

Why the EdChoice voucher scheme is unconstitutional—Part 2

The legislature is mandated by the Constitution to secure a thorough and efficient system of common schools. In 1997, the Ohio Supreme Court ruled that Ohio's elementary and secondary schools are neither thorough nor efficient, and thus unconstitutional. The core reason the system was declared unconstitutional was the inadequate and inequitable funding system.

The Court opined that the emphasis on property tax in the school funding formula and the operation of the actual formula contribute to the unworkability of the system, and thus must be corrected. Twenty-six and a half years later, the state has not fixed the system; hence the system is still unconstitutional.

Funds would have been available to fund a constitutional system (i.e.) to provide a thorough and efficient system of common schools had the state not extracted tens of billions of dollars to fund private and privately-operated school operations, including EdChoice vouchers.