

A tutorial for state officials regarding State responsibility for education.

State officials should print a copy of Article VI, sections 2, 3, and 4 of the Ohio Constitution and place it on their desks for recurring viewing. The language of Article VI, sections 2, 3, and 4 is straight-forward and easy to understand. Section 2 requires the General Assembly to secure, by taxation, a thorough and efficient system of common schools and forbids any sect, religious or otherwise, to control any part of the school funds. As to the meaning of the words modifying the system of common schools, thorough means complete with regard to every detail, not superficial or partial; efficient means achieving maximum productivity with minimum wasted effort or expense. Common, with reference to a system of education, means that all students are entitled to participate on equal terms.

Article VI, section 2:

The General Assembly shall make such provisions, by taxation, or otherwise, as, with the income arising from the school trust fund, will secure a thorough and efficient system of common schools throughout the State; but, no religious or other sect, or sects, shall ever have any exclusive right to, or control of, any part of the school funds of this State.

Article VI, section 3 of the Ohio Constitution requires the state to make provision by law for the organization, administration, and control of the public school system supported by public funds.

Section 3, added to the Constitution in 1912, requires the state to provide further direction to the common school system embodied in Section 2. Section 3 recognizes that boards of education are in place to provide for education in local school districts.

Article VI section 3:

Provision shall be made by law for the organization, administration and control of the public school system of the state supported by public funds: provided, that each school district embraced wholly or in part within any city shall have the power by referendum vote to determine for itself the number of members and the organization of the district board of education, and provision shall be made by law for the exercise of this power by such school districts.

Article VI, section 4 provides for a State Board of Education and a Superintendent of Public Instruction to carry out the state functions of education. In 1953, the State Board of Education was added to the Constitution by citizens of Ohio to assign the state administrative functions for education to an office separate and apart from the governor's office where those functions had been placed by law from 1912 to 1953.

Article VI, section 4:

There shall be a state board of education which shall be selected in such manner and for such terms as shall be provided by law. There shall be a superintendent of public instruction, who shall be appointed by the state board of education. The respective powers and duties of the board and of the superintendent shall be prescribed by law.

These constitutional provisions, in synchrony require state officials to provide for a thorough and efficient system of common schools throughout the state for all the children of all the people. These

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provisions allow no wiggle room. The state is required to secure a thorough and efficient system of common schools, period.

In 1997 the Ohio Supreme Court found the state guilty of violating the constitutional provisions for education. A quarter century later, the state is still in violation. The guilt is compounded by state officials diverting education funds to charter schools and vouchers.

A look at another constitutional provision will illustrate how irrational, illogical, unfounded, and unconstitutional it is for the state to redirect school funds to charter schools and vouchers. Article VIII, section 2c provides for bonds to finance state highway system construction. Clearly it would be illegal for the state to distribute highway vouchers to individuals for use at a private highway department not regulated by the state and not accountable to the state regarding where the highways would be located, or the materials used in construction.