



July 18, 2022

The Honorable Mike DeWine  
Governor of the State of Ohio  
Riffe Center, 30<sup>th</sup> Floor  
77 South High Street  
Columbus, OH. 43215-6117

Dear Governor DeWine,

The purpose of this letter is to, once again, call on you to perform your obligation to designate legally compliant State Board of Education (SBOE) districts ahead of the August 10, 2022, candidate filing deadline. The SBOE districts designated in your January 31, 2022, letter<sup>1</sup> are unambiguously non-compliant with state law, and there are critical deficiencies that could potentially prohibit the composition of the SBOE from accurately reflecting, and adequately serving, the diverse needs of Ohio's students, families and communities. Since Secretary of State LaRose instructed county Boards of Election to begin implementing the SBOE district boundaries<sup>2</sup> in accordance with your January 31 letter, it is imperative that you immediately take the steps necessary to bring these districts into compliance with state law.

Ohio Revised Code §3301.01(B)(1) makes clear that new SBOE districts must adhere to specific and distinct criteria. State law requires that new SBOE districts *"shall consist of the territory of three contiguous state senate districts as established in the most recent apportionment for members of the general assembly, but the territory of no senate district shall be part of the territory of more than one state board of education district."*<sup>3</sup> It cannot be disputed that the SBOE districts designated in your January 31 letter violate this provision of state law.

First, these SBOE districts were not designated following "the most recent apportionment for members of the general assembly." The state senate districts used to construct the new SBOE districts were from "Map 2," which was adopted by the Ohio Redistricting Commission on January 20, 2022.<sup>4</sup> Once Map 2 was found to be an unconstitutional gerrymander by a bipartisan majority of the Ohio Supreme Court, and the Ohio Redistricting Commission subsequently adopted a third General Assembly map on February 24, 2022,<sup>5</sup> Map 2 no longer qualified as the most recent apportionment, and thus SBOE districts cannot be constructed using those senate district boundaries. It is clear that new SBOE districts must be constructed using the state senate districts of Map 3 since that is the operative map for General Assembly districts in 2022.

The second violation of ORC 3301.01(B)(1) is just as easily identifiable. Ohio law is clear that "...the territory of no senate district shall be part of the territory of more than one state board of education

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1 Gov. DeWine's letter retrieved at <https://bit.ly/3clrYFp>.

2 "LaRose begins implementation of State School Board Districts," July 14, 2022, at <https://bit.ly/3ILfwuB>.

3 See Ohio Revised Code 3301.01(B)(1) at <https://bit.ly/3PjnGwC>.

4 Ohio Redistricting Commission minutes, January 20, 2022, retrieved at <https://bit.ly/3RFYaTR>.

5 Ohio Redistricting Commission minutes, February 23, 2022, retrieved at <https://bit.ly/3RFYodF>.

district.” The SBOE districts designated in your January 31 letter fails to meet this requirement in numerous instances. Using the Map 3 senate district boundaries, the following is a non-comprehensive list of senate districts that are split between multiple SBOE districts – in direct violation of ORC 3301.01(B)(1):

- SD 1 is split between the 1<sup>st</sup> and 2<sup>nd</sup> state school board districts.
- SD 16 is split between the 5<sup>th</sup>, 6<sup>th</sup>, and 7<sup>th</sup> state school board districts.
- SD 28 is split between the 9<sup>th</sup> and 10<sup>th</sup> state school board districts.
- SD 31 is split between the 6<sup>th</sup>, 8<sup>th</sup>, and 11<sup>th</sup> state school board districts.
- SD 22 is split between the 1<sup>st</sup> and 11<sup>th</sup> state school board district.
- SD 17 is split between 5<sup>th</sup> and 6<sup>th</sup> state school board districts.

Second, the interpretation of state law that you claim prohibits you from re-designating compliant SBOE districts is based on incomplete analysis of ORC 3301.01(B)(2). This section of code, in its entirety, reads as follows:

*(2) If, after the apportionment for members of the general assembly is made in any year, the general assembly does not during that year enact legislation establishing state board of education districts in accordance with division (B)(1) of this section, the governor shall designate the boundaries of the districts in accordance with division (B)(1) of this section no later than the thirty-first day of January of the year next succeeding such apportionment. Upon making such designation, the governor shall give written notice of the boundaries of the districts to each member of the state board of education, including the nonvoting ex officio members; the superintendent of public instruction; the president of the senate; the speaker of the house of representatives; and the board of elections of each county in each new district. On the first day of February in any year in which the governor designates the boundaries of state board of education districts under this section, the state board of education districts as they existed prior to that date shall cease to exist and the new districts shall be created.*

The statute clearly says the January 31 deadline for designating districts applies to the calendar year following the year of apportionment. Additionally, the statute makes clear this applies to apportionment that occurs in any year, not only traditional apportionment years ending in the number one. Since the General Assembly district map in operation for the November 2022 election was effective May 2022, the deadline for re-designating SBOE districts is January 31, 2023.

In addition to these clearly identified violations, we urge you to considering making additional changes to your SBOE districts that would rectify other deficiencies. Chief among these deficiencies is the lack of centralized SBOE districts in densely urban Cuyahoga and Franklin counties. State law says “*the [SBOE] districts shall include, when practicable, some districts that primarily consist of territory of rural areas and some districts that primary consist of territory in urban areas.*”<sup>6</sup> Both Cuyahoga and Franklin counties house three wholly contained state senate districts. As such, each county should have a wholly contained SBOE district. This will ensure Ohio’s largest school districts<sup>7</sup> have adequate representation when issues are debated by the State Board of Education. These counties are comprised of some of the most diverse and marginalized students in the state. If Ohio is committed to improving academic achievement for all students and creating a high-quality, honest and equitable education system that serves every student, our largest and most vulnerable student populations must be heard and represented.

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<sup>6</sup> Ibid.

<sup>7</sup> Oatman, Alexis, Columbus Dispatch. “Columbus tops list for the largest school district in Ohio: See the top 10,” October 11, 2021. <https://bit.ly/3yLNNWf>.

We call on you to uphold your oath of office and create legal State Board of Education districts for all Ohioans. If you choose not to follow the law you swore an oath to uphold, you will be forcing Ohioans to cast their vote in illegal districts for the State Board of Education.

Sincerely,

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Honesty for Ohio Education

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*Honesty for Ohio Education is a nonpartisan, statewide coalition that champions honest education, affirmation of identities, cultures, and experiences, and local control in education. The coalition represents more than 40 state and local organizations and hundreds of students, families, and educators across the state.*

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**Honesty for Ohio Education**

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