

Overhaul of Ohio's K-12 education system is unconstitutional, new lawsuit says

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COLUMBUS, Ohio (AP) — Seven Ohio school board members are alleging that a [Republican-backed overhaul](#) of how the state oversees K-12 education — including decisions on academic standards and school curricula — violates the state's constitution, according to a lawsuit filed Tuesday.

Through changes included in the [latest state budget](#), oversight of Ohio's education department will shift later this year to a director appointed by the governor, instead of the State Board of Education and the superintendent it elects. As part of that process, many of the board's other powers will be transferred to the new director and the department will be renamed the Department of Education and Workforce.

The lawsuit, filed against the state and Republican Gov. Mike DeWine, argues that the overhaul guts the mostly citizen-elected, independent and constitutionally-created state board of its responsibilities and gives undue power to the governor. The lawsuit also says the overhaul strips parents and communities of their voice by weakening the board members they elect. Prior to budget's passage, 11 of the board's 19 members were elected by the public, and 8 were appointed by the governor.

“(The overhaul) is a prime example of the broader movement by extremist-controlled governors’ mansions and legislatures to deprive communities of meaningful representation. In Ohio, these actions are contrary to more than seven decades of non-partisan control by directly elected representatives,” said Skye Perryman, President and CEO of Democracy Forward, a national legal services nonprofit that is representing the board members who filed the suit.

Additionally, the suit argues that lawmakers improperly folded the education overhaul, originally its own measure, into the state's budget at the last minute — violating Ohio's “single subject” rule, which is meant to prevent lawmakers from jamming unrelated items into a single bill if they fear one of the items won't pass. The suit also says the budget didn't receive the constitutionally-mandated number of readings after the education measure was added.

The state board members are asking for a temporary order to keep the changes from going into effect, and to eventually void the changes completely.

The education overhaul has been controversial since it was first introduced in the Legislature in 2022.

Supporters, including DeWine, have praised it for bringing order to what they see as a disorganized system that hasn't properly addressed issues including the decline in student achievement during the pandemic, transportation shortages and chronic student absenteeism.

But it's also received significant backlash from teachers' groups, including the Ohio Federation of Teachers, who say the changes bring less order and more partisanship to education in the state.