

Vouchers Do Not Fit The Mold Of The Common School System Required By The Ohio Constitution.

Article VI, sections 2 and 3 set forth state responsibility for education. Section 2, adopted in 1851 specifies that the state shall secure, by taxation, a thorough and efficient system of common schools. Section 2 also provides that: "...but that no religious or other sect, or sects, shall ever have any exclusive right to, or control of, any part of the school funds of the state." Section 3, adopted in 1912 specifies that provision shall be made by law for the organization, administration and control of the public school system supported by public funds; hence, the state has the responsibility to secure, fund, organize, administer and control the public school system. The state does not organize, administer or control private schools; hence, state support for private schools by way of vouchers does not fit the common school pattern.

The public system was established to serve all students in the state. Those who chose to enroll in a state-approved public alternative at their own expense could do so.

The system, as established, has a geographic territorial base and is governed, except for Cleveland, by elected board of education members within the political subdivision known as a school district. All students residing in the district are entitled to attend district schools, unless disenrolled after due process.

Vouchers do not fit the mold of the common school system. The common school system is highly regulated. Not so in the private school sector. The system required by the Constitution is governed by the public. Private schools are governed privately. Parent, student and employee rights are protected in the public system. Private voucher schools are exempt from many regulations and laws and thus, may discriminate regarding most, if not all, aspects of the operation.

Private schools can choose their students. Common schools welcome all-comers. Common schools are transparent and accountable to the public. Private schools are not.

Private schools can remove students without due process of law. Public schools cannot.

The voucher scheme is a polar opposite of the common school system.

A quarter century ago, the Ohio Supreme Court ruled the common school system unconstitutional. The state has not yet complied with the ruling. In fact, the voucher scheme has been a hindrance to the state's capacity to perfect a constitutional common school system.

A constitutional amendment would be necessary for the state to legally fund vouchers.