

**A bill was signed into law August 10, 1965, that departed from the 1851 Constitution requiring the state of Ohio to secure a thorough and efficient system of common schools.**

Pursuant to the 1851 constitutional requirement that the General Assembly secure a thorough and efficient system of common schools, state officials directed K12 education funds exclusively to school districts for more than 100 years. On August 10, 1965, the door was cracked open toward full-scale funding of private schools. The attached is a narrative about the state's responsibility for K-12 education and how the state has made a wrong turn.

**State political officials supported only the public common school system from 1819 until the so-called Fair Bus Bill in 1965.**

In 1819 a bill was introduced in the legislature to regulate and support common schools<sup>1</sup>. Although the bill did not pass, in 1821 a legislative committee was appointed to consider the subject of schools and school lands and report to the House of Representatives. A major school act was passed in 1825 which initiated the development of the common school system.<sup>2</sup>

Legislation was enacted in 1837<sup>3</sup> to establish the office of Superintendent of Common Schools. Samuel Lewis was engaged by the legislature to fill that position; a signal that the state was moving toward a state public common school system. The position was abolished in 1840 but the duties regarding common schools were assigned to the Secretary of State; hence, a state system of education for all children was unquestionably evolving.

During the Constitutional Convention of 1850/1851 delegates were critical of the condition of common schools and the state's lack of financial support. There was no support among delegates to detract from common schools by providing financial assistance to private schools. To the contrary, the delegates to the Convention crafted language that required the state legislature to secure, by taxation, a thorough and efficient system of common schools, and clarified that religious sects or other sects shall not control any part of school funds of the state. (Article VI, section 2)

During the Constitutional Convention of 1873/1874 a delegate proposal to eliminate the provision in Article VI, section 2, which forbids control of any part of the school funds by sects, was soundly rejected.

During the Constitutional Convention of 1912 some delegates attempted to remove city school districts from the state's system by allowing city districts to operate by a state-issued charter. This proposal was soundly defeated, and an amendment was adopted to improve the state system as follows: "Provision shall be made by law for the organization, administration, and control of the public school system supported by public funds:" The amendment—Article VI, section 3—was proposed by the Convention and subsequently adopted by Ohioans in September 1912. After substantial research and organized input from citizens, four major bills to strengthen public education were enacted within 2 years. State officials followed the constitutional mandates for common schools without any diversion of funds to counterfeit entities for several decades.

In the mid-1960's the Ohio legislature took a wrong turn regarding its constitutional duty for the public common school system. On August 10, 1965, Governor James A. Rhodes signed a bill to require student transportation to private schools at public expense. This action opened the door to additional public support for private schools. State funding for auxiliary services and nonpublic administrative cost reimbursement followed soon thereafter. In the mid-1990's, the voucher scheme was introduced in

Ohio via the Cleveland voucher pilot project. Privately-operated charter schools using tax money were authorized soon thereafter.

A quarter century later in July 2023, the universal private school voucher system was signed into law as part of the State Budget Bill (HB33). The state's wrong turn to use tax funds to fund private schools (and privately-operated charter schools) offends the clear language of the Ohio Constitution.

The universal EdChoice voucher scheme is not the end game for voucher zealots. The wealthy Libertarian voucher puppeteers have the same pursuit as the father of school vouchers, Economist Milton Friedman. Friedman, in the 1950s, proposed that government's only role in education is to provide a voucher for students to attend a private school. Later in life, Friedman suggested to the American Legislative Exchange Council (ALEC) that parents should bear the cost of educating their own children.

The voucher extremists' campaign is part of a movement to plunder the commons—to privatize all public institutions, beginning with the common school. Ohioans, beware!

<sup>1</sup> [History of Ohio County Boards of Education June 1914-1989, \(Ohio Department of Education, Columbus, Ohio, June 1989\)](#), p.7.

<sup>2</sup> History of Ohio County Boards of Education June 1914-1989, (Ohio Department of Education, Columbus, Ohio, June 1989), pp. 8,7.

<sup>3</sup> O.L.XXXV, 82, March 27,1837