

EdChoice Voucher Scheme Does Not Align With the Intentions of the Delegates of Ohio's 1850/1851 and 1873/1874 Constitutional Conventions Regarding the Public Common School System—Part 1*

The EdChoice voucher scheme is contrary to the intention of the Delegates' vision of the state system of common schools. During the 1873/1874 Constitutional Convention, when a delegate proposed to alter the 1851 constitutional provision for education to fund private schools, Delegate Asher Cook stated:

Here the children of a 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, 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 Delegates to the 1850/1851 Constitutional Convention were intentional in selecting the word "common". Delegate Archibold expressed that the meaning of "common" at that time might change and thus, suggested the word "useful" to replace "common". An 1828 dictionary defines "common" as "belonging equally to more than one or to many indefinitely." Delegate Humphreville stated his belief that "common" as they intended it to function in the clause would never be misinterpreted, and thus, responded to Delegate Archibold's concern by stating "[C]ommon schools in the future will be common schools—that is to say they will not be uncommon schools." The inclusion of the word common was intentional.

During the 1874 debates, a discussion ensued regarding the meaning of "a system of common schools." The discussion led to the question of whether public school funds should be provided to private religious schools. Delegate Root informed the discussion, saying, "Common schools to be successful must be the union of schools. The 1828 American Dictionary of the English Language defines "union" as, [c]oncord; agreement and conjunction of mind, with affections or interest." Delegate Root asked:

What kind of a common school system would you have but for uniform rules and uniformity of discipline, and by whom are these prescribed? By the legislative power—the highest power in the State. They may relegate the details to certain officers, but it must come from them.

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Regarding the same issue, Delegate Miner stated:

I am utterly opposed to a constitutional provision, or to *any* legislation, having in view the allotment of *any* part of the common school fund to any schools *except* those established, maintained and controlled by, or under the authority of the state. The moment we consent to do so, we deal with a *death blow to the system of common schools*, upon which, expanded and improved by increasing experience and wisdom, more than upon anything else, it is my profoundest conviction, depends on the perpetuity and efficiency of our American institutions and government.

It is clear that those who established the Constitution language for a system of schools meant that only one system of common schools was to receive public funding for the support thereof.

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