

# Divided state school board seeks answers on K-12 governance as takeover looms

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COLUMBUS, Ohio – Eleven of the 19 members of the Ohio State Board of Education met Tuesday for a monthly meeting and composed a list of questions they want answered to provide clarity over how the state's education system is being run.

The meeting continued the weeklong murkiness over who is controlling Ohio's K-12 agency, and whether those who are running it are complying with a court order prohibiting the state from making several changes.

State lawmakers, in the budget they passed in late June, removed most of the powers the Ohio State Board of Education has over education policy and put them under a new agency, called the Department of Education and Workforce (DEW) which is to be under Gov. Mike DeWine's control. The move came less than a year after [three Democrats were elected to the state board](#).

The budget specified the changes were to begin last week. But on Sept. 19, [five board members, parents and others sued](#) to halt the transition, stating among other arguments that it violates [a 1953 constitutional amendment](#) that voters passed that created the state school board, believing education policy had become too political.

Franklin County Judge Karen Held Phipps has issued two temporary restraining orders barring the state from following four of the changes the legislature passed to create the new agency and gut the state board. The temporary restraining order now expires Oct. 20.

On Tuesday, 11 members met, coming from both conservative and liberal backgrounds, factions that in the past have [bitterly battled over culture wars in schools](#). All the members who attended were elected to the board, except for Walt Davis, a Cincinnati-area member who was appointed by DeWine.

Board President Paul LaRue of Fayette County and Vice President Martha Manchester of Logan County were not present. LaRue last week announced the meeting was indefinitely postponed after advice from legal counsel. But by Sunday, 11 members decided to hold the October meeting, saying that LaRue hadn't followed the board's policy for postponing meetings.

The Plain Dealer and [cleveland.com](https://cleveland.com) was unable to contact LaRue for comment Tuesday afternoon.

Tuesday's meeting, even though there was a quorum, was not a typical meeting. No one from the Ohio Channel was present to broadcast the meeting. No Department of Education staff was present to update the board on agency programs. Minutes before the meeting began, Jessica Voltolini, the department's chief of staff, talked briefly to board member Brendan Shea, who chaired the meeting, that under advice of counsel no staff would be present.

At the beginning Shea, a conservative who is not a plaintiff in the litigation, explained why the 11 members decided to hold the meeting.

"Regarding the pending litigation, members are concerned that President LaRue's indefinite postponement of October's duly scheduled business meeting could violate a temporary restraining order from Franklin County Judge Karen Phipps," he said.

The 11 board members composed a list of questions that they voted to send LaRue and Manchester. Among the questions:

- Who directed Voltolini to tell Ohio Department of Education staff to not show up to the Tuesday meeting?
- Has board leadership been in contact with the governor's office or ODE regarding the potential transition to DEW since September 19, 2023 (when the lawsuit was filed,) and if so, what subjects were discussed?
- Does Ohio have an interim superintendent? And if we do, does he work for the board?
- Will board leadership provide copies of the contract or memoranda of understanding prepared for ODE transition to the DEW?
- Was board leadership told to postpone the October meeting or did LaRue make that decision on his own? If he was told, who is the person who told him to do so?

Parties in the lawsuit are still awaiting clarity from Phipps, the Franklin County judge, over details regarding the temporary restraining order. Shortly after Phipps extended the order, the school board members and other plaintiffs in the case sought clarity.

DeWine maintains that the Ohio Department of Education ended last week and became DEW, not because he created it but because its formation was in state law. He also maintains that he has followed the judge's order by not appointing a director over DEW or shifting other functions of K-12 system to his cabinet. He said he's ensured Ohio's education system continues to run, with payments being sent to public schools, officials reviewing applications for private school vouchers, among other functions traditionally handled by the Ohio Department of Education.

The plaintiffs believe he could be flouting the court order.

A spokesman for DeWine on Tuesday did not answer specific questions about Tuesday's meeting and the status of the K-12 education agency, just emphasizing that the judge chose just four education laws to prohibit the state from following, instead of all of them, which is what the plaintiffs wanted.

Court records show Phipps has written an order providing more guidance, but the paperwork hasn't yet been made public.