

### **Thomas Suddes in July 13 Columbus Dispatch: Judge correctly rules school vouchers illegal.**

The Opinion Page article by Thomas Suddes provides an accurate review of Judge Page's private school voucher decision.

Actually, the State's responsibility for education is clearly stated in Article VI, section 2 of the Ohio Constitution. Additionally, section 2 also forbids the State from funding private religious schools.

### **Judge correctly rules school vouchers illegal**

In a late-June ruling, a Democratic Franklin County Common Pleas judge outlawed spending Ohioans' tax money to help parents pay private school tuition for the state's K-12 pupils via the state's EdChoice school voucher program.

Because Judge Jaiza Page issued her sure-to-be appealed decision amid the General Assembly's budget-writing frenzy, some voters may have missed it. And that is, or should be, a problem for Ohioans who like to keep an eye on how the politicians on Capitol Square spend the people's money. That's especially so given the sneaky way that voucher fans expanded voucher spending during the 30 years since vouchers first surfaced in the 1995-97 state budget.

For one thing, as inaugurated then, vouchers could only be used by pupils living in the Cleveland school district. And the total amount of tax money the Republican-run legislature agreed to spend on Ohio's first "school choice" venture in the 1995 budget amounted to about \$5.25 million, The Plain Dealer reported. In terms of today's population, that's about 44 cents per Ohio resident.

The budget Gov. Mike DeWine just signed allots about \$2.44 billion for voucher programs over the next two years — or about \$205 per Ohio resident, an incredible increase resulting from stealthy, year-by-year legislative scheming.

Page's decision was a clear-cut victory for the public school systems supporting the Vouchers Hurt Ohio coalition (lead plaintiff in the lawsuit: the Columbus schools).

Among the coalition's many other members: The Bexley, Upper Arlington and Worthington schools; the Dayton schools; and such Greater Cleveland districts as Brecksville-Broadview Heights, Cleveland Heights-University Heights, Mayfield, Richmond Heights and Shaker Heights schools; DeWine's Greene County school district, the Cedar Cliff schools; and Republican Ohio House Speaker Matt Huffman's hometown district, the Lima schools.

### **How vouchers violate Ohio's constitution**

Reduced to essentials, the judge ruled that Ohio's school voucher spending violates the state constitution on a number of fronts. That's the state constitution that Ohio's 99 state representatives and 33 state senators must swear to uphold before they can take their seats in the General Assembly.

The state will appeal Page's decision to the Ohio 10th District Court of Appeals, which encompasses Franklin County. If the all-Democratic appellate court upholds the Common Pleas ruling — it likely will — the state would undoubtedly ask the Ohio Supreme Court, with a 6-1 Republican majority, to save the voucher program. And the Supreme Court's GOP incumbents have shown zero appetite for challenging the similarly Republican-run General Assembly.

Page sided with the voucher foes on three of the arguments they made. First, the plaintiffs argued that vouchers breached the Ohio Constitution, which requires the General Assembly to create and fund "a thorough and efficient

system of common schools throughout the state.” But she found that “the evidence ... [showed] that, in expanding the EdChoice program to its current form, the General Assembly has created a system of uncommon private schools by directly providing private schools with over \$700 million in funding.”

Page said the plaintiffs had also shown the state had additionally violated Ohio’s constitution to maintain a “thorough and efficient” school system when General Assembly Republicans decided against fully funding what’s known as the Cupp-Patterson Fair School Funding Plan. Result: Ohio public schools received \$6.48 billion in state aid instead of \$7.24 billion for fiscal year 2022. She said the difference was close to the amount of state voucher funding that same fiscal year.

Finally, the judge agreed with voucher foes that because the program “provides private religious schools with approximately \$1 billion in public school funds [the voucher program] violates ... the Ohio Constitution by giving a religion or other sect the exclusive right to, or control of, a part of the school funds of Ohio.”

### **Voucher partially to blame for rising property taxes**

What the judge didn’t say, but fairly might have observed, is that the creation and steady increases in Ohio’s state-tax-subsidies for non-public schools has been Statehouse government by stealth: start small, then, budget- by-budget, year by year, divert more and more public school money for the benefit of private schools. The resulting financial squeeze on public school districts is a big reason why skyrocketing property taxes are hammering Ohio homeowners — property tax burdens the General Assembly is making heavier by steadily diverting public school money to private schools.

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