

OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

Education, Public Institutions, and Local Government Committee

Chad A. Readler, Chair Edward L. Gilbert, Vice-chair

February 11, 2016

Ohio Statehouse Room 017

OCMC Education, Public Institutions, and Local Government Committee

Chair Mr. Chad Readler

Vice-chair Mr. Edward Gilbert

Mr. Roger Beckett

Ms. Paula Brooks

Sen. Bill Coley

Rep. Robert Cupp

Rep. Mike Curtin

Mr. Larry Macon

Sen. Tom Sawyer

Governor Bob Taft

Ms. Petee Talley

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OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

EDUCATION, PUBLIC INSTITUTIONS, AND LOCAL GOVERNMENT COMMITTEE

THURSDAY, FEBRUARY 11, 2016 9:30 a.m. Ohio Statehouse Room 017

AGENDA

- I. Call to Order
- II. Roll Call
- III. Approval of Minutes
 - ➤ Meeting of January 14, 2016

[Draft Minutes – attached]

- IV. Reports and Recommendations
 - ➤ None scheduled
- V. Presentations
 - "Observations on the State Board of Education"

Senator Peggy Lehner Ohio Senate, 6th District Chair, Senate Education Committee

Senator Tom Sawyer Ohio Senate, 28th District Ranking Member, Senate Education Committee Representative Andrew Brenner Ohio House of Representatives, 67th District Chair, House Education Committee

Representative Teresa Fedor Ohio House of Representatives, 45th District Ranking Member, House Education Committee

Stephanie Dodd Member, State Board of Education, 9th District

Robin C. Hovis Former Member, State Board of Education

Jeff Krabill
President, Board of Education
Sandusky City Schools

VI. Committee Discussion

➤ Article VI, Section 4 – State Board of Education

The chair will lead discussion to assess the sense of the committee regarding possible recommendations for change to the constitutional provision on the state board of education.

[Memorandum by Steven H. Steinglass titled "History of Article VI, Section 4 (State Board of Education)," dated January 7, 2016 – attached]

[Copy of State Education Governance Matrix from the National Association of State Boards of Education – attached]

VII. Next Steps

The chair will lead discussion regarding the next steps the committee wishes to take in preparation for upcoming meetings.

[Planning Worksheet – attached]

- VIII. Old Business
- IX. New Business
- X. Public Comment
- XI. Adjourn



OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

MINUTES OF THE EDUCATION, PUBLIC INSTITUTIONS, AND LOCAL GOVERNMENT COMMITTEE

FOR THE MEETING HELD THURSDAY, JANUARY 14, 2016

Call to Order:

Chair Chad Readler called the meeting of the Education, Public Institutions, and Local Government Committee to order at 9:39 a.m.

Members Present:

A quorum was present with Chair Readler, and committee members Beckett, Brooks, Coley, Cupp, Curtin, and Taft in attendance.

Approval of Minutes:

The minutes of the October 8, 2015 meeting of the committee were approved, subject to a correction as noted by Representative Robert Cupp.

Presentation:

Article VI, Section 4 (State Board of Education)

Chair Readler directed the committee's attention to Article VI, Section 4, relating to the State Board of Education. After describing the section, Chair Readler then introduced Tom Gunlock, president of the State Board of Education, who addressed the committee on the structure and operation of the board. Mr. Gunlock told the committee that, in addition to serving as member and president of the state school board, he is a director of construction and property management for RG Properties in Dayton.

Mr. Gunlock prefaced his remarks by indicating that the opinions contained in his presentation are his own, and are not necessarily shared by other members of the board. He added that he is not speaking on behalf of the board, and that his motive in serving on the board and in providing remarks to the committee is to improve educational outcomes and opportunities for Ohio's children.

Mr. Gunlock described the composition of the state board as having 19 members, with 11 members elected and eight members appointed by the governor. He said each elected member represents three contiguous state Senate districts, or approximately one million people. He indicated that it is difficult for the elected board members to achieve name recognition because their constituency is so large, with each district consisting of one million voters each. He said that is a greater number of constituents than that of every other elected official in Ohio, other than those elected to statewide offices. Regarding the appointed members, Mr. Gunlock said the governor makes four appointments every two years, subject to the advice and consent of the Ohio Senate. He said at least four of the appointed members represent Ohio's rural school districts.

He said all members are subject to four-year terms, with term limits of eight years total. He said the chairs of the House and Senate committees on education serve as ex-officio members of the State Board of Education. Commenting on the size of the board, Mr. Gunlock said that Ohio's board consisting of 19 voting members is much larger than the boards in most other states.

Mr. Gunlock said the board meets in Columbus monthly for two days, with the boards' committees occasionally meeting between the monthly meetings of the full board.

Describing the Ohio Constitution's inclusion of Section 4, Mr. Gunlock summarized that the constitution requires a state board as well as a state superintendent appointed by the board, and leaves the details to be defined by statutory law. Comparing Ohio's scheme with that of other states, he said the majority of states have a state board and state superintendent, but no state has a governance structure quite like Ohio's, in which the size of the board, and the combination of appointed and elected members who select the state superintendent, are somewhat unique. Mr. Gunlock directed the committee to the Education Commission of the States' report, State Education Governance Models, which he provided to the committee to allow it to compare the various state board governance structures.

Describing the history of the board, Mr. Gunlock said when the newly-created board met in 1956 it had 23 members, one elected from each Congressional district. He said the board's duties were prescribed by R.C. 3301.07, which required it to generally supervise the system of public education in the state, including policy forming, planning, and evaluation of the functions of the public schools. He said the Revised Code also charges the board with the responsibility of issuing educator and staff licenses, as well as revoking licenses in cases of unprofessional conduct.

Mr. Gunlock continued that, for some time, the board generally operated "under the radar" because not many people knew the board existed or what it did. He added, as the economy began to shift away from a primarily industrial model, the growing importance of education placed increasing demands on the educational system, increasing the visibility and importance of the board.

Mr. Gunlock noted that Ohio's governance structure may be interfering with the board's ability to meet Ohio's educational challenges. He described that there are three different organizations

creating education policy in Ohio: the governor, the legislature, and the state board. He said, in addition, each chamber of the General Assembly has one or more standing committees that deal with education. Further, he noted that two joint legislative committees – the Joint Committee on Agency Rule Review, and the recently-created Joint Education Oversight Committee – also provide oversight. He said the 19 members of the state board, some elected and some appointed, are responsible for selecting a state superintendent with no direct link to either the governor or the legislature.

He added that matters are complicated by a high turnover rate among all board members, and the increasing politicization of the board in recent years, despite that board members are elected on a non-partisan ballot.

Mr. Gunlock said, "I believe it is ridiculous to think for one minute that the Ohio Department of Education or individual school districts can be successful with this many bosses, competing priorities and agendas. Remember, primary and secondary education in Ohio is a \$20 billion a year operation with children's futures at stake. It's difficult to imagine any organization being successful under those conditions."

He said, in his opinion, the current governance structure simply is not working, and that this system does a "great injustice to the employees of the Department of Education and school districts around the state." He added this structure is unfair to students at a time when they most need the help of education policymakers. He asked the committee to consider changes to streamline and improve this system.

Chair Readler then opened the floor for questions.

Rep. Cupp asked whether the situation Mr. Gunlock described, in which there is divided authority in policymaking and implementation of policy, represents a temporary phenomenon based on personalities, or an ongoing situation. Mr. Gunlock said that situation will continue because the current system is fundamentally flawed. He said whenever there are three people making policy, two of the three people need to bow out. As an example he described that the General Assembly gave the board responsibility for setting graduation requirements, and the board did so, but at the last minute the General Assembly rejected the board's requirements and provided its own. He said, as a result, the requirement became for students to take a test on physical science despite that half of the school districts around the state did not teach that course.

Rep. Cupp followed up, asking whether the issue of multiple policymakers could be resolved by a change in the statutes, or whether a constitutional change is required. Mr. Gunlock answered that it can be done either way, but that the easiest way would be legislatively. He said his solution would be to have the governor appoint, with the Senate's approval, between five and seven people who know how to do education policy, and that these appointees should not be political but should have a background in education. He said those appointees should be paid a substantial salary to meet at least on a weekly basis. He indicated the group would then figure out how to implement a policy, for example, how to achieve a third grade reading guarantee across the state, and would recommend statutory changes to the General Assembly. He said "we

need people who know how to do education policy." He said the state board could continue to govern teaching licensures, district transfers, and similar tasks.

Governor Bob Taft commented that the state board serves as a buffer and provides continuity, but that some states do not have a state board. He asked whether there are benefits to having a state board of education.

Mr. Gunlock said, ideally, the General Assembly and the governor would not be involved in education policy, but acknowledged that this will not occur. He said education represents a significant portion of the state budget, and the General Assembly naturally wants a say in how the money is spent. Nevertheless, he said, "we are dealing with kids' lives, and when we mess up it is affecting kids."

Committee member Paula Brooks commented that, as a county commissioner, she has been involved in an initiative to try to affect better birth outcomes, specifically trying to reduce premature births and reduce infant mortality. She said her group has considered complicated issues related to social determinants and poverty. She asked whether the governor has considered putting together a task force such as Mr. Gunlock described in order to consider how poverty affects educational outcomes. She also asked what Mr. Gunlock would consider to be the "gold standard" regarding educational policy.

Mr. Gunlock answered he does not know if there is a gold standard, and has not studied what other states have done. He clarified that his testimony is based on his board experience, which has caused him to conclude the current system for setting educational policy is not working correctly. With regard to Ms. Brooks' first question, he said adding a committee does not resolve his concerns, and that if a committee is added, one or more other committees should be removed, "otherwise you are adding one more item to deal with."

Committee member Roger Beckett commented that a current trend in education is the blending of elementary and secondary education with higher education, described as "college credit plus" programs. He said the traditional view of elementary and secondary education as being separate from higher education seems to be evolving. He said one of his concerns about this provision in the constitution is that it could create a barrier for that effort going forward. He said while there are now two separate boards, the Ohio State Board of Education and the Ohio Department of Higher Education (formerly the Ohio Board of Regents), the two groups are now situated next to each other in the same building, which Mr. Beckett said is an important development. Mr. Beckett asked Mr. Gunlock if he could address the role of higher education in the work of the state board.

Mr. Gunlock said it is "critically important" that the two agencies work hand in hand, especially when dealing with the college credit plus program. Acknowledging that college is expensive, he said such programs help families and students alleviate some of that cost, and that some of the courses are offered online.

Chair Readler noted that slightly more than half the states have a state board, usually by statute not constitution. He said, in most states, the members are appointed by the legislature, the

governor, or some combination of the two. He said selection of the superintendent is up to the board per Ohio's constitution, but his sense is that the governor, in essence, selects the superintendent. He asked whether it is typically the case that the new governor gets to select the superintendent.

Mr. Gunlock answered that Superintendent Susan Zelman served when Governor Taft was governor, but when Governor Strickland took over there was a controversial effort to remove Zelman from her position. Mr. Gunlock said the role of the state superintendent has become somewhat political, although he said "it is not necessarily wrong that [a governor] would want his pick." He said sometimes the change in superintendent occurs because the board is appointed by January first but the governor does not take office until mid-January. Thus, he said, the outgoing governor can still pick the board so long as the Senate majority is the same party and agrees with those picks.

Chair Readler asked Mr. Gunlock whether, in his opinion, it is better to have the governor make the appointments. Mr. Gunlock said, ideally, yes. He said it would be nice if the state board still picked the superintendent, but if the governor and the legislature must remain involved in education policy, whoever is setting policy needs to have a say in naming the superintendent.

Noting that the board supervises teacher licensing, Chair Readler asked whether that is a function that could be performed by the Department of Education. Mr. Gunlock answered that teacher's licenses should be handled by a board, whether appointed or elected. He said, where issues arise involving a license, the Department of Education handles the investigation, and the people handling the investigation should not be the people making the decision whether to revoke the license. He said the state board decides whether to agree or disagree with the department's hearing officer.

Rep. Cupp observed that, in some states, the selection of the chief state school officer is by a vote of the people, while other states have an appointed state superintendent. Mr. Gunlock said Indiana is one example of a state that elects its superintendent. Rep. Cupp added that California also does it that way. Mr. Gunlock said he has no view about whether that method is preferred, but he said Indiana has had problems after electing a controversial superintendent and has revised the role of the superintendent. He said there can be unintended consequences of making that position political.

There being no further questions for Mr. Gunlock, Chair Readler thanked him for his testimony.

Chair Readler then asked if members of the public attending the meeting had any questions or comments for the committee or for Mr. Gunlock. There being no public comments or questions, Chair Readler noted that the committee began its consideration of Article VI, Section 4 at its October 2015 meeting, and that a consistent theme reflected in the comments is that there might be a better way to do things than is currently the case. He said, however, that the committee has not identified a potential change to the constitutional language.

Gov. Taft commented that, having worked with former Superintendent Zelman, he would like to clarify some of the facts about her service and resignation. He said Superintendent Zelman had

just been hired when he began his term as governor, and that they established a close working relationship. He said it was a difficult situation for her, working closely with the governor but reporting to a state board of education, so she had to be extremely careful in working with his administration but also retaining the confidence of a board that, technically, was her boss. He said he shares Mr. Gunlock's concern about the dilution of authority and the difficulties of trying to serve many masters. He said it would work better if the governor could appoint all members of the state board, giving an opportunity for the governor and the state board to be aligned. But, he said, in the constitution, there is nothing to prevent the legislature from changing the law to allow the board to be appointed entirely by the governor.

Gov. Taft continued, saying his other observation is related to Mr. Beckett's comment. He noted that Florida has combined responsibility for secondary and higher education into one department. He said there is nothing in Ohio's constitution preventing the legislature from doing that. He said one question remains regarding the existing language, which is whether the constitution should prescribe that the superintendent shall be appointed, or whether that decision should be left to the legislature. He said, currently, the General Assembly determines the manner and terms for selecting the State Board of Education. He said one option would be to provide for a superintendent to be appointed as provided by law.

Chair Readler asked Gov. Taft whether it would be more appropriate to have the superintendent appointed by the legislature, or by the governor. Gov. Taft said under current law there could be a superintendent with no power, meaning there is nothing to say the superintendent has to be director of the Department of Education. Gov. Taft said the superintendent is an executive function that should be appointed by the governor.

Mr. Beckett asked for clarification, wondering if the superintendent is part of the governor's cabinet. Gov. Taft said the superintendent was in the cabinet in his administration, but that was a problem for the board. He added that he included the chancellor of the Board of Regents in the cabinet as well.

Mr. Beckett said whether to amend Section 4 is a question that is deeply intertwined with many issues that are otherwise dealt with by the legislature. He said the constitution only requires that there be a state board and a superintendent. He said there seems to be a complex system where two pieces of it are mandated through the constitution. He said it is not this Commission's role to try to address the larger problems. He said he does not see the benefit of these requirements remaining in the constitution: "they are tying our hands, especially regarding the evolving role of higher education." He said his initial notion is that the committee should consider removing Section 4, leaving educational policy in the hands of the legislature.

Chair Readler said, while current language does leave the powers and duties of the board and superintendent to the legislature, its use of the word "shall" raises the prominence and significance of the state board, and does tie the hands of the legislature. He said it is an appropriate discussion to consider what influence this language has on the General Assembly's role, noting it contributes to the problem of too many "cooks in the stew." He wondered if current language in Section 4 encourages that problem, and expressed the possibility that a future

meeting could include a presentation from someone from the legislature, or someone with historical knowledge, to provide some insight.

Representative Michael Curtin said before the committee considers specific language, it should try to solve for simplicity. He said another goal would be to try to minimize partisanship in politics. He said he would not have difficulty supporting gubernatorial appointments of state board members as long as the recruiting method was a broad, bipartisan, policy-driven method, to ensure that the candidates have been vetted in a bipartisan way with buy-in across the educational spectrum. So, he summarized, his goals would be to bring about simplicity and to have a state board that would hire a superintendent in a manner that depoliticizes the selection.

Ms. Brooks said she appreciates the goal of simplicity, but that the primary focus should be on helping children. She said "we should look for the best workforce, the best education, and should do our best for children." She said if that is not the priority, she does not think the process discussion is significant. She said it is important to "look at what is best for the children."

Chair Readler agreed that this should be the committee's goal, but said that the current system may be interfering with that.

Gov. Taft, following up on Ms. Brooks' comments, said he is a strong advocate for early childhood education, and that when he was governor there were programs in two different agencies. He said Superintendent Zelman was trying to coordinate those programs, but she did not report to him. He observed there could be a real advantage down the road if the governor is more in control.

Rep. Cupp suggested the reason why there is a hybrid board. He said, if education policy is directed by the governor, it could result in philosophical swings every four or eight years. The other concern if the governor appoints, is that the appointees will come from all the big cities, where the political power lies in the state, so some regions of the state will be forced to do things that do not make sense for them. He said the decision was to try to meet the interest of both the governor and that of the public, and that is where the hybrid board came from. He said the Senate was supposed to support that by confirmation, and the idea was to avoid getting all board members from a particular part of the state. He added that another goal was to have the terms of appointed members overlap between changes in administration, in order to provide more continuity. He acknowledged there has been concern about the governor pressuring people to resign so that he can appoint others.

Chair Readler noted that, regarding the issue of the governor's powers and the checks and balances, the legislature still has a significant role, and the constitution says that, for instance, in Sections 2 and 3 of Article VI. He said the legislature has a prescribed role regarding education in the constitution. He said the question comes back to whether Section 4 helps or hurts achieving simplicity.

Mr. Beckett said the challenge for the committee is that a recommendation on this section cannot be made in a vacuum. He noted this is a set of questions largely in the hands of the General

Assembly, and that the committee probably should leave it with the legislature. He said it is difficult for him to accept that the committee would create a detailed solution to the problem, or to suggest answers that are in the purview of the General Assembly. He said maybe the next step is to have a conversation with some legislators on the education committee in the House and Senate, perhaps inviting them to a meeting. He said the committee does not want to complicate what the legislature wants to do, but rather could raise this issue and make them aware Section 4 is broken but the committee alone cannot fix it.

Gov. Taft suggested asking staff to see if there are any other executive department heads that are mandated in the Ohio Constitution. He said he does not think the constitution says there shall be a director of the Ohio Department of Transportation, for example. He asked where else the constitution mandates a specific department director. Chair Readler agreed that question is worth looking into, noting that Article VII (Public Institutions) mentions a "Director of the Penitentiary System."

Chair Readler asked whether committee members could suggest any other speakers who might want to present on this topic. Ms. Brooks said she would give it some thought and let Chair Readler know. Chair Readler indicated the committee will be meeting in February, and additional speakers could be accommodated then.

Adjournment:

With no further business to come before the committee, the meeting adjourned at 10:48 a.m.

Approval:

The minutes of the January 14, 2016 meeting of the Education, Public Institutions, and Lo	ocal
Government Committee were approved at the February 11, 2016 meeting of the committee.	

Chad A. Readler, Chair	
Edward L. Gilbert, Vice-chair	



OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

MEMORANDUM

TO: Chair Chad Readler, Vice-chair Ed Gilbert and

Members of the Education, Public Institutions, and Local

Government Committee

CC: Steven C. Hollon, Executive Director

FROM: Steven H. Steinglass, Senior Policy Advisor

DATE: January 7, 2016

RE: The History of Article VI, Section 4 (State Board of Education)

This memorandum addresses the history of the constitutional provision concerning the state board of education.

Article VI, Section 4, which was adopted in 1912 and amended in 1953, currently provides:

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.

As described below, this provision has its origins in efforts beginning early in the 19th Century to expand the role of the state in education.

History of Effort to Create State Control over the Common School System

Control of schools was local and fragmented until 1838, when the office of State Superintendent of Common Schools was created. In that year, the creation of township and county superintendents and sub-districts gave a degree of organization and leadership to the school system. The office of superintendent, which involved primarily clerical duties, was abolished in 1840 and for the next 14 years the duties of school administration were given to the Secretary of State.¹

In the 1970s, the Ohio Constitutional Revision Commission ("1970s Commission") described the administration of schools in the state in the early 1800s.

1851 Constitutional Convention

Supporters of Ohio common schools were active at the 1850-51 Constitutional Convention. The key amendment adopted as a result of their efforts was Article VI, Section 2, requiring the General Assembly to "make provision * * * [to] secure a thorough and efficient system of common schools throughout the State."

The delegates also sought to establish state responsibility for the system of common schools by creating the constitutional position of state superintendent of common schools. The advantages of having a state superintendent were seen as promoting the efficiency and uniformity that the superintendent would bring to the workings of the whole system. Opponents argued against such a mandate, pointing to its expense and to the fact that the General Assembly could create such an office by legislation. Ultimately, the delegates rejected the proposal to provide a constitutional provision for the creation of this position, and left the issue to the General Assembly.²

1912 Constitutional Convention

Those supporting a greater role for the state concerning the common schools raised these issues at the Constitutional Convention of 1912, when the delegates proposed 42 amendments to the Ohio Constitution, of which the voters approved 34.

Article VI, Section 3 created, for the first time for Ohio, a statewide constitutional framework for school governance by mandating laws that would organize, administer, and control a statewide public school system while allowing city school districts the power to organize their own school boards. The voters approved it by a vote of 298,460 to 213,337.

Article VI, Section 4 created the position of state superintendent of public instruction to

² For a discussion of these issues, see Molly O'Brien & Amanda Woodrum, *The Constitutional Common School*, 51 Clev. St. L. Rev. 581, 623-24 (2004).



¹ Ohio Constitutional Revision Commission (1970-77), Recommendations for Amendments to the Constitution, Final Report, 53 (June 30, 1977).

replace the legislatively-created state commissioner of common schools. The amendment, which was narrowly approved by a vote of 256,615 to 251,946, provided as follows:

A superintendent of public instruction to replace the state commissioner of common schools, shall be included as one of the officers of the executive department to be appointed by the governor, for the term of four years, with the powers and duties now exercised by the state commissioner of common schools until otherwise provided by law, and with such other powers as may be provided by law.

Post-1912 History

In its 1970s review of Article VI, the Ohio Constitutional Revision Commission described the post-1912 history of the state role in education.

In 1913, the State School Survey Commission was formed at the Governor's request to study state schools. The survey resulted in the passage of the New Rural School Code in 1914, which established a system of 88 county superintendents elected by county boards of education, with powers and duties provided by law. requirements were increased, and the county board was given power to consolidate school districts and to divide the county district into supervision districts for the purpose of improving instruction. The effect was a clearer network of responsibility and feedback for the superintendent than the previous maze of locally controlled units. 1917, a State Board of Education was created in accordance with an act of Congress providing federal aid for vocational education. Superintendent of Public Instruction was named head of the Department of Education several years later, and the authority of the department to administer state aid was of vital importance during the economic depression in the 1930's. The State Department of Education, formally created in 1921, was authorized by the code to recommend standards for primary and secondary education to the superintendent, as well as standards for teacher certification through professional schools and colleges.

* * *

In 1953, a School Survey Commission made a comprehensive study of the state's educational system, and recommended a complete overhaul of the foundation program to provide a "competent teacher for every 30 pupils,"



in both elementary and high schools." The Commission recommended that there be an elected State Board of Education composed of citizens having staggered terms of six years. The creation of a constitutionally authorized State Board of Education had been proposed, unsuccessfully, periodically between 1850 and 1939.³

Nonetheless, no proposed amendments to Article VI were presented to the voters prior to 1953 by either the General Assembly or the initiative.

1953 Amendment

In 1953, the legislature proposed an amendment to Section 4 of Article VI, and later that year the voters approved the proposal by a vote of 913,134 to 693,624. The amendment provides:

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.

Legislative Developments

The powers and duty of the board and the superintendent are not contained in the Ohio Constitution but are prescribed in R.C. Chapter 3301. In 1955, the General Assembly adopted legislation providing that the State Board of Education consist of one member elected from each of the state's Congressional districts.

In the early 1990s, this issue became controversial as Ohio Governor George Voinovich sought legislation that would have established a board exclusively appointed by the governor. The General Assembly rejected this proposal, but it created a hybrid 19-member board with eight members appointed by the governor and the remaining members elected from 11 compact and contiguous state Senate districts. *See* R.C. 3301.01(A) and (B).

³ Ohio Constitutional Revision Commission (1970-77), Recommendations for Amendments to the Constitution, Final Report, 55 (June 30, 1977).



Ohio Const. Art. VI, §4

Ohio Constitutional Revision Commission

In the 1970s, the Ohio Constitutional Revision Commission fully reviewed Article VI, but made no recommendation concerning Article VI, Section 4, or any other provision in the education article.



STATE EDUCATION GOVERNANCE MATRIX

Compiled by the National Association of State Boards of Education (Updated January 2015)

STATE	METHOD OF SELECTION OF STATE BOARD MEMBERS	NUMBER OF VOTING MEMBERS	LENGTH OF TERM	STATE BOARD ESTABLISHED IN STATUTE OR CONSTITUTION	SELECTION OF CHIEF STATE SCHOOL OFFICER	SELECTION OF STATE BOARD CHAIR/ PRESIDENT	AUTHORITY FOR TEACHER LICENSURE	AUTHORITY FOR STANDARDS ADOPTION	SPECIAL NOTES
Alabama	Partisan Ballot	8 plus Gov.	4	Constitution	Appt. by SBE	Governor is President of Board	SBE	SBE	SBE oversees community colleges
Alaska	Appt. by Gov., confirmed by legislature	7	5	Statute	Appt. by SBE, with approval by Gov.	Elected by SBE members	SBE	SBE	Board appoints one student advisor, and one military advisor is appt. by Alaska Adj. Gen. of the Army; these members vote, but their votes are advisory; CSSO must have 5 yrs. experience in education, 3 in administration
Arizona	Appt. by Gov., confirmed by Senate	11, including CSSO	4	Constitution	Partisan Ballot	Elected by SBE members	SBE	SBE	Sits as Vo-Tech board Requires four lay members Two members added in 2005: one lay member, one charter school administrator
Arkansas	Appt. by Gov.	9	7	Statute	Appt. by SBE	Elected by SBE members	SBE	SBE	CSSO serves at the pleasure of the Governor CSSO must have 10 yrs. teaching experience, including 5 in administration or supervision, and hold state teacher=s certificate
California	Appt. by Gov.	11, including student	4	Constitution	Nonpartisan Ballot	Elected by SBE members	Independent board	SBE	Voting student member (with 1-year term) who has full participation rights
Colorado	Partisan Ballot	7	6 (limited to 2 terms)	Constitution	Appt. by SBE	Elected by SBE members	SBE	SBE	When a vacancy occurs, a new SBE member is appointed by a partisan vacancy committee to fill the remainder of the term.



STATE	METHOD OF SELECTION OF STATE BOARD MEMBERS	NUMBER OF VOTING MEMBERS	LENGTH OF TERM	STATE BOARD ESTABLISHED IN STATUTE OR CONSTITUTION	SELECTION OF CHIEF STATE SCHOOL OFFICER	SELECTION OF STATE BOARD CHAIR/ PRESIDENT	AUTHORITY FOR TEACHER LICENSURE	AUTHORITY FOR STANDARDS ADOPTION	SPECIAL NOTES
Connecticut	Appt. by Gov., confirmed by House and Senate	11	4 (2 non- voting students serve 1- year terms)	Statute	Recommendation by SBE to Gov.	Appt. by Gov.	SBE	SBE	The Commissioner of Higher Education serves as an ex officio, nonvoting member of the board; Two members must have vo-tech or manufacturing experience
Delaware	Appt. by Gov., confirmed by Senate	7	6	Statute	Appt. by Gov.	Appt. by and serves at the pleasure of the Gov.	Independent board, but its regulatory actions require approval by SBE	SBE	2 SBE members must have local board experience; Must be a resident for 5 years in order to sit on board
Florida	Appt. by Gov.	7	4	Constitution	Appt. by SBE	Elected by SBE members	SBE	SBE	Commissioner of Ed. serves on Board of Governors for the state university system; SBE oversees community colleges
Georgia	Appt. by Gov.	13	7	Constitution	Partisan Ballot	Elected by SBE members	Independent board	SBE	SBE members must be
Hawaii	Appt. by Gov., confirmed by Senate	9	7	Constitution	Appt. by SBE	Elected by SBE members	Independent board	SBE	Board changed from elected to appointed in 2011; Nonvoting student and military rep.
Idaho	7 Appt. by Gov.; CSSO also serves on SBE	8	5	Constitution	Partisan Ballot	Appt. by and serves at the pleasure of the SBE	SBE	SBE	SBE is also Board of Regents for Univ. of Idaho and governs all state higher ed. institutions SBE oversees community colleges



STATE	METHOD OF SELECTION OF STATE BOARD MEMBERS	NUMBER OF VOTING MEMBERS	LENGTH OF TERM	STATE BOARD ESTABLISHED IN STATUTE OR CONSTITUTION	SELECTION OF CHIEF STATE SCHOOL OFFICER	SELECTION OF STATE BOARD CHAIR/ PRESIDENT	AUTHORITY FOR TEACHER LICENSURE	AUTHORITY FOR STANDARDS ADOPTION	SPECIAL NOTES
Illinois	Appt. by Gov.	9	4 (limited to 2 terms)	Constitution	Appt. by SBE	Appt. by Gov.	SBE	SBE	Requirements for regional and political balance on board
Indiana	10 members appt. by Gov., plus elected State Superintendent	11	4	Statute	Partisan Ballot	State Supt. serves as chair	Licensing authority is now with Dept. of Ed., with advisory licensing board	SBE	4 members must be educators Political balance is required \$2,000 per year for state board members
lowa	Appt. by Gov.	9	6	Statute	Appt. by Gov.	Elected by SBE members (2-year term)	Independent board	SBE	One nonvoting student member; SBE oversees community colleges
Kansas	Partisan Ballot	10	4	Constitution	Appt. by SBE	Elected by SBE members (2-year term)	SBE	SBE	
Kentucky	Appt. by Gov., confirmed by Senate	11	4	Statute	Appt. by SBE	Elected by SBE members	Independent board	SBE	President of Council on Postsecondary Ed. is nonvoting ex officio member; Board members must be resident for 3 years, at least 30 years old, and hold a 2-year Associate degree; Governor appoints Secretary of Education
Louisiana	8 elected by nonpartisan ballot; 3 appt. by Gov.	11	4	Constitution	Appt. by SBE	Elected by SBE members	SBE	SBE	
Maine	Appt. by Gov.	9	5	Statute	Appt. by Gov.	Elected by SBE members	SBE	CSSO & SBE	Two non-voting student members added in 2008



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Maryland	Appt. by Gov.	12 incl. student member	4 (term limit of 2 4-year terms)	Statute	Appt. by SBE	Elected by SBE members	Shared responsibility between SBE and separate licensure board	SBE	Voting student member, which is a one-year appointment by the Gov. CSSO must have 7 yrs. teaching experience and administration experience
Massachusetts	6 appt. by Gov.; 4 voting ex officio members, 1 student	11 incl. student member	5	Statute	Appt. by SBE	Appt. by Gov.	SBE	SBE	Legislation in 2008 created a Secretary of Education to coordinate the work of the K-12, early childhood, and higher education boards; The legislation also added two members to the K-12 board, as well as the Secretary of Education
Michigan	Partisan ballot	8	8	Constitution	Appt. by SBE	Elected by SBE members	SBE	SBE	Gov. is ex officio member of the board; State teacher of the year is a nonvoting advisor to the board; SBE oversees community colleges
Minnesota	None			None	Appt. by Gov.		Independent board	CSSO	State Board existed by statute, but was abolished by legislature as of Dec. 31, 1999
Mississippi	5 appt. by Gov. 4 appt. by Leg.	9	9	Constitution	Appt. by SBE	Elected by SBE members	SBE	SBE	Lt. Gov. and speaker of the house each appoint 2 members; CSSO must have 5 yrs. administrative experience
Missouri	Appt. by Gov. with consent of Senate	8	8	Constitution	Appt. by SBE	Elected by SBE members	SBE	SBE	Authority over university and other community college system teacher education programs



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Montana	Appt. by Gov.	7	7	Constitution	Partisan ballot	Elected by SBE members	SBE	SBE	Nonvoting student member has 2-year term; Gov., commissioner of higher ed., and state supt. are nonvoting ex officio members of SBE; K-12 Board of Public Ed. and Board of Regents meet together as "State Board of Education"
Nebraska	Nonpartisan Ballot	8	4	Constitution	Appt. by SBE	Elected by SBE members	SBE	SBE	Teachers, state officials or candidates, and nonresidents are not eligible for board membership
Nevada	4 elected 3 appointed by Gov.	7	4	Statute	Appt. by Gov. from 3 nominees provided by SBE	Elected by SBE members	Independent board	SBE	Nonvoting student member 2011 law reconstituted SBE into mix of elected and appointed members
New Hampshire	Appt. by Gov., confirmed by Executive Council	7	4	Statute	Appt. by Gov. after consulting SBE, confirmed by Council	Named by Gov. for 1-year term	SBE	SBE	Gov. and Executive Council appoint SBE
New Jersey	Appt. by Gov.	13	6	Statute	Appt. by Gov.	Elected by SBE members	SBE	SBE	: 3 members of SBE must be women : Resident for 5 yrs. to sit on board
New Mexico	None			None	Appt. by Gov		Independent board	Department of Education	2003 Constitutional amendment reconstituted SBE as the Public Education Commission (PEC), which is advisory to the Secretary of Ed. The PEC is the authorizer of all charter schools in the state.



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New York	Appt. by Legislature	16	5	Constitution and Statute	Appt. by SBE	Elected by SBE members	SBE	SBE	Responsible for higher education, cultural institutions, special education./vocational rehabilitation, and licensed professions
North Carolina	11 appt. by Gov., approved by joint session of House and Senate; 2 voting ex officio members: State Treasurer and Lt. Gov.	13	8	Constitution	Partisan Ballot	Elected by SBE members	SBE	SBE	7 nonvoting advisors: • 2 students • 2 Teachers of the Year • 1 Principal of the Year • 1 local superintendent • 1 local board member
North Dakota	6 Appt. by Gov. plus CSSO.	7	6	Statute	Nonpartisan Ballot	Elected by SBE	Independent board	CSSO	
Ohio	11 elected by Nonpartisan Ballot; 8 appt. by Gov	19	4	Constitution	Appt. by SBE	Elected by SBE members (2-year term)	SBE	SBE	Separate board for higher education; 2 ex officio members (nonvoting)
Oklahoma	Appt. by Gov.	7	4, serve at pleasure of gov.	Constitution	Partisan Ballot	State Supt. serves as chair	SBE	SBE	2 SBE members are ex officio voting members of the State Board of Career and Technology Education
Oregon	Appt. by Gov.	7	4 (2 term limit)	Statute	Appt. by Education Investment Board	Elected by SBE members	Independent board	SBE	2011 law created the Oregon Education Investment Board, a P-20 coordinating body with gov. serving as chair; currently 1 SBE member also serves on the Education Investment Board
Pennsylvania	Appt. by Gov., confirmed by Senate	21	6	Statute	Appt. by Gov.	Appt. by Gov.	SBE	SBE	Statutory responsibility for post- secondary education; In 2008, four nonvoting students were added (2 for K-12, 2 for higher ed), who serve first year as member-elect, second year as member
Rhode Island	Appt. by Gov., confirmed by	11	3 (limited	Statute	Appt. by SBE	Appt. by Gov. (Gov. also	SBE	SBE	New for 2013: A state law combined the boards for K-12 and higher education



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	Senate		to two 3-year terms)			appoints vice- chair)			into one board appointed by the governor
South Carolina	Appt. by Legislature	17	4	Constitution	Partisan Ballot	Elected by SBE members	SBE	SBE	Legislative delegations elect 16 SBE members, Gov. appoints 1 SBE member
South Dakota	Appt. by Gov.	9	4	Statute	Appt. by Gov.	Elected by SBE members	SBE	SBE	SBE has jurisdiction over state's four technical institutes
Tennessee	Appt. by Gov., confirmed by General Assembly	10, incl. student member	5	Statute	Appt. by Gov.	Elected by SBE members (4-year term)	SBE	SBE	Voting student member (1-yr. term); Board selects Executive Director; Serves as State Board for Vocational Education
Texas	Partisan Ballot	15	4	Constitution	Appt. by Gov.	Appt. by Gov. (2-year term)	Independent board	SBE	
Utah	Nonpartisan Ballot	15	4	Constitution	Appt. by SBE	Elected by SBE members	SBE	SBE	SBE has six nonvoting members: two representing the State Board of Regents and one each representing the Coalition of Minorities Advisory Committee, the Utah School Boards Association, the state Charter School Board, and Utah College of Applied Technology
Vermont	Appt by Gov. and approved by the Senate	9, incl. student member	6 (limited to 1 term)	Statute	Appt. by Gov. from 3 nominees provided by SBE (as of January 2013)	Elected by SBE members (2-year term)	Independent board	SBE	2nd student member is nonvoting, a junior who moves to the voting position the next year.
Virginia	Appt. by Gov.	9	4	Constitution	Appt. by Gov.	Elected by SBE members	SBE	SBE	
Washington	5 elected by local school board members; 7 appt. by Gov. and con- firmed by Senate; 1 elected by private schools; State Supt.	14 limited to 2 terms (CSSO excepted); 2 nonvoting students	4 (stud- ents serve 2 years, starting as junior)	Statute	Nonpartisan Ballot	Elected by SBE members	Independent board	CSSO	Legislation passed in 2005 reconstituted board for 2006; Private school rep. and CSSO have full voting rights; For school board representatives, 3 are from western part of state, and 2 from eastern part



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West Virginia	Appt. by Gov. and approved by Senate	9	9	Constitution	Appt. by SBE	Elected by SBE members	SBE	SBE	Three nonvoting ex officio members: CSSO, chancellor of higher education, and chancellor of community and technical college education; No more than 5 SBE members can be from same political party
Wisconsin	None			None	Nonpartisan Ballot		CSSO, advised by a Professional Standards Council	csso	
Wyoming	Appt. by Gov.	11	6 (limited to 1 term)	Statute	Partisan Ballot	Elected by SBE members	Independent board	SBE	Meets quarterly; Reviews all school accreditation compliance for approval or disapproval
District of Columbia	Nonpartisan ballot	9	4	Statute	Chancellor and CSSO are appt. by mayor	Elected by voters at-large		SBE	Board, previously both state and local, reconfigured solely as state board of education in 2007; 2 nonvoting student members
Guam	6 elected at- large; 3 appointed by Gov.,1 voting student	10 (including student)	3 years for ap- pointed, 2 for elected	Statute	Appt by SBE	Elected by SBE members			One each of the 3 appointed members must represent business, parents of students, and retired teachers or school administrators
Northern Marianas	Elected	5	4	Constitution	Appt. by SBE	Elected by SBE members			3 nonvoting members (including 1 student, 1 teacher, and 1 private school representative) are appointed by the Governor

Compiled by the National Association of State Boards of Education, updated January 2015 by Jared Costanzo.

We are aware that there are often changes to state governance structures. Please help keep policymakers and the education community informed: when changes occur in your state, contact Francis Eberle at FrancisE@NASBE.org



Education, Public Institutions, and Local Government Committee

Planning Worksheet (Through January 2016 Meetings)

Article VI - Education

Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved
Completed	5.14.15	10.8.15	10.8.15	10.8.15	11.12.15	12.10.15	12.10.15

Sec. 2 – School	funds (1851)						
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved
Completed	5.14.15	10.8.15	10.8.15	10.08.15	11.12.15	12.10.15	12.10.15

Sec. 3 – Public school system, boards of education (1912)											
Completed	10.8.15										

Sec. 4 – State board of education (1912, am. 1953)											
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved				

Sec. 5 – Loans for higher education (1965)										
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved			

Sec. 6 – Tuition	Sec. 6 – Tuition credits program (1994)											
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved					

Article VII - Public Institutions

Sec. 1 – Insane,	Sec. 1 – Insane, blind, and deaf and dumb (1851)											
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved					

Sec. 2 – Directo	Sec. 2 – Directors of penitentiary, trustees of benevolent and other state institutions; how appointed (1851)										
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved				

Sec. 3 – Vacancies, in directorships of state institutions (1851)											

Article X - County and Township Organization

Sec. 1 – Organization and government of counties; county home rule; submission (1933)										

Sec. 2 – Towns	Sec. 2 – Township officers; election; power (1933)											
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved					

Sec. 3 – County	Sec. 3 – County charters; approval by voters (1933, am. 1957)											
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved					

Sec. 4 – County	Sec. 4 – County charter commission; election, etc. (1933, am. 1978)											

Article XV - Miscellaneous

Sec. 1 – Seat of	Sec. 1 – Seat of government (1851)											
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved					

Sec. 3 – Receipts and expenditures; publication of state financial statements (1851)										

Sec. 4 – Officers to be qualified electors (1851, am. 1913, 1953)											
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved				

Sec. 6 – Lotteries, charitable bingo, casino gaming (1851, am. 1973, 1975, 1987, 2009, 2010)										

Sec. 7 – Oath o	Sec. 7 – Oath of officers (1851)											
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved					

Sec. 10 – Civil service (1912)											
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved				

Sec. 11 – Marriage (2004)											
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved				

Article XVIII - Municipal Corporations

Sec. 1 – Classification of cities and villages (1912)										
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved			

Sec. 2 – General laws for incorporation and government of municipalities; additional laws; referendum (1912)										

Sec. 3 – Municipal powers of local self-government (1912)										

Sec. 4 – Acquisition of public utility; contract for service; condemnation (1912)											

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Draft Status	Committee	Committee	Committee	CC Approval	OCMC	OCMC	OCMC
Dian States	1 st Pres.	2 nd Pres.	Approval	ССТірріочи	1 st Pres.	2 nd Pres.	Approved
Sec. 6 – Sale of	surplus product	of municipal util	ity (1912, am. 19	959)			
Draft Status	Committee	Committee	Committee	CC Approval	OCMC	OCMC	OCMC
Diant Status	1 st Pres.	2 nd Pres.	Approval	CC Approvar	1 st Pres.	2 nd Pres.	Approved
Sec. 7 – Home	rule; municipal c	harter (1912)					
Draft Status	Committee	Committee	Committee	CC Approval	OCMC	OCMC	OCMC
Diant Status	1 st Pres.	2 nd Pres.	Approval	CC Approvar	1 st Pres.	2 nd Pres.	Approved
Sec. 8 – Submis	ssion and adoption	on of proposed ch	arter; referendur	n (1912)			
Draft Status	Committee	Committee	Committee	CC Approval	OCMC	OCMC	OCMC
	1 st Pres.	2 nd Pres.	Approval	CC Tipproviii	1 st Pres.	2 nd Pres.	Approved
		_					
Sec. 9 – Amend	ments to charter:	; referendum (19	12, am. 1970)				
Draft Status	Committee	Committee	Committee	CC Approval	OCMC	OCMC	OCMC
Dian Status	1 st Pres.	2 nd Pres.	Approval	CCAppiovai	1 st Pres.	2 nd Pres.	Approved

Sec. 10 – Appro	priation in exces	s of public use (1912)				
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved
Sec. 11 – Assess	sments for cost o	f appropriating p	property (1912)				
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved
Sec. 12 – Bonds	for public utiliti	es (1912)					
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved
Sec. 13 – Taxati	ion, debts, report	s, and accounts (1912)				
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved
Sec. 14 Munici	pal elections (19	12)					
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved



OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

2016 Meeting Dates

March 10

April 14

May 12

June 9

July 14

August 11

September 8

October 13

November 10

December 8