiration of each school year of service as a teacher in the public schools of Ohio by a person who has benefited from a scholarship granted under sections 3315.33 to 3315.35, inclusive, of the Revised Code, such person shall submit to the *** state board of education a statement of service on a form provided for that purpose and certified by the superintendent of the school district in which he has taught. Upon receipt of such statement in proper form, the *** board shall cancel the oldest notes given by such person covering the scholarship for one year and the interest accrued thereon. If for any reason a recipient of a scholarship ceases or, after certification, fails to teach in the public schools of Ohio, except for death or total disability, or fails to file with the *** board by July first of each year a statement concerning his previous year's employment and his address for the ensuing year, any and all unpaid oruncancelled notes and interest thereon shall become due and payable and the *** board shall transmit all such notes promptly to the treasurer of state and the treasurer of state shall enforce collection of the principal amount of any uncancelled or unpaid notes held by him and the interest thereon and shall deposit said sums so collected in the general revenue fund.

Sec. 3319.15. No teacher shall terminate his contract after the tenth day of July of any school year or during the school year, prior to the termination of the annual session, without the consent of the board of education; and such teacher may terminate his contract at any other time by giving five days' written notice to the employing board. Upon complaint by the employing board to the *** state board of education and after investigation by *** it, the certificate of a teacher terminating his contract in any other manner than provided in this section may be suspended for not more than one year.

Sec. 3319.22. Teachers' certificates of state-wide validity shall be issued pursuant to sections 3319.22 to 3319.31, inclusive, of the Revised Code, or in accordance with standards, rules, and regulations authorized by law. The grades of certificates shall be designated as "temporary certificates," "provisional certificates," "professional certificates," and "permanent certificates." Each of such grades of certificates may be issued in each or any of the following types:

(A) Kindergarten-primary, valid for teaching in kindergarten, first, second, and third grades;

(B) Elementary, valid for teaching in grades one to eight, inclusive;

(C) High school, valid for teaching the subjects named in such certificate in grades seven to twelve, inclusive;
(D) Special, valid for teaching any subject named in such certificate in all grades of the elementary and high schools, or in such other special fields as are included in public school curricula;

(E) Elementary principal, valid for teaching or supervision in the elementary schools;

(F) High school principal, valid for teaching the subjects named in such certificate or for supervision in junior or senior high schools;

(G) Supervisor, valid for supervising and teaching subjects named in such certificate in elementary, special, or high school fields;

(H) Superintendent, valid for teaching the subjects named in such certificate, for supervising in elementary and high schools or for administrative duties in a school system;

(I) Vocational, *** valid for teaching and supervising vocational agriculture, vocational distributive education, vocational home economics, or vocational trades and industries as named in such certificate;

(J) Assistant superintendent, valid for supervising in elementary and high schools or for administrative duties in the school system;

(K) Pupil-personnel workers, valid for the conduct of all home-school-community relations incident to the adjustment of pupils to the facilities available for their education.

Sec. 3319.23. The *** state board of education shall establish standards and courses of study for the preparation of teachers, shall provide for the inspection of institutions desiring to prepare teachers, shall approve such institutions as maintain satisfactory training procedures, and shall properly certificate the graduates of such approved courses and institutions.

The standards and courses of study for the preparation of teachers together with the standards, rules, and regulations set for each grade and type of certificate and for the renewal and conversion thereof shall be adopted and published by the *** board in accordance with *** Chapter 119., of the Revised Code and no change therein shall be effective for at least one year from the first day of January next succeeding the publication of the said change.

Sec. 3319.24. Provisional certificates valid for four years shall be issued by the *** state board of education to those who have completed the respective courses prescribed therefor by the *** board in an institution approved by *** it for the type of preparation required; provided that the requirements shall not be lower than graduation from a two-year course for types (A) and (B) as set forth in section 3319.22 of the Revised Code and graduation from a four-year course for all other types, except vocational trades and industries for which the training shall be as prescribed by the state board *** and approved by the *** board.

The *** board may renew for like period and for like type and validity any provisional certificate upon satisfactory evidence of the applicant's professional standing, and, if experienced, teaching success.

Sec. 3319.25. The *** state board of education may convert any provisional certificate or renewal thereof into a professional certificate of
like type valid for eight years, provided the applicant has met the standards of preparation, experience, and teaching success set by the *** board for the conversion applied for.

Sec. 3319.26. The state board of *** education may convert any professional certificate or renewal thereof into a permanent certificate of like type provided the applicant has met the standards of preparation, experience, and teaching success set by the said board for the conversion applied for. All permanent certificates shall be countersigned by the superintendent of public instruction.

Sec. 3319.27. The *** state board of education may renew for like period and validity, any provisional certificate issued prior to September 5, 1935, upon satisfactory evidence of the applicant’s professional standing, and, if experienced, teaching success.

The *** board also shall establish standards in accordance with which *** it may convert provisional and life certificates issued prior to September 5, 1935, into certificates of the various types provided for in section 3319.22 of the Revised Code. All such certificates issued prior to September 5, 1935, shall, without such conversion, retain their validity for the kinds of positions for which they were valid when issued.

Sec. 3319.28. The *** state board of education may establish standards, rules, and regulations below those set for provisional certificates by which *** it may grant temporary certificates valid for one year of the types provided for by section 3319.22 of the Revised Code, and by which *** it may renew the same for like periods. *** It may receive applications for such temporary certificates only upon the request of a school superintendent and upon evidence of a scarcity of suitable teachers otherwise certified.

Sec. 3319.31. If at any time the holder of a certificate is found intemperate, immoral, incompetent, negligent, or guilty of other conduct unbecoming to his position, the *** state board of education shall revoke the certificate. Such evidence must be presented in writing, of which the accused shall be notified, and no certificate shall be revoked without a personal hearing in accordance with sections 119.01 to 119.13, inclusive, of the Revised Code.

Sec. 3319.33. On or before the first day of August in each year, the board of education of each city and exempted village school district shall report to the *** state board of education, and the board of each local school district shall report to the county superintendent of schools, the school statistics of its district. Such report shall be made on forms furnished by the *** state board of education and shall contain such information as the *** state board of education requires.

The board of education of each city and exempted village school district may prepare and publish annually a report of the condition and administration of the schools under its supervision which shall include therein an exhibit of the financial affairs of the district. Such annual report shall be for a full year.
Sec. 3319.34. On, or before, the fifteenth day of August, annually, each county superintendent of schools shall prepare, and transmit to the *** state board of education, an abstract of all the returns of school statistics made to him from the several local districts in his county school district, according to the form prescribed by the *** board, and such other facts relating to schools and school funds as the *** board requires. He shall also cause to be distributed all such circulars, blanks, and other papers, including school laws and documents, in the several local school districts in *** his county school district, as the *** board requires.

Sec. 3319.35. If the superintendent of schools or clerk of the board of education of any school district, including the county school district, fails to prepare any required report, he shall be liable in the sum of three hundred dollars, to be recovered by a civil action. In the case of reports required to be submitted to the county superintendent of schools, such action shall be instituted in the name of the county board of education upon the complaint of the county superintendent and the amount collected shall be paid into the county board of education fund. In the case of reports to be submitted to the *** state board of education, the action shall be instituted in the name of the state on complaint of the *** board and the amount collected shall be paid into the general revenue fund.

Sec. 3319.36. No clerk of a board of education shall draw a check for the payment of a teacher for services until the teacher files with him such reports as are required by the *** state board of education, by the school district board of education, and the superintendent of schools, and a written statement from the county, city, or exempted village superintendent of schools that the teacher has filed with him a legal teacher’s certificate, or true copy thereof, to teach the subjects or grades taught, with the dates of its validity. The *** state board of education shall prescribe the record and administration for such filing of certificates in county school districts.

Upon notice to the clerk of a board of education given by the *** state board of education or any superintendent of schools having jurisdiction that reports required of a teacher have not been made, the clerk shall withhold the salary of the teacher until the required reports are completed and furnished.

Sec. 3321.03. Every child of compulsory school age who is not employed under an age and schooling certificate and has not been determined to be incapable *** of profiting substantially by further instruction shall attend a *** school which conforms to the minimum standards prescribed by the state board of education, under the conditions prescribed by law.

Sec. 3321.04. Every parent, guardian, or other person having charge of any child of compulsory school age who is not employed under an age and schooling certificate and who has not been determined to be incapable of profiting substantially by further instruction, must send such child to a *** school, which conforms to the minimum standards prescribed by the state board of education, for the full time the school attended is in session, which shall not be for less than thirty-two weeks per school year. Such attendance must begin within the first week of the school term or within
one week of the date *** on which the child begins to reside in the district or within one week after his withdrawal from employment.

Excuses from future attendance at or past absence from school may be granted for the causes, by the authorities, and under the following conditions:

(A) The superintendent of schools of the district in which the child resides may excuse him from attendance for any part of the remainder of the current school year upon satisfactory showing of either of the following facts:

(1) That his bodily or mental condition does not permit his attendance at school during such period;

(2) That he is being instructed at home by a person qualified to teach the branches in which instruction is required, and such additional branches, as the advancement and needs of the child may, in the opinion of such superintendent, require. In each such case the issuing superintendent shall file in his office, with a copy of the excuse, papers showing how the inability of the child to attend school or the qualifications of the person instructing the child at home were determined. All such excuses shall become void and subject to recall upon the removal of the disability of the child or the cessation of proper home instruction; and thereupon the child or his parents, guardians, or other persons having him in charge may be proceeded against after due notice whether such excuse be recalled or not.

(B) The *** state board of education may adopt rules and regulations authorizing the superintendent of schools of the district in which the child resides to excuse a child over fourteen years of age from attendance for a future limited period for the purpose of performing necessary work directly and exclusively for his parents or legal guardians.

All excuses provided for in divisions (A) and (B) of this section shall be in writing and shall show the reason for excusing the child. A copy thereof shall be sent to the person in charge of the child.

(C) The board of education of the city, exempted village, or county school district in which a public school is located or the governing authorities of a private or parochial school may in the rules and regulations governing the discipline in such schools, prescribe the authority by which and the manner in which any child may be excused for absence from such school for good and sufficient reasons.

The *** state board of education may by rules and regulations prescribe conditions governing the issuance of excuses which shall be binding upon the authorities empowered to issue them.

Sec. 3321.05. A child of compulsory school age may be determined to be incapable of profiting substantially by further instruction.

The *** state board of education may prescribe standards and examinations or tests by which such capacity may be determined, and prescribe and approve the agencies or individuals by which they shall be applied and conducted; but the capacity of a child to benefit substantially by further instruction shall be determined with reference to that available to the particular child in the public schools of the district in which he resides, and no child shall be determined to be incapable of profiting sub-
stantially by further instruction if the *** superintendent of public instruction, pursuant to board standards, finds that it is feasible to provide for him in such district, or elsewhere in the public school system, special classes or schools, departments of special instruction or individual instruction through or by which he might profit substantially, according to his mental capacity as so determined. In prescribing, formulating, applying, and giving such standards, examinations or tests, the *** state board of education may call for assistance and advice upon any other department or bureau of the state, or upon any appropriate department of any university supported wholly or partly from state appropriations.

The result of each examination or test made with the recommendation of the agency or individual conducting the same, shall be reported to the *** superintendent of public instruction, who, subject to board standards, may make the determination authorized in this section. If a child is determined to be incapable of profiting substantially by further instruction, such determination shall be certified by the *** superintendent of public instruction to the superintendent of schools of the district in which he resides, who shall place such child under the supervision of a visiting teacher or of an attendance officer, to be exercised as long as such child is of compulsory school age. The *** superintendent of public instruction shall keep a record of the names of all children so determined to be incapable of profiting substantially by further instruction and a like record of all such children residing in any school district shall be kept by the superintendent of schools of such district. Upon request of the parents, guardians, or persons having the care of such child whose residence has been changed to another school district the superintendent of schools shall forward a card showing the status of such child as so determined to the superintendent of schools of the district to which the child has been moved.

Any determination made under this section may be revoked by the *** state board of education for good cause shown.

A child determined to be incapable of profiting substantially by further instruction shall not hereafter be admitted to the public schools of the state while such determination remains in force.

Sec. 3321.07. If any child attends upon instruction elsewhere than in a public school such instruction shall be *** in a school which conforms to the minimum standards prescribed by the state board of education. The hours and term of attendance exacted shall be equivalent to the hours and term of attendance required of children in the public schools of the district. This section does not require a child to attend a high school instead of a vocational, commercial, or other special type of school, provided the instruction therein is for a term and for hours equivalent to those of the high school, and provided his attendance at such school will not interfere with a continuous program of education for the child to the age of sixteen.

Sec. 3321.09. Attendance at a part-time school or class provided by an employer, by a partnership, corporation, or individual, by a private or parochial school, by a college, or by a philanthropic or similar agency shall serve in lieu of attendance at a part-time school or class provided by a
board of education in case the given school or class is conducted for substantially a term and hours equivalent to those of the part-time schools or classes provided by the local board, and in case the school or class is approved by the *** state board of education. When such school or class is conducted within or in connection with the establishment in which the child is working the obligation of attendance at part-time school or class indicated in section 3321.08 of the Revised Code, shall apply to the children holding age and schooling certificates who are employed in the given establishment regardless of the accessibility of public part-time schools or classes.

Sec. 3321.12. The principal or teacher in charge of any public, private, or parochial school, shall report to the clerk of the board of education of the city, exempted village, or local school district in which the school is situated, the names, ages, and places of residence of all pupils below eighteen years of age in attendance at their schools together with such other facts as said clerk requires to facilitate the carrying out of the laws relating to compulsory education and the employment of minors. Such report shall be made within the first two weeks of the beginning of school in each school year, and shall be corrected with the entry of such items as are prescribed by the *** state board of education within the first week of each subsequent school month of the year.

Sec. 3321.18. The attendance officer provided for by section 3321.14 or 3321.15 of the Revised Code shall institute proceedings against any officer, parent, guardian, person, partnership, or corporation violating laws relating to compulsory education and the employment of minors, and otherwise discharge the duties described in sections 3321.14 to 3321.23, inclusive, of the Revised Code, and perform such other service as the superintendent of schools or board of education of the district by which he is employed deems necessary to preserve the morals and secure the good conduct of school children, and to enforce such laws.

The attendance officer shall be furnished with copies of the enumeration in each school district in which he serves and of the lists of pupils enrolled in the schools and shall report to the superintendent discrepancies between these lists and the enumeration.

The attendance officer and assistants shall co-operate with the department of industrial relations in enforcing the conditions and requirements of the laws relating to the employment of minors. The attendance officer shall furnish upon request such data as he and his assistants have collected in their reports of children from six to eighteen years of age and also concerning employers to the department and upon request to the *** state board of education. The attendance officer must keep a record of his transactions for the inspection and information of the superintendent of schools and the board of education; and shall make reports to the superintendent of schools as often as required by him. The *** state board of education may prescribe forms for the use of attendance officers in the performance of their duties. The blank forms and record books or indexes shall be furnished to the attendance officers by the boards of education by which they are employed.

Sec. 3321.24. An enumeration of all youth between five and eighteen years of age resident within the district, and not temporarily there, shall
be taken in each school district annually during the four weeks ending on
the fourth Saturday of May. This enumeration shall designate the name
of each child, his sex, his age, name of his parent, location of his residence,
and what school building and grade he attends, and shall indicate in separate
columns whether each child is from five to six years of age or from sixteen
to eighteen years of age and whether he is a resident of the Virginia
military district, the Connecticut western reserve, the United States
military district, the French grant, or any one of the three tracts of the
Moravian lands, or in any original surveyed township or fractional town-
ship to which belongs section sixteen or other land in lieu thereof. Such
enumeration shall be taken under the supervision of the attendance officer
of the county, exempted village, or city school district. The *** state
board of education shall prescribe forms and suggest improved methods
of taking and recording such enumerations.

Sec. 3321.30. A board of education shall provide a copy of the
enumeration provided for in section 3321.24 of the Revised Code for the
use of the attendance officer and may provide for the keeping of an index
of the enumeration for purposes of ready reference in such form as the
*** state board of education prescribes. Such index shall be made
available for consultation by nonpublic schools not conducted for profit,
by philanthropic organizations, and other responsible persons interested in
child welfare.

Sec. 3321.31. On or before the first Saturday in August the clerk
of each city, exempted village, and local school district shall transmit to the
county auditor an abstract of the enumeration of children in the school
district according to a form prescribed by the *** state board of educa-
tion with an oath or affirmation indorsed thereon that it is a correct
abstract of the returns made to him under oath or affirmation. The oath or
affirmation of the clerk may be administered and certified by any member
of the board of education or by the county auditor. In local school districts
there shall be included with the abstract the entire list with all details of
feeble-minded, epileptic, crippled, blind or partially blind, and deaf children.

Sec. 3321.33. On or before the third Saturday of August the auditor
of each county shall transmit to the *** state board of education on
blanks furnished by *** it a duly certified abstract of the enumeration
returns made to him; and at the same time such auditor shall transmit to
the juvenile judge of the county, duplicate transcripts of the list of crippled
children residing in each school district of the county, as shown by said
school enumeration reports, and, if upon examination and investigation
of such reports, the juvenile judge has reason to believe the report is
incomplete or inaccurate, he shall transmit a written order to the county
auditor, directing him to procure an enumeration of all the crippled
children, as provided in section 3321.36 of the Revised Code.

Sec. 3321.35. A county auditor who willfully or negligently fails, in
any year, to transmit to the *** state board of education the abstract
of enumeration required of him, or to perform any other duty required
of him in this title, shall be liable on his bond to the extent of twice the sum
lost to the school district of his county in consequence of such failure.
Such sum shall be recovered in a civil action against him, on his bond,
in the name of the state. The money so recovered must be paid into the
county treasury, for the benefit of such districts, and apportioned as the school funds so lost would have been apportioned.

Sec. 3321.38. (A) No parent, guardian, or other person having care of a child of compulsory school age shall violate section 3321.01, 3321.03, 3321.04, 3321.07, 3321.10, 3321.19, 3321.20, or 3321.14 of the Revised Code. The court may require a person convicted of violating this division to give bond in the sum of one hundred dollars with sureties to the approval of the court, conditioned that he will cause the child under his charge to attend upon instruction as provided by law, and remain as a pupil in the school or class during the term prescribed by law.

(B) No parent, guardian, or other person shall fail or refuse to pay a fine and costs for violating division (A) of this section of the Revised Code or fail to give bond as provided for in this section.

(C) This section does not relieve from prosecution and conviction any parent, guardian, or other person upon further violation of such sections; nor shall forfeiture of the bond relieve such person from prosecution and conviction upon further violation of such sections.

Sections 4109.05 to 4109.07, inclusive, of the Revised Code apply to **section 3321.28 of the Revised Code.**

Sec. 3323.01. The ***state board of education*** may grant permission to any board of education to establish and maintain classes for the instruction of deaf or blind persons over the age of three, and crippled or slow-learning persons over the age of five; and to establish and maintain child study, counseling, adjustment, and special instructional services for persons over the age of five whose learning is retarded, interrupted, or impaired by physical or mental handicaps. The ***state board of education*** may, by written agreement with the board of trustees of any college or university, arrange with the teacher education department of such college or university for the classroom and in-service training of teachers for handicapped children.

Sec. 3323.02. The ***state board of education*** shall select competent persons to inspect at least once a year all classes and to direct and supervise such other services established under section 3323.01 of the Revised Code, and to report concerning the instruction in such classes, the conditions under which they are maintained, the conditions under which any persons enrolled in such classes are boarded, and the extent and nature of all other services related to education affecting physically and mentally handicapped persons.

The ***state board of education*** shall prescribe standard requirements for day schools for the deaf, blind, crippled, and slow learners, and for other instruction and services for all types of handicapped persons included under section 3323.01 of the Revised Code, and for which persons any school district is entitled to state reimbursement, or aid. Such requirements shall include the conditions under which such schools are conducted, or services are rendered, the methods of instruction, child study, counseling, adjustment, and supervision, the qualifications of teachers and the personnel in charge of child study and counseling, the conditions and terms under which they are employed, the special equipment and
agencies for instruction provided, and the conditions of the rooms and buildings in which the schools are held.

Sec. 3323.04. Upon petition by the parents or guardians of eight crippled children, in any school district, of the age named in section 3323.01 of the Revised Code, the board of education of such district shall apply to the *** state board of education for permission to establish a special class for such children, and if such is granted shall establish such class not later than the beginning of the following school year, upon standards prescribed under section 3323.02 of the Revised Code. If a board fails to perform its duty under this section, section 3313.85 of the Revised Code shall apply.

Sec. 3323.05. In case there are in any school district crippled children not able even with the help of transportation to be assembled in a school, and instruction for these children is provided in the home, these children shall be counted under section 3323.08 of the Revised Code, counting, however, five hours of instruction of such children by a teacher provided by the board of education as equal to the attendance of one child for five days at school. Upon direction of the *** state board of education a board of education shall arrange for the home teaching of any such crippled child.

Sec. 3323.06. Teachers in home instruction and special classes shall be appointed as are other public school teachers. They shall possess the usual qualifications required of teachers in the public schools, and in addition thereto such special training and equipment as the *** state board of education or the board of education requires. The so-called oral system shall be taught by teachers in schools for the deaf. If, after a fair trial of nine months, any children in any school for the deaf are unable to learn such method, they may be taught the manual method in a separate school.

Sec. 3323.07. The *** state board of education, upon receipt and approval of the report and financial statement provided in section 3323.08 of the Revised Code shall present a voucher to the auditor of state in favor of the board of education in an amount equal to the cost of maintaining the special classes and instruction provided for in sections 3323.01 to 3323.06, inclusive, of the Revised Code, minus the cost of the instruction of the same number of children of normal needs in the same school grades of the district, but in an amount not to exceed four hundred dollars for nine months, and proportionate amounts for those instructed more or less than nine months. The *** state board of education may include in such voucher the cost of boarding persons included in section 4423.12 of the Revised Code. The *** state board of education may include the costs of transportation under section 3323.10 or 3327.01 of the Revised Code, in the voucher in favor of any board which has paid the same. Upon presentation of such voucher the auditor of state, if satisfied as to the correctness, shall draw a warrant on the treasurer of state for the amount.

Sec. 3323.08. At the close of each school year, the board of education of each school district in which any classes for the education of the
If it is found to be true the *** state board of education at once shall notify such publisher and each board in the state that such book shall not thereafter be adopted and purchased by boards of education. Such publisher shall pay to the state five hundred dollars for each failure, to be recovered in the name of the state, in an action to be brought by the attorney general, in the court of common pleas of Franklin county, or in any other proper court or in any other place where service can be made. The amount, when collected, must be paid into the state treasury to the credit of the state general revenue fund.

Sec. 3331.01. An age and schooling certificate may be issued only by the superintendent of schools of the district of residence of the child in whose name such certificate is issued and only upon satisfactory proof that the child to whom the certificate is issued is over sixteen years of age and has satisfactorily passed a test for the completion of the work of the seventh grade. Residents of other states who work in Ohio must qualify with the proper school authority in the school district in which the establishment is located, as a condition of employment or service.

Any such age and schooling certificate may be issued only upon satisfactory proof that the employment contemplated by the child is not prohibited by any law regulating the employment of such children; and the employer of any minor for whom such age and schooling certificate has been issued shall keep such age and schooling certificate on file. Section 4113.08 of the Revised Code does not apply to such employer in respect to such child while engaged in an employment legal for a child of the given sex and of the age stated therein.

Age and schooling certificate forms shall be formulated by the *** state board of education, and except in cases otherwise specified by sections 3331.04 and 3331.05 of the Revised Code must be printed on white paper. Every such certificate must be signed in the presence of the officer issuing it by the child in whose name it is issued. Blank certificates shall be furnished by the *** state board of education upon request.

Sec. 3331.05. A part-time and vacation age and schooling certificate which shall permit him to be employed in occupations mentioned in section 4109.10 of the Revised Code and not absolutely forbidden to him by said section or by any other law whenever the school to which the holder is assigned is not in session, or, where co-operative part-time classes approved by the *** state board of education have been established, on the alternate days, weeks or periods, on which his division is assigned to such part-time employment, may be issued to a child above fourteen years of age under all of the conditions other than age and education which apply to a regular age and schooling certificate and such additional conditions as the superintendent of schools deems necessary.

Such part-time and vacation certificates shall be printed on light brown paper and the form thereof and directions for recording the facts thereon may be prescribed by the *** state board of education.

Such certificates shall be filed and returned by employers under the same conditions and penalties as apply to regular age and schooling certificates.
Sec. 3375.01. A state library board is hereby created *** to be composed of *** five members to be appointed by the *** state board of education. One member shall be appointed each *** year for a term of *** five years. No one is eligible to membership on the state library board who is or has been for a year previous to his appointment a member of the state board of education. All vacancies on the state library board shall be filled by the state board of education by appointment for the unexpired term. The members shall receive no compensation, but shall be paid their actual and necessary expenses incurred in the performance of their duties.

At its regular meeting next prior to the beginning of each fiscal biennium the state library board shall elect a president and vice-president each of whom shall serve for two years or until his successor is elected and qualified.

This section does not affect the term of any member of the state library board appointed prior to the effective date of this act.

Sec. 3501.02. General elections in the state of Ohio and its political subdivisions shall be held as follows:

(A) For the election of electors of president and vice-president of the United States, in the year 1932 and every four years thereafter;

(B) For the election of a member of the senate of the United States, in the years 1932 and 1934, and every six years after each of such years; except as otherwise provided for filling vacancies;

(C) For the election of representatives in the congress of the United States and of elective state and county officers, in the even-numbered years; except as otherwise provided for filling vacancies;

(D) For municipal and township officers, members of boards of education, members of the state board of education, judges and clerks of police and municipal courts, and justices of the peace in the odd-numbered years;

(E) Proposed constitutional amendments or proposed measures submitted by the General Assembly or by initiative or referendum petitions to the voters of the state at large may be submitted at the general elections in any year occurring at least sixty days, in case of a referendum, and ninety days, in the case of an initiated measure, subsequent to the filing of the petitions therefor. Unless provision is made by law or charter for the submission of a question or issue to the voters of a county, township, city, village, or school district at a special election, no special election shall be called, and the question or issue shall be submitted at a general election.

Sec. 3505.03. On the office type ballot shall be printed the names of all candidates for election to offices, except judicial offices, who were nominated at the next preceding primary election as candidates of a political party or who were nominated in accordance with section 3513.02 of the Revised Code, and the names of all candidates for election to offices who were nominated by nominating petitions, except candidates for judicial offices, for member of the state board of education, for member of a board of education, for municipal offices, and for township offices.
The face of such ballot below the stub shall be substantially in the following form:

**OFFICIAL OFFICE TYPE BALLOT**

(A) To vote for a candidate place "X" in the rectangular space at the left of the name of such candidate.

(B) If you tear, soil, deface, or erroneously mark this ballot, return it to the precinct election officers and obtain another ballot.

**USE "X" ONLY IN MARKING BALLOT**

The order in which the offices shall be listed on the ballot shall be prescribed by, and certified to each board of elections by, the secretary of state; provided that for state, district, and county offices the order from top to bottom shall be as follows: governor, lieutenant governor, secretary of state, auditor of state, treasurer of state, attorney general, United States senator, representative at large to congress, district representative to congress, senator to the general assembly, representative to the general assembly, county commissioner, county auditor, prosecuting attorney, clerk of the court of common pleas, sheriff, county recorder, county treasurer, county engineer, and coroner.

The names of all candidates for an office shall be arranged in a group under the title of that office, and shall be so alternated that each name shall appear, insofar as may be reasonably possible, substantially an equal number of times at the beginning, at the end, and in each intermediate place, if any, of the group in which such name belongs.

The method of printing and combining the ballots in tablets to meet the rotation requirements of this section shall be as follows: The least common multiple of the number of names in each of the several groups of candidates shall be used and the number of changes made in the printer's forms in printing such ballots shall correspond with such multiple. On the first series of ballots, the names of the candidates in each group of candidates shall be in alphabetical order. On each succeeding series, the names of the candidates in each group of candidates which is first in the preceding series shall be last and the names of each of the candidates in each group shall be moved up one place. The printed ballots shall then be combined in tablets by assembling series of ballots each consisting of one ballot of each series printed as described in this paragraph, assembled in the same consecutive order in which the series in which each ballot is a part was printed, dividing such assembled series of ballots in instances in which the total number of ballots in each series shall exceed the number of ballots required in a precinct and otherwise by combining as many of such assembled series of ballots as are necessary to make tablets consisting of the number of ballots required for each precinct.

Under the name of each candidate nominated at a primary election and each candidate certified by a party committee to fill a vacancy as provided by section 3513.31 of the Revised Code shall be printed the name of the political party by which such candidate was nominated or certified.

Except as provided in this section, no words, designations, or emblems descriptive of a candidate or his political affiliation, or indica-
tive of the method by which such candidate was nominated or certified, shall be printed under or after a candidate’s name which is printed on the ballot.

No blank spaces shall be provided on such ballot wherein an elector may write in the name of a person for whom he desires to vote, except that if no candidate has been nominated for an office or certified to fill a vacancy in a nomination for an office for which an election is to be held, blank spaces shall be provided under the title of said office equal in number to the number of persons to be elected to such office.

Sec. 3505.04. On the nonpartisan ballot shall be printed the names of all candidates for election to judicial office, office of member of the state board of education, office of member of a board of education, municipal or township offices for municipal corporations and townships in which primary elections are not held for nomination of candidates by political parties, and municipal offices of municipal corporations having charters which provide for separate ballots for elections for such municipal offices.

Such ballots shall have printed across the top thereof, and below the stubs, “Official Non-partisan Ballot.”

The order in which the offices shall be listed on the ballot shall be prescribed by, and certified to each board of elections by, the secretary of state; provided that the office of member of the state board of education shall be listed first on the ballot, then state, district, and county judicial offices shall be listed *** on the ballot in such order, followed by municipal and township offices, and by offices of member of a board of education, in the order stated.

Within the rectangular space within which the title of each judicial office is printed on the ballot and immediately below such title shall be printed the date of the commencement of the term of the office, if a full term, as follows: “Full term commencing ............ (Date) ............,” or the date of the end of the term of the office, if an unexpired term, as follows: “Unexpired term ending ............ (Date) ............”

The secretary of state shall prescribe the information and directions to the voter to be printed on the ballot within the rectangular space in which the title of office of member of the state board of education appears.

Within the rectangular space within which the title of each office for member of a board of education is printed on the ballot shall be printed “For Member of Board of Education,” and the number to be elected, directions to the voter as to voting for one, two, or more, and, if the office to be voted for is member of a board of education of a city school district, words shall be printed in said space on the ballot to indicate whether candidates are to be elected from subdistricts or at large.

The names of all candidates for an office shall be arranged in a group under the title of that office, and shall be so alternated that each name shall appear, insofar as may be reasonably possible, substantially an equal number of times at the beginning, at the end, and in each intermediate place, if any, of the group in which such name belongs.

There shall be no name or designation of any political party nor any words, designations, or emblems descriptive of a candidate or his political
affiliation, or indicative of the method by which such candidate was nominated or certified, printed under or after any candidate’s name which is printed on the ballot.

The method of printing and combining the ballots in tablets to meet the rotation requirements of this section shall be as follows: The least common multiple of the number of names in each of the several groups of candidates shall be used and the number of changes made in the printer’s forms in printing such ballots shall correspond with such multiple. On the first series of ballots, the names of the candidates in each group of candidates shall be in alphabetical order. On each succeeding series, the names of the candidates in each group of candidates which is first in the preceding series shall be last and the names of each of the candidates in each group shall be moved up one place. The printed ballots shall then be combined in tablets by assembling series of ballots each consisting of one ballot of each series printed as described in this paragraph, assembled in the same consecutive order in which the series in which each ballot is a part was printed, dividing such assembled series of ballots in instances in which the total number of ballots in each series shall exceed the number of ballots required in a precinct and otherwise by combining as many of such assembled series of ballots as are necessary to make tablets consisting of the number of ballots required for each precinct.

No blank spaces shall be provided on such ballot wherein an elector may write in the name of a person for whom he desires to vote except that if no candidate has been nominated for an office for which an election is to be held, blank spaces shall be provided under the title of said office equal in number to the number of persons to be elected to such office.

Sec. 3505.33. When the board of elections has completed the canvass of the election returns from the precincts in its county, in which electors were entitled to vote at any general or special election, it shall determine and declare the results of the elections determined by the electors of such county or of a district or subdivision within such county. If more than the number of candidates to be elected to an office received the largest and an equal number of votes, such tie shall be resolved by lot by the chairman of the board in the presence of a majority of the members of the board. Such declaration shall be in writing and shall be signed by at least a majority of the members of the board. It shall bear the date of the day upon which it is made, and a copy thereof shall be posted by the board in a conspicuous place in its office. The board shall keep such copy posted for a period of at least five days.

Thereupon the board shall promptly certify abstracts of the results of such elections within its county, in such forms as the secretary of state prescribes. Such forms shall be designated and shall contain abstracts as follows:

Form No. 1. An abstract of the votes cast for the office of president and vice-president of the United States.

Form No. 2. An abstract of the votes cast for the office of governor, lieutenant governor, secretary of state, auditor of state, treasurer of state, and attorney general.

Form No. 3. An abstract of the votes cast for the office of governor,
lieutenant governor, secretary of state, auditor of state, treasurer of state, attorney general, chief justice of the supreme court of Ohio, judge of the supreme court of Ohio, member of the senate of the congress of the United States, member at large of the house of representatives of the congress of the United States, district member of the house of representatives of the congress of the United States, and an abstract of the votes cast upon each question or issue submitted at such election to electors throughout the entire state.

Form No. 4. A report of the votes cast for the office of member of the senate of the general assembly, member of the house of representatives of the general assembly, member of the state board of education, judge of the court of appeals, judge of the court of common pleas, judge of the probate court, county commissioner, county auditor, prosecuting attorney, clerk of the court of common pleas, sheriff, county recorder, county treasurer, county engineer, and coroner.

Form No. 5. A report of the votes cast upon all questions and issues other than such questions and issues which were submitted to electors throughout the entire state.

Form No. 6. A report of the votes cast for municipal offices, township offices, and the office of member of a board of education.

One copy of each of said forms shall be kept in the office of the board. One copy of each of said forms shall promptly be sent to the secretary of state. One copy of Form No. 2 shall promptly be mailed to the president of the senate of the general assembly at his office in the statehouse. The board shall also at once upon completion of the official count send a certified copy of that part of each of said forms which pertains to an election in which only electors of a district comprised of more than one county but less than all of the counties of the state voted to the board of the most populous county in such district. It shall also at once upon completion of the official count send a certified copy of that part of each of said forms which pertains to an election in which only electors of a subdivision located partly within the county voted to the board of the county in which the major portion of the population of such subdivision is located.

Sec. 3513.259. Nominations of candidates for the office of member of the state board of education shall be made only by nominating petition. The nominating petition of a candidate for the office of member of the state board of education shall be signed by not less than one per cent of the number of electors who voted for governor at the next preceding regular state election for the office of governor in the district, or five hundred electors, whichever is the lesser number.

No such nominating petition shall be accepted for filing or filed if it appears on its face to contain signatures aggregating in number more than twice the minimum aggregate number of signatures required by this section. If the district consists of more than one county, such petition shall contain the signatures of at least one hundred electors from each of at least one-half of the several counties of such district. Such petition shall be filed with the board of elections of the most populous county in such district not later than four p. m. of the ninetieth day before the day of the general election at which state board of education members are elected.
Each nominating petition shall be signed by qualified electors residing in the district in which the candidate designated therein would be a candidate for election to the office of member of the state board of education. Each candidate shall be a qualified elector residing in the district in which he seeks election to such office.

As the word "district" is used in this section, it refers to a district created under the provisions of section 3301.011 of the Revised Code.

Section 2. That existing sections 121.02, 121.03, 121.04, 141.03, 149.01, 1713.02, 1713.03, 1713.04, 1713.06, 3301.01 to 3301.08, inclusive, 3303.01, 3303.04, 3303.06, 3303.21, 3311.23, 3311.24, 3311.35, 3313.56, 3313.57, 3313.61, 3313.71, 3313.81, 3315.01, 3315.33 to 3315.35, inclusive, 3319.15, 3319.20, 3319.22 to 3319.28, inclusive, 3319.31, 3319.33 to 3319.36, inclusive, 3321.03 to 3321.05, inclusive, 3321.07, 3321.09, 3321.12, 3321.18, 3321.24, 3321.30, 3321.31, 3321.33, 3321.35, 3321.38, 3323.01, 3323.02, 3323.04 to 3323.15, inclusive, 3325.01, 3325.02, 3325.05 to 3325.07, inclusive, 3329.02, 3329.03, 3331.01, 3331.05, and 3375.01 of the Revised Code are repealed effective on January 3, 1956 and that existing sections 3501.02, 3505.03, 3505.04 and 3505.33 of the Revised Code are repealed effective on the date that section 4 of this act shall take effect.

Section 3. That amended sections 121.02, 121.03, 121.04, 141.03, 149.01, 1713.02, 1713.03, 1713.04, 1713.06, 3301.04 to 3301.08, inclusive, 3303.04, 3303.06, 3303.21, 3311.23, 3311.24, 3313.56, 3313.57, 3313.61, 3313.71, 3313.81, 3315.33, 3315.34, 3315.35, 3319.15, 3319.22, 3319.28, inclusive, 3319.31, 3319.33 to 3319.36, inclusive, 3321.03, 3321.04, 3321.05, 3321.07, 3321.09, 3321.12, 3321.18, 3321.24, 3321.30, 3321.31, 3321.33, 3321.35, 3321.38, 3321.39, 3323.01, 3323.02, 3323.04 to 3323.15, inclusive, 3325.01, 3325.02, 3325.05 to 3325.07, 3329.02, 3329.03, 3331.01, 3331.05, 3375.01 and supplemental sections 3301.09 to 3301.15, inclusive, 3325.011 of the Revised Code, as contained in this act, shall take effect on January 3, 1956.

Section 4. Amend sections 3501.02, 3505.03, 3505.04, 3505.33 and supplemental sections 3301.011, 3301.021, 3301.031, 3513.259 of the Revised Code, as contained in this act, are hereby declared to be emergency laws necessary for the immediate preservation of the public peace, health and safety. The reason for such necessity lies in the fact that in order for persons to be nominated and elected to office as members of the state board of education at the November, 1955 general election it is imperative that such sections shall go into immediate effect. Therefore amended sections 3501.02, 3505.03, 3505.04, 3505.33 and supplemental sections 3301.011, 3301.021, 3301.031, 3513.259 of the Revised Code, as contained in this act, shall go into immediate effect.

ROGER CLOUD,
Speaker of the House of Representatives.

JOHN W. BROWN,
President of the Senate.

Passed June 24, 1955.
The sectional numbers herein are in conformity with the Revised Code.

OHIO LEGISLATIVE SERVICE COMMISSION
John A. Skipton, Director

Filed in the office of the Secretary of State at Columbus, Ohio on the 12th day of July, A. D. 1955.

I hereby certify that the foregoing is a true copy of the engrossed bill.

TED W. BROWN, Secretary of State.

Effective:

Existing sections 121.02, 121.03, 121.04, 141.03, 149.01, 1713.02, 1713.03, 1713.04, 1713.06, 3301.01 to 3301.08 inclusive, 3303.01, 3303.04, 3303.06, 3303.21, 3311.23, 3311.24, 3311.35, 3313.56, 3313.57, 3313.61, 3313.71, 3313.81, 3313.91, 3315.01, 3315.33 to 3315.35 inclusive, 3319.15, 3319.20, 3319.22 to 3319.28 inclusive, 3319.31, 3319.33 to 3319.36 inclusive, 3321.03 to 3321.05 inclusive, 3321.07, 3321.09, 3321.12, 3321.18, 3321.24, 3321.30, 3321.31, 3321.33, 3321.35, 3321.38, 3323.01, 3323.02, 3323.04 to 3323.15 inclusive, 3325.01, 3325.02, 3325.05 to 3325.07 inclusive, 3329.02, 3329.03, 3331.01, 3331.05 and 3375.01 repealed effective January 3, 1956.

Existing sections 3501.02, 3505.03, 3505.04 and 3505.33 repealed effective July 12, 1955.

Sections 121.02, 121.03, 121.04, 141.03, 149.01, 1713.02, 1713.03, 1713.04, 1713.06, 3301.04 to 3301.08 inclusive, 3303.04, 3303.06, 3303.21, 3311.23, 3311.24, 3313.56, 3313.57, 3313.61, 3313.81, 3315.33, 3315.34, 3315.35, 3319.15, 3319.22 to 3319.28 inclusive, 3319.31, 3319.33 to 3319.36 inclusive, 3321.03, 3321.04, 3321.05, 3321.07, 3321.09, 3321.12, 3321.18, 3321.24, 3321.30, 3321.31, 3321.33, 3321.35, 3321.38, 3323.01, 3323.02, 3323.04 to 3323.15 inclusive, 3325.01, 3325.02, 3325.05, 3325.06, 3325.07, 3329.02, 3329.03, 3331.01, 3331.05, 3375.01, 3301.09 to 3301.15 inclusive, 3325.011 effective January 3, 1956.

Sections 3501.02, 3505.03, 3505.04, 3505.33, 3301.011, 3301.021, 3301.031, 3513.259 effective July 12, 1955.

Sections 3301.16, 3301.17 and 3313.811 effective October 11, 1955.

File No. 303.
BRIEF BIOGRAPHICAL SKETCHES

MEMBERS OF STATE BOARD OF EDUCATION

OF

OHIO

1st Congressional District - Hamilton County, east half

WALTER E. BECKJORD
2316 East Hill Avenue
Cincinnati, Ohio

Practicing attorney and Secretary, the Cincinnati Gas and Electric Company. Married and has three sons.

Degrees in law and industrial administration from Yale University. Member, Engineering Society and Tau Beta Pi. Trustee, the Cincinnati Goodwill Industries; worker in Community Chest and Red Cross drives. U. S. Army, 1943-46; served in China Theater. Member of Reserve Unit of Corps of Engineers of the Ohio River Division.

2nd Congressional District - Hamilton County, west half

DAVID B. WOOD
5777 LuClare Drive
Cincinnati, Ohio


Attended University of Cincinnati and Xavier University. Member, American, Ohio State and Cincinnati Bar Associations; American Counsel Association. Past President of
Civic Club and Western Hills Country Club. Served on Building Commission (10 years) for Hamilton County Juvenile Detention Home and Youth Center. Active in Boy Scout work and boys clubs. Deputy Civilian Aide to Commanding General, Fifth Corps Area, World War II.

3rd Congressional District - Montgomery and Butler Counties

RUTH D. MAYNE
42 W. Forrer Road
Dayton, Ohio

Housewife. Five children - 3 college graduates, two in college.

Graduate of Ohio State University: B.Sc. in Education, 1921; M.A. in School Administration, 1931; additional work in Adult Education. Ex-teacher and principal; delegate to White House Conference on Children and Youth, 1950; member, Advisory Board - Ohio State University.

Active in national, state and community services: National Order of Women Legislators; National Mental Health Association; Women's State Committee for Health, Education and Welfare; Ohio Home Economics Association Board; Ohio Mental Health Association Board; Ohio Rehabilitation Association Board; Ohio Citizens Committee for Health, Education and Welfare - Executive Committee; Council World Affairs - Executive Committee; Montgomery County Association for Retarded Children; Secretary, Goodwill Industries; member of executive committee for organizing Montgomery County Mental Health Council; University Committee on Evaluation of State Services for Delinquent Children; Community Chest Budget Committee; Member, St. Paul Episcopal Church. Past President Community Welfare Council in 1952-54; Dayton Federation Women's Clubs; Dayton Mental Health Association; former member of Board for Aid for Dependent Children. Member of Ohio House of Representatives, 1951-53.

4th Congressional District - Allen, Auglaize, Darke, Mercer, Miami, Preble and Shelby Counties.

C.M. SIMS
404 Broadway
Piqua, Ohio

Managing Director, Piqua Chamber of Commerce. Married and has three sons: John, Commander, U. S. Navy; William, Electronics Engineer, Westinghouse, Pittsburgh; Richard, Engineer, Dayton.

Graduate of Ohio State University; B.A. and M.A. degrees; further graduate work at University of Chicago. Past President of Western Ohio Superintendents and Principals and Central
Ohio Teachers Association. Trustee, Presbyterian Church; Board of Trustees, Piqua Public Library; Board of Directors, Piqua YMCA; Executive Board, Miami Valley Council, Boy Scouts; Elks; 32nd Degree Mason; experience in business and industry as well as farming; one-room country school teacher, principal of village and city schools, superintendent of city schools, school supervisor for the State; participated in Ohio White House Conference; served on many conferences and workshops during last few years where the proposed State School Board was one of the chief topics of discussion.

**5th Congressional District** - Defiance, Fulton, Henry, Paulding, Putnam, Van Wert, Williams, Ottawa, and Wood Counties

WAYNE E. SHAFFER
121 West Butler Street
Bryan, Ohio

Attorney - Newcomer and Shaffer, Bryan, Ohio

Married; two children of pre-school age; Mrs. Shaffer a former school teacher.

Attended Ohio Northern University, Ohio Wesleyan University and Northwestern University. Holds A.B. and L.L.B. degrees. Discussion leader - American Heritage Project; attorney for various school boards; served two terms as President of Community-School Association; served 3½ years in the United States Navy. Member of Lions Club, Chamber of Commerce; President - Bryan Service Club; Moose, and Advisory Board, Williams County Association for Retarded Children. Sunday School Teacher.

**6th Congressional District** - Adams, Brown, Clermont, Fayette, Highland, Pickaway, Pike, Ross, Scioto Counties

WARD M. MILLER
Beechwood Heights
Portsmouth, Ohio

Married and has six children: Three sons and three daughters now in school.

Graduate of Ohio State University; M.A. degree from Harvard. Instructor in English at Emerson College, Boston, 1928-30; editorial staff of "The Bookman" magazine, 1931-33. Member First Presbyterian Church, Royal Institute of Philosophy, Portsmouth Real Estate Board (past president). Charter member, Portsmouth Little Theater. Served on P.T.A. committees. Chairman of various committees of Chamber of Commerce, Community Chest and Cancer Drives.

**7th Congressional District** - Champaign, Clark, Clinton, Greene, Logan, Madison and Warren Counties

HAROLD WHITAKER
R.F.D. 2
Waynesville, Ohio

Farmer. Married and has three children: two are married; one in public elementary school. High school graduate.
8th Congressional District - Crawford, Hancock, Hardin, Marion, Morrow, Seneca and Wyandotte Counties

CHARLTON MYERS
Neff Street
Morral, Ohio

Attorney-at-law, general practice, 133½ E. Center Street, Marion, Ohio. Wife deceased. Three daughters, ages 15, 13 and 8, in public schools.

Graduate of Bucyrus High School, 1928; Miami University, B.A., 1932; Ohio Northern University, L.L.B., 1935. Probate and Juvenile Judge, Highland County, 1937 to 1944. Member, 32nd Degree Mason; Marion Lions Club; Lutheran Church; Board of Directors, Boy Scouts of America; Family Service Society; State and American Bar Associations; past chapter chairman of American Red Cross. Currently member of local board of education; 6 years attorney for boards of education; former P.T.A. president; delegate to the White House Conference, Washington, D.C., 1955.

9th Congressional District - Lucas County

JOSEPH D. STECHER
3505 Brookside Road
Toledo 6, Ohio

Lawyer, firm of Finkbeiner and Stecher, 603 Toledo Trust Building, Toledo 4. Married and has two children; Joseph and Sally in public high school.

Graduate of Upper Sandusky High School; Ohio Wesleyan University, B.A., 1925 and L.L.D. 1949; Ohio State University, J.D., 1928. Member, American Bar Association (Secretary and Member of Board of Governors since 1945); Ohio State Bar Association (President, 1947-48); Toledo Bar Association (President 1941-42); Toledo Chamber of Commerce (Trustee, 1955-57); Ohio Citizens (President, 1955); Toledo Council of Social Agencies (President, 1951-54); Child and Family Agency (President 1947-50); Institute of Judicial Administration; American Law Institute; American Judicature Society; American Bar Foundation (Secretary and Director); Rotary. Served as legal advisor to Toledo Teachers Association for past 9 years and attended nearly all meetings of Toledo Board of Education for that period.

10th Congressional District - Athens, Fairfield, Gallia, Hocking, Jackson, Lawrence, Meigs, and Vinton Counties.

ELLIOTT E. MEYERS
132½ South Tenth Street
Ironton, Ohio

Attorney-at-law. Married and has three sons; Richard, 14; William 12, and George Robert 7 - in public schools.
Graduate of Ironton High School, 1926; Marshall College, B.A., 1930; Ohio State University, L.L.B., 1933. Also attended Duke University, 1930-32. President Ironton Lions Club, 1937-38 and Ironton Board of Trade, 1938; Director of Ironton Board of Trade, 1936-55. Member, American Bar Association; Ohio State Bar Association; Lawrence County Bar Association; Secretary and Librarian of Lawrence County Bar Association; Central Christian Church; B.P.O.E.; Eagles; U.O.T. Active general practice of law in Ironton, Ohio since 1933. Ten years experience advising boards of education.

11th Congressional District — Ashtabula, Geauga, Lake, Portage, Trumbull Counties

JOHN W. MORRISON, SR.
Aurora, Ohio

Publisher. Owns and manages the Steering Wheel Publishing Company, Aurora, Ohio. Married and has three sons; one a lawyer (Western Reserve University); one, a physicist (M.I.T.); one, a senior seismologist (working on doctorate at Cal. Tech.)

Member, Ohio State Senate (elected in 1946) and served on the Senate Education Committee; Selective Service Board of Portage County, 1940-45; a Mason; Church of Aurora (non-demoninational); Delta Tau Delta; Elks; National Safety Council. Former member, Aurora Board of Education (2 terms) and served as President; former member of Portage County Board of Education. His publishing house edits and publishes a monthly trade publication in the transportation industry; publishes house organs; furnishes certain metropolitan newspapers with a weekly business column; and does public relations work for some 30 companies.

12th Congressional District — Franklin County

PAUL L. WALKER
226 N. Ardmore Road
Columbus, Ohio

Executive Secretary, Franklin County Unit, American Cancer Society, 181 S. Washington Blvd., Columbus, Ohio. Married and has two children; Karen, 18, (Freshman at University of Michigan) and Dennis, 7, in public school.

Graduate of Columbus East High School and Ohio State University. Member, Kiwanis, Public Relations Society, Ohio Association of Football Officials, Phi Kappa Psi (social), Sigma Delta Ohi (professional). As newspaperman for twenty-six years with Columbus Dispatch visited more than 200 high schools and some 33 colleges.
13th Congressional District - Erie, Huron, Lorain and Sandusky Counties

JAMES P. LAVEY
108 Main Street
Milan, Ohio

Vice President and Sales Manager of pottery and tile company. Married and has three children; one son, a school teacher; one son, assistant superintendent of a clay company; a married daughter.

High school graduate. Postmaster and Town Councilman. Member, Board of Education; Knights of Columbus (State Officer for six years). Wife is a school teacher.

14th Congressional District - Medina, Summit Counties

FRANCIS W. SPICER
916 Redfern Avenue
Akron, Ohio

Attorney-at-law. Married and has one daughter, a sophomore at Heidelberg College.


15th Congressional District - Guernsey, Monroe, Morgan, Muskingum, Noble, Perry and Washington Counties

W. G. FOREMAN
2123 Wilmer Street
Zanesville, Ohio

Attorney-at-law, First National Bank Bldg. Zanesville, Ohio. Married and has two sons: William (graduate of Ohio University) and David (senior at Ohio University)

Attended public schools of Crooksville and Zanesville; Muskingum College (2 years); Kenyon College (degree in 1926); studied law at the University of Michigan and University of Wisconsin. Member, St. James Episcopal Church; Board of Directors of Muskingum County Tuberculosis and Health Association; Kiwanis; Rich Vale Grange; the Masons; Roll Call Chairman for the Muskingum County Chapter of Red Cross, 1943-44; Red Cross Chapter Chairman, 1945. Teacher in Zanesville public schools, 1926-37; legal adviser for Zanesville Teachers Association; active in P.T.A. Law practice in Zanesville since 1937.
16th Congressional District - Tuscarawas, Stark, Wayne Counties

LOREN E. SOUERS, JR.
1735 Vassar Avenue, N.W.
Canton, Ohio

Attorney-at-law, firm of Black, McCuskey, Souers and Arbaugh, 1200 Harter Bank Bldg., Canton, Ohio. Married and has two children: Mary Sue, 11, and Loren 8, in public school.

Graduate of McKinley High School, Canton, 1933, Denison University, B.Z., 1937; Western Reserve University, L.L.B., 1940; did graduate work at Western University Law School, 1954-55. Member, Canton City Council; Board of Trustees, Stark County Law Library Association; Executive Committee, Stark County Bar Association; Legal Education Committee, Ohio State Bar Association; the Masons; Elks; American Legion. President, McKinley Area Council Boy Scouts of America. Former member, Central Board of Directors, Y.M.C.A.; former Chairman, Board of Deacons, First Baptist Church. Taught Business Administration (part time) at Kent State University, Canton Branch; lectured in Law Seminar for practicing lawyers offered by Ohio State University; represented both Canton and Massillon boards of education in litigations. Wife is a former teacher.

17th Congressional District - Ashland, Coshocton, Delaware, Holmes, Knox, Licking and Richland Counties.

Russell Hoy
R.F.D. #3
Coshocton, Ohio

Minister, Canal Lewisville Methodist Church, near Coshocton. Married and has four children: Ruth Jean (X-ray technician), Judith Ann, Mary, and David in the public schools.

Graduate of Bristol High School, 1923; Ohio Wesleyan University - B.A., 1927; Ohio Wesleyan University, D.D., 1949; also attended Garrett Biblical Institute. Member of the Grange, Farm Bureau, and a former Rotarian. Columnist for "The Ohio Farmer"; Chaplain, the Ohio State Grange; National Secretary, Methodist Rural Fellowship; Executive Member, State Crop Organization; member, Rural Department, Ohio Council of Churches. Member, P.T.A. and speaker at commencements and baccalaureates and other school functions over the past twelve years. Wife is a former school teacher.
18th Congressional District  -  Belmont, Carroll, Columbiana, Harrison and Jefferson Counties.

ROBERT W. WALKER
Box 535
Adena, Ohio

President of The Peoples National Bank, Mt. Pleasant, Ohio; hardware retailer and general contractor. Married and has five children: three in school and two under school age.

Graduate of Adena High School, 1929; Muskingum College, B.A., 1933. Member of Village Council, 8 years; Adena Board of Education, 4 years; Jefferson County Board of Education, 6 years; the Masons.

19th Congressional District  -  Mahoning County and south portion of Trumbull County

ROBERT A. MANCHESTER, II
129 High Street
Canfield, Ohio

Attorney-at-law, firm of Harrington, Huxley, and Smith, 1200 Mahoning Bank Bldg., Youngstown, Ohio. Married and has two sons: Robert Jr., and James 12, in public schools.

Graduate of Canfield High School; University of Michigan, B.A., and L.L.B. Mayor of Canfield, 8 years; Precinct Committeeman; Solicitor of Village of Canfield. Member, first Mahoning County Planning Commission; Youngstown Rotary Club; the Masons; Pi Kappa Alpha; Delta Theta Phi; Past President, Past District Governor and Past Director of Rotary International. Member and President of Mahoning County Board of Education; served as counsel for several local boards of education. Wife is a former teacher.

20th Congressional District  -  Cleveland

ESTHER L. CARMAN
2138 W. 93rd Street
Cleveland, Ohio

Public Relations Specialist. Widow with one son.

High school graduate and two years of college. Member, Women's City Club of Cleveland, Business and Professional Women's Club, Life Member of the National and Ohio Congress of P.T.A. Active in local and state parent-teacher groups for twenty-five years. Active worker for the late Senator Robert A. Taft.
21st Congressional District  -  Cleveland

CHARLES P. LUCAS
1383 East Boulevard
Cleveland 6, Ohio

Assistant to President, Cryton Southern Sausage Co, Cleveland, Ohio. Married. Mrs. Lucas teaches in Cleveland public schools. One son, Patrick Henry, Jr., in High School.

Wilberforce University - B.S., University of Kansas - M.A.; three years Assistant Principal Lincoln High School, Sedalia, Missouri; seven years Principal of Dunbar School, Cadiz, Ohio.

Member, P.T.A.; School Citizens Committee; Masonic Lodge; Elks; St. James A.M.E. Church - Trustee; Karamu House; N.A.A.C.P.; Glenville Y.M.C.A. Board; Business Alliance Board of Trustees; Legislative Agent - Ohio Legislature for five sessions.

22nd Congressional District  -  Cleveland

FRANCIS M. PAYNE
27870 Gilchrist Drive
Euclid, Ohio

Attorney-at-law, senior partner of firm of Payne and Hermann, 330 Williamson Building, Cleveland 14, Ohio. Married and has five children.

Attended Rozelle Public Elementary School; East Cleveland; Cathedral Latin High School; Notre Dame University, Business Administration degree, 1939; Western Reserve University, L.L.B., 1942; Graduate work at Western Reserve University Law School, 1952-55, and Cleveland Marshall Law School, 1953-55. Admitted to bar for State of Ohio, 1942; admitted to Supreme Court of the United States; Admitted to the U. S. Court of Military Appeals; designated as "legal specialist" in the U. S. Navy.

Member: Cleveland Bar Association; Ohio State Bar Association; American Bar Association; Cleveland War Veterans Bar Association; Notre Dame Club of Cleveland (Past President and Director); Delta Theta Phi National Legal Fraternity; Federation of Insurance Counsel; U. S. Naval Reserve Law Company; B.P.O.E., Knights of Columbus; Reserve Officers of Naval Service (Past Officer and Director); St. Williams Church. Civil activities: Community Chest; American Red Cross; Euclid-Glenville Hospital Building. Fund Drive: President, Brookwood Beach Club, Euclid; Junior Chamber of Commerce, 1942-48. World War II Veteran.
FRANK SIEDEL
19261 Westover Road
Rocky River, Ohio

Author. President of Storycraft Incorporated, writers for motion pictures, television, books, and other publications. Married and has three children: James, 18 (Northwestern University), Jon, 14, and Jeri Lee, 8.

Ohio State University graduate, B.A., Journalism, 1936. Trustee of the Martha Kinney Cooper Ohioana Library Association. Winner of twenty awards for originating and writing the radio program, "The Ohio Story." Member, Authors Guild; Sigma Delta Chi - journalism honorary fraternity. Member, Rocky River Board of Education for six years and President for three years. For fifteen years, he has written and directed educational and industrial films. His film programs include training and educational materials for the U. S. Office of Education, the U. S. Navy, and the State Department. A frequent speaker at many educational functions.