

Ohio Is Paying Schools That Basically Discriminate

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Your Turn

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Guest columnist

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The protection of school district finances is most assuredly a concern of the proponents of the lawsuit, but their primary concern is that the Ohio Constitution requires the state to secure a thorough and efficient system of common schools throughout the state.

In a Jan. 22 guest column, David Hodges said Ohio has made a simple promise for two decades: children in certain low-performing schools and those with low family income are eligible for a voucher.

Hodges, a resident of Virginia, serves as legal counsel for Institute of Justice which has filed a motion to intervene in a recent lawsuit opposing EdChoice school voucher program filed by 100 public school districts here.

Over the past two decades, the rules for voucher funding and voucher eligibility have changed multiple times.

No one legislature can bind any policy on a subsequent legislature; otherwise, legislatures could not repeal or alter any law. The current 134th General Assembly cannot bind 'a voucher promise' on future general assemblies.

The various legislative 'promises' of vouchers in the past were based on the untested premise that the legislature has the constitutional right to take funds away from the constitutionally required common school system and pitch it to vouchers.

The Ohio Constitution requires the General Assembly to secure (protect) one thorough and efficient system of common schools, not multiple systems.

Hodges' appeal is that vouchers are a ticket for low-income students and/or those who attend poorly performing schools to attend private schools.

The current view of voucher advocates in Ohio is that each student is entitled to a voucher. In some school districts, a majority of voucher students have never attended a public school.

Hodges' guest column is conspicuously absent any legal arguments in opposition to the complaint that was filed.

He merely ponders that if the lawsuit is successful, voucher children will be victimized by being thrown out of the private schools in which they are attending.

His assumption that the state has a right to issue vouchers funded by taxes is without a constitutional basis.

This out-of-state voucher advocate suggests that the proponents of the lawsuit merely view Ohio children as 'income statements on a balance sheet.'

The protection of school district finances is most assuredly a concern of the proponents of the lawsuit, but their primary concern is that the Ohio Constitution requires the state to secure a thorough and efficient system of common schools throughout the state.

The state cannot abrogate its constitutional responsibility by writing a check from the public common school account to parents for a private purpose.

EdChoice vouchers do not fit the mold of the constitutionally required system of common schools.

The common school accepts all comers.

Private schools select their enrollees and thus, can and do discriminate on the basis of race, religion, behavioral issues and disabilities.

The delegates to the Constitutional Conventions of 1850-1851 and 1873-1874 rejected the concept of funding religious schools.

The second clause of Article VI, section 2 of the Ohio Constitution is straightforward: 'but no religious or other sect, or sects, shall ever have any exclusive right to, or control of, any part of the school funds of this state.'

There is a symbiosis between the common school and the community that promotes the common good. Private schools by their very nature cannot accomplish this critical mission.

The proponents of the EdChoice voucher lawsuit stand ready to adamantly defend the common school system as an essential, interdependent component of each community and a constitutional requirement of the state.

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