

Ohio's Constitutional Provisions Call for a System of Public Common School Education with No Hint of Funding Private Education.

The Universal Voucher Bill (HB290) and the existing publicly-funded vouchers insult and offend the Ohio Constitution. Article VI, sections 2 and 3 require the state to secure, fund, organize, administer, and control a system of public common schools. The use of public funds for religious schools is warned against in the second clause of article VI section 2; "but no religious or other sect, or sects, shall ever have any exclusive right to or control of, any part of school funds of this state." When public funds are transferred to parochial schools, regardless of the path used to get the funds to the private officials, those private officials control the funds. There is not even a public audit of those public funds.

Subsequent to the approval of the 1851 Constitution, the legislature established the office of State Commissioner of Common Schools. Again, the emphasis was on common schools. Commissioners were elected on a three-year term. Each commissioner issued a report to the legislature each year. In none of the reports is found any reference to the concept of issuing public funds for education to any education entity other than to the common school system.

Ohio's third Constitutional Convention (1874) was marked with intense debate regarding the issue of funneling tax money to religious schools.

The Ohio voters rejected changes to the Constitution proposed by the 1874 Constitutional Convention; however, the debates regarding the use of school tax money for private religious schools is of interest.

A convention delegate made a motion to strike the words, "but, no religious or other sect, or sects, shall ever have any exclusive right to, or control, any part of the school funds of this state" from Article VI, section 2. This motion sparked a protracted and lively debate regarding the issue of tax money being available to private religious schools. The debate focused on whether any part of school funds should be diverted to private religious schools. The response was a resounding, "No."

Delegate Asher Cook, in opposition to the motion, expressed the opinion of the opponents: "Here the children of the district, and often those of an entire village, are united in one school, where all cause of strife and contention is removed, and their minds, and true to the instincts with which they are endued, rich and poor, mingle together, for a loving group of little friends, who, hand in hand, march bravely up the rugged hill of science, making the ascent easy by each other's aid and smoothing its rugged surface by glad peals of laughter, which ring out merrily and clear over hill top, across valley and up the mountain side, until their echoes wake up a joyous community to thank God for the common schools."

The common school and democracy have a symbiosis that is critical to the republic. Horace Mann, the father of the common school, put it this way: "Public education is the cornerstone of our community and our democracy." Public funding of private education runs counter to the state's constitutional responsibility for education.