

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 3*

Part 3: The Use of Public Common School Funds for Sectarian Education

The vision of the delegates to the Constitutional Convention of 1850-1851 was clear, very clear, and so was the intent to separate the common school system from any religious affiliation. In early discussions during the Convention, Delegate Reemelin stated that “he had taken a great interest in education, and had ever been a laborer of the cause, and [that] he was desirous to state that what had been the greatest impediment to a more rapid advance of the cause among us.” Delegate Reemelin then clarified that “one great reason was the rivalry of schools established by different sects.” Such statements shed light on the mindset of some of the Convention delegates and suggest larger tensions between the public and private systems.

The Framers of the Ohio Constitution made their desire for non-sectarian schools clear throughout the 1850-1851 Constitutional Convention Debates and the resulting provision has remained unaltered since the 1851 Constitution was adopted. The Standing Committee on education initially proposed, “no religious sect, or party, shall ever have exclusive right to or control of, any part of the common school funds of the state.” From the start, it was clear that many Delegates, including those on the Standing Committee for education, did not want religiously affiliated schools to have any right to public state education funds.

Furthermore, the Constitutional Convention Debates do not, at any time, demonstrate any opposition to such sentiment. Some delegates even wished to make this intention that no religiously affiliated sect or party have claim to state education funds clearer. Delegate Larsh moved to add the language “or of any of the schools, seminaries, or institutions of learning under the patronage of the state” to the education clause providing that “no religious sect, or party, shall ever have exclusive right to or control of, any part of the common school funds of the state”. The proposed addition was then subject to discussion and in elaborating on the proposal, Delegate Nash stated that:

...every citizen has, and will have a right to participate in the means of education; but the intention of the provision merely is, that no organized body of Christians, as such, shall be entitled to lay its hand upon the school funds of the State, and appropriate it to the furtherance of its own peculiar views....It means merely, that neither the Presbyterian, the Episcopalian, or the Catholic church, shall have the power to seize upon the public funds and appropriate them to suit itself.

While Delegate Nash's proposal of the language [n]or of any of the schools, seminaries, or institutions of learning under the patronage of the state did not ultimately succeed , it sheds

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light on the Delegates' early intentions, which focused on non-sectarian education in Ohio. Through plain language, the Delegates made their intentions to bar any organized religious body from accessing public school funds clear.

Part 3 to be continued

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