

Fraud, Corruption, and Unimpressive Performance in the Charter Industry are Problematic; The Primary Problem, However, is that Charters are Established by Unconstitutional, Special Private Contracts.

The Ohio Constitution requires the state to secure, by taxation, a thorough and efficient system of common schools throughout the state (Article VI, Section 2) and to provide, by law, for the organization, administration, and control of the public school system supported by public funds. (Article VI, Section 3)

During the 1912 Constitutional Convention, some delegates from city school districts attempted to constitutionalize a provision that would separate city school districts from the state school system by having the state grant a charter to each city district. This proposal was rejected, and thus the state system of public common schools remained in tack.

Fast forward to the 1990's. The state initiated a charter school industry void of many of the laws, administrative codes and other regulations imposed on the constitutionally required public school system. The charter system, created by law without constitutional authority, is privately-operated, largely non-transparent, and unaccountable to state government, boards of education, and Ohio taxpayers.

The state has no constitutional authority to contract with privately operated entities that are largely unregulated and unaccountable to the public. The education chartering idea was rejected by the delegates to the 1912 Constitutional Convention.

A charter school is created by a contract—a special covenant with government that such schools can operate. Proponents of charter schools should be required to get approval of Ohio citizens via a constitutional amendment to authorize charters. In view of the Ohio Constitution, notwithstanding any previous court decisions, the state has no right to issue charters for the conduct of education at public expense.