

Why did Judge page rule in favor of the Coalition/VHO plaintiffs in the EdChoice voucher litigation?

The Coalition plaintiffs won trial court approval on counts 1, 2, and 4. The ruling is an amazing win for public school students, parents, and taxpayers. Obviously, the decision will be appealed to the 10th District Court of Appeals.

The decision should not be surprising to those who are conversant with the education provisions of the Ohio Constitution. The Constitution is very straightforward on state responsibility for education—securing by taxation or otherwise a thorough and efficient system of common schools

The Judge's reasoning on counts 1, 2, and 4:

1. Count 1: The Ohio Constitution states lawmakers shall create a single system of common schools for the common good open to all children in Ohio.
 - a. Vouchers are unconstitutional because they create a separate and unequal system of uncommon schools that are not open to all students but instead are only available to primarily wealthy religious students.
2. Count 2: Vouchers are hurting public schools and public school children by taking tax dollars from public schools to provide refunds and rebates to wealthy families whose children were already enrolled in private, mostly religious schools.
 - a. Vouchers are unconstitutional because public schools are not funded at a constitutional level and this is hurting our students, parents, educators, taxpayers and communities.
 - b. Private school vouchers divert state tax dollars from public schools, increasing the reliance on local property taxes.
 - c. The tax dollars for private school vouchers come from the same line-item in the two-year state budget that pays for public schools so a dollar more for vouchers is a dollar less available for public schools.
3. Count 4: The Ohio Constitution states...**"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."**
 - a. Vouchers are unconstitutional because more than 90 percent of the private schools receiving vouchers paid with tax dollars are religious. It's right there in black and white in the Ohio Constitution.
 - b. Scalia would agree with our interpretation of this reading of the Ohio Constitution on this subject.
 - c. There is no ambiguity here. During a constitutional convention in Ohio in 1873-74, a delegate tried to amend the Ohio Constitution to permit tax dollars to go to private religious schools. The amendment was wholeheartedly rejected.

- d. We only needed to win on one count for the system to be unconstitutional. We won on three counts.