

Article—Ohio’s public common school system continues to be unconstitutional by William L. Phillis--published in the Dayton Daily News, August 21.

This [article](#) makes the point that the state has failed to secure a constitutional system of common schools and that state tax revenue being sent to private schools via the unconstitutional EdChoice voucher system is morally and ethically wrong.

An opposing view published the same day in the Dayton Daily News will be reviewed in the next post tomorrow morning.

VOICES: Ohio’s public common school system continues to be unconstitutional

By William L. Phillis

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Discussions regarding the EdChoice voucher scheme must begin and end with the education provisions of the Ohio Constitution. Article VI, section 2 clearly states that the General Assembly shall secure a thorough and efficient system of common schools by taxation or otherwise. Section 3 of the same article requires the state to make provision for the organization, administration, and control of the public school system of the state supported by public funds. The second clause in Article VI, section 2 forbids any sect, religious or secular, from controlling any part of the school funds of the state. Article I, section 7 forbids tax funding of religious education. EdChoice voucher proponents gloss over these constitutional provisions as though these provisions are mere suggestions.

The State’s public common school system continues to be unconstitutional. The recently adopted Cupp/Patterson school funding plan could have passed constitutional muster had it been fully funded from the beginning; but some voucher enthusiasts in the legislature chose to divert public school funds to the EdChoice voucher scheme without regard to their constitutional responsibility for public education.

All arguments set forth in favor of tax supported vouchers point to one idea: parents’ right to choose schooling for their children. Parents do have the right to choose but if the choice is private education, then it must be at their own expense. Most private schools exist to advance a particular religious dogma, doctrine, and/or creed. (Most private schools in Ohio are operated by religious organizations.) Should a person’s religious private school choice be funded by his/her neighbor’s taxes?

The voucher scheme was initiated to supposedly rescue poor kids from poverty-ridden school districts. If a district has challenges that result in inadequate educational opportunities for students, the state has a constitutional responsibility to address the problems inherent in the district, not provide a way of escape for a few students. Typically, poor kids don’t have the financial resources to pay the difference between the voucher amount and tuition; hence private schooling is not an option for most poor kids.

With the advent of the universal voucher scheme, most of the students now on vouchers come from high income families. Voucher advocates can no longer use the “rescue poor kids” appeal. In the current scenario, poor kids have little or no chance for a private education via vouchers. The voucher scheme is now primarily a subsidy for affluent families. It is morally and ethically improper to subsidize the private education of affluent families by removing funds needed for the education of lower income families.

Voucher funding is derived from the same budget line-item that provides basic aid for the school districts. A dollar removed from this state budget line-item (200-550) for vouchers is a dollar less for school districts. State officials, during the state budget process, claimed they didn’t have the revenue to fully fund the school funding formula adopted by the legislature in a previous budget, but funded EdChoice vouchers by the same amount required to fully fund school districts. Quite a coincidence!

The EdChoice voucher scheme has been ruled unconstitutional by Franklin County Court of Common Pleas Judge Jaiza Page. The decision is rooted in the plain language of the Ohio Constitution. The arguments of the Defendants about the right of choice fell short because the language of the Ohio Constitution is clear.

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