

The State, In Contrast To Distributions Made In The State Budget Bill (HB110) Must Give The Highest Priority To The Constitutionally-Required Common School System.

School choice programs, especially vouchers, were given a very high priority in the Budget. This misguided priority mocks the Ohio Constitution.

Many delegates to the Constitutional Convention of 1850 and 1851 complained about the legislature's neglect of the common schools. Delegate J. McCormick declared: "It has been said, that we ought to trust the management of this interest [schooling] to the General Assembly. But now, for forty-eight years, the General Assembly has been entrusted with this matter. Under the old constitution it is provided that public schools and the cause of education shall be forever encouraged; and, under this constitutional provision, we have trusted the General Assembly for forty-eight years; and we may trust them for forty-eight years longer, without any good result... Our system of common schools, instead of improving in legislative hands, has been degenerating; and I think it is time that we establish and carry out an efficient system of common school education or abandon the whole thing entirely to the virtue and intelligence of the people." McCormick's remarks indicated that the "common school system" was in place in some form prior to the Constitutional Convention of 1850 and 1851. His view was that the state must be forced via a constitutional provision to secure and fund it. One hundred seventy years later, in 2021 the legislature is acting in the same fashion as in early 1800s--neglecting the common school system.

In context of the DeRolph school funding decisions, the burden is on the state to demonstrate that a thorough and efficient system of common schools is in place and operating effectively before funding other education entities not specified in the Constitution.

Vouchers do not fit the mold of a common school; thus, they must not be considered in the same class as the constitutionally-required common school system.

An even casual review of HB110 reveals that the 134th General Assembly violated its constitutional responsibility to perfect a thorough and efficient system while giving preference to a counterfeit system. Private school vouchers, with the Universal Voucher Bill (HB290) on deck, will continue a downward trajectory of public common schools unless there is judicial intervention.