

The history of education in Ohio supports the EdChoice voucher litigation

Ohio has a rich public education history which bolsters the claims that are being put forward in the EdChoice voucher lawsuit.

Ohio was the first state carved out of the Northwest Territory. The Land Ordinance of 1785 specified that the 16th section of each township would be set aside for the support of education. A provision in the Northwest Ordinance of 1787 stated that schools and the means for education will be forever encouraged. The first Constitution of Ohio, written in 1803, provided for the encouragement of education by legislative provision. Another provision in the 1803 Constitution prohibited laws that would prevent the poor from an equal participation in schooling.

In the early 1820's the legislature enacted laws providing for the establishment of school districts within townships; governance of school districts by elected board members; and the support of school districts by taxation.

The current Ohio Constitution provides for the "encouragement" of education by the state; "a thorough and efficient system of common schools"; and the state requirement for the organization, administration and control of the public school system supported by public funds.

It is abundantly clear that the common school system, for which the state is responsible must:

1. Have a geographic base
2. Be governed by an elected board of education
3. Be supported by taxes
4. Be open to all children
5. Be thorough and efficient

The EdChoice voucher scheme is foreign to the constitutional pattern. Behold the pattern! A thorough and efficient system of common schools.