

Those Who Control the State's Business in the Statehouse Seem to Have No Allegiance to the Provisions of the Ohio Constitution Regarding Education

Public officials in the state of Ohio take an oath to uphold the Constitution of the United States and the Constitution of Ohio as they enter into their respective state duties. It would seem imperative that public officials have a firm grasp of the provisions of the Ohio Constitution and that they enact legislation that fits within the parameters of all those constitutional provisions.

Section 2 of Article VI of the Ohio Constitution was adopted in 1851 and section 3 in 1912. Section 2 requires the state to secure, by taxation, a thorough and efficient system of common schools throughout the state and forbids any sect or religious group to have any control of public school funds or any part of the public school funds for education.

Section 3 requires the legislature to enact laws for the organization, administration, and control of the public school system supported by public funds.

Also, in 1912 subsequent to the 1912 Constitutional Convention, Ohioans, by a majority vote, replaced the office of State Commissioner of Common Schools with the office of Superintendent of Public Instruction. This office was attached to the governor's office in 1912, but became subject to the State Board of Education, pursuant to the 1953 constitutional amendment (Article VI, section 4).

It should be noted that from 1853 to 1912, the chief state school officer's title, State Commissioner of Common Schools, was linked to the common school system; and since 1912, the title, Superintendent of Public Instruction, has been linked to the public (common) school system. In each case, the title (position) relates to the public common school system. Period!

It is abundantly clear that the Ohio Constitution requires the state to secure, fund, organize, administer, and control one public common school system. There is no constitutional provision for the state to provide for private schools or privately-operated charter schools.

Tax dollars appropriated to or spent on private education operations is both unwise and unconstitutional. State officials, for 3 decades, have appropriated and spent tens of billions on private education ventures with no constitutional authorization. These enactments by public officials are tantamount to a criminal operation.

One such enactment is the EdChoice voucher scheme. A full-scale challenge to the constitutionality of this scheme is underway.