

Beginning with the Northwest Land Ordinance of 1785, the foundation governing documents in Ohio have directed state government to restrict school tax funds to only public school entities. Part III of a series.

Involvement of the State of Ohio in public education in the early years of statehood.

Ohio's first Constitution had two provisions for education. Article VIII, section 3 modified an education provision in the Northwest Ordinance of 1787 that encouraged education and required that the "encouragement" would be implemented by legislative provision. This portion of section 3 states:

"But religion, morality and knowledge, being essentially necessary to good government and the happiness of mankind, schools and the means of instruction shall forever be encouraged by legislative provision, not inconsistent with the rights of conscience"

The second provision prohibits discrimination against the poor regarding public education. Article VIII, section 25 of Ohio's first Constitution states:

"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 Ohio legislature was slow to address public schools as envisioned in the Northwest Ordinance. From 1803 to 1819 the only legislative action by the legislature was to issue charters to private groups that wished to provide a program of education. No state level funding was involved.

In 1819 State Representative Ephraim Cutler introduced a bill in the House to provide for a system of common schools. The bill passed the House but was not passed by the Senate; however, it led to the law of 1821 which outlined a method of school organization for a common school system. This action put in motion the state's assumption of responsibility for public education. In 1825 a bill was passed to actually establish the common school system in Ohio. The state was slow to operationalize the system required in 1825 legislation. The legislature, however in 1837 established the position of Superintendent of Common School and appointed Samuel Lewis as Superintendent.

The School Law of 1838 was a product of the work of Lewis.

Please note that all of the legislative efforts regarding education during this period was related solely to public education.