

**July 17 Public Funds Public Schools (PFPS) (a project of the Education Law Center) reviews the Trial Judge's decision that the Ohio EdChoice voucher scheme is unconstitutional.**

In the July 17 communication, PFPS quotes the Coalition/VHO lead attorney Mark Wallach: "Judge Page's opinion reaffirms the primacy of public schools in Ohio, which educate 85% of Ohio students and which are suffering underfunding caused by the rapidly expanding EdChoice voucher program."

**OHIO COURT STRIKES DOWN PRIVATE SCHOOL VOUCHER PROGRAM THAT VIOLATES STATE CONSTITUTION**

In a major win for public school students and families, an Ohio state court [ruled](#) that the state's universal private school voucher program is unconstitutional.

In 2022, a coalition of public school districts, students, and families filed a lawsuit asserting that Ohio's "EdChoice" voucher program, which diverts public funds to private education, violates several provisions of the state constitution.

On June 24, an Ohio state judge struck down the voucher program on three grounds:

- By providing private schools with over \$700 million in public funds through the voucher program, the state legislature created a separate system of nonpublic schools that, unlike public schools, do not accept all students in violation of the state constitution, which authorizes only a single system of common schools.
- By not fully funding public schools, while simultaneously spending large sums on vouchers—in fact providing private schools with greater state per-pupil funding than public schools receive—the state legislature failed to secure a thorough and efficient system of common schools as required by the state constitution.
- The court also noted that the voucher program provides state funding directly to private religious schools in violation of the constitutional provision prohibiting religious and other sects from controlling state school funds. In addition to receiving direct payments from public funds, these private religious schools are free to discriminate against students on the basis of race, religion, LGBTQ+ status, or disability.

"Judge Page's opinion reaffirms the primacy of public schools in Ohio, which educate 85% of Ohio's students, and which are suffering from underfunding caused by the rapidly expanding EdChoice voucher program," said plaintiffs' attorney Mark Wallach, Of Counsel at McCarthy, Lebit, Crystal & Liffman.

“The Ohio Constitution requires the state legislature to fully fund public schools, which are open to all students and accountable to the public. The court found that by diverting public funds to private schools, the legislature failed to uphold its constitutional duty to students,” said ELC staff attorney Patrick Cremin. “Ohio joins the growing number of state courts across the nation that have invalidated harmful and discriminatory private school voucher programs.”

The court allowed the voucher program to continue pending a likely appeal by the state. The plaintiffs are represented by lawyers from McCarthy, Lebit, Crystal & Liffman Co., LPA and Weston Hurd LLP.

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