

MEMORANDUM

TO : Delegate Jesus P. Mafnas
Constitutional Convention Delegate

FROM : Joseph A. Guthrie
Assistant Attorney General

SUBJECT: Legal Remarks on Proposal

DATE: 6/19/85

The proposal you have submitted has been edited for any language errors, ambiguities, or defects in form. It is attached in its final draft. However, we believe there may later be a problem with the proposal which we want to call to your attention at this time.

Proposal to Add A New Article
Establishing a Board of Education

The evident of this article is to grant the Commonwealth's education function a measure of autonomy. However, since the board of education would be carrying out policies and duties established by the Legislature, it would have executive functions and hence could be considered to an executive branch agency within the meaning of Article III, sections 14 and 15. Thus, in order to achieve the desired autonomy, the proposal to set up a board of education under the new article should make it clear that Article III, sections 14 and 15 do not apply to this board.