

Do any of the past or present Ohio primary fundamental governance documents authorize the privatization of public education in any form or by any tactic—charter schools, vouchers, Education Savings Accounts, tuition tax credits, auxiliary services, nonpublic administrative cost reimbursement?

The privatization of public education—the common school system comprised of school districts covering every square inch of Ohio territory—is contrary to each and every primary fundamental governance document beginning with the Land Ordinance of 1785.

The 1785 Ordinance adopted by Congress on May 18, 1785, established the framework for townships and set aside the 16th section of each township for the support of education. Hence education was envisioned as having a presence and support system in every geographical area. The Northwest Ordinance of 1787 followed up with a rationale for provision for education by government.

Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged. (Ordinance of 1787, Article III)

The framers of the 1802 Ohio Constitution included essentially the same provision for education but modified in part by the words— “by legislative provision not inconsistent with the rights of conscience.”

The 1802 Constitution also provided “that no law shall be passed to prevent the poor in the several counties and townships, within this state, from an equal participation in the schools....” The intent of this provision was most assuredly to ensure equal participation in schools that the government provided for in each school district.

The 1851 Ohio revised Constitution unequivocally put the onus for a thorough and efficient system of public common schools on the state and forbade any religious or secular sect to have any control over the tax funds for education.

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. (1851 Ohio Constitution, Article VI, section2)

Amendments to the Constitution in 1912 directed the state to make provision for the organization, administration and control of the public school system supported by public funds.

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. (1912 Ohio Constitution, Article VI, section 3)

The state is compelled to effectuate a thorough and efficient system of common school and nothing else in the realm of common school education.

By what authority has the state established additional systems of tax funded education? There is none. However, as the Senate President said, “We kind of do what we want...”