

**The concept of tax supported education for all school children in Ohio began before Ohio's first constitution was written.**

Before statehood, the government of the Ohio territory was required to encourage schools and the means of education: "Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged." (Article 3 of the Northwest Ordinance of 1787)

The Land Ordinance of 1785 provided for the survey of townships (6 miles square with 36 sections one mile square). The 16<sup>th</sup> section was specifically set aside for the support of schools.

The education provisions in the Northwest Ordinances (1785 and 1787) were not lost on the delegates to the 1802 Ohio Constitutional Convention. Those delegates carried over Article 3 of the 1787 Northwest Ordinance to Article VIII, section 3 of Ohio's first Constitution. The 1802 delegates also crafted Article VIII, section 25 to guarantee the poor an equal participation in government-supported education. Section 25 reads:

"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, academies, colleges and universities within this state, which are endowed, in whole or in part, from the revenue arising from donations made by the United States, for the support of schools and colleges; and the doors of the said schools, academies and universities, shall be open for the reception of scholars, students and teachers, of every grade, without any distinction or preference whatever, contrary to the intent for which said donations were made."

The 1851 Constitutional Convention delegates carried over the language of Article VIII, section 3 of the 1802 Constitution pertaining to encouragement of education, placing it in Article I, section 7 (The Bill of Rights). The 1802 guarantee of equal participation of poor children in government-supported education is inherent in Article VI, section 2, which requires the state to secure a thorough and efficient system of common schools.

The Ohio constitutional provision requiring the State General Assembly to secure a thorough and efficient system of common schools seems to be lost on many of the 21<sup>st</sup> century state officials in Ohio. What part of the governance document of Ohio do they not grasp? Are they misinformed? Do they serve the party leaders as opposed to their constituents and the constitution? Do they serve their big money campaign donors? Regardless of the reasons for defying the court's declaration that the state's school funding system is unconstitutional, Ohioans should start holding state officials accountable.

The Cupp/Patterson Fair School Funding plan could have been fully funded in the first year it was presented. Instead, the unconstitutional EdChoice universal school voucher plan was fully funded. Unbelievable!

The Franklin County Court of Common Pleas has ruled the Ohio EdChoice voucher scheme unconstitutional. About 350 school districts have joined the litigation effort.