

Denis Smith had an article published in the July 2 Ohio Capital Journal regarding the trial court ruling that EdChoice vouchers are unconstitutional.

Denis Smith, a retired educator and school administrator, ended his career as a consultant in the Ohio Department of Education. His ongoing advocacy for public education via his powerful use of the pen and oral presentations is greatly appreciated by the public school faithful.

Denis' July 2 [article](#) in the Ohio Capital Journal speaks for itself.

On the Ohio Constitution, GOP lawmakers pushing vouchers may need help with the science of reading

Denis Smith

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In the aftermath of the ruling by Franklin County Common Pleas Court Judge Jaiza Page [that the Ohio universal school voucher program is unconstitutional](#), some public school advocates have an idea for Ohio House Speaker Matt Huffman and his Republican colleagues: Enroll in a "Science of Reading" class.

It is beyond ironic that lawmakers like Huffman mandated a prescriptive reading program like "Science of Reading" and required teachers to complete professional development in the program by June 30, 2025, yet ignored the clear and unambiguous written language in the Ohio Constitution that formed the basis for the anti-voucher lawsuit that was just decided in the Franklin County court.

Science of Reading proponents in the legislature and elsewhere, please process this passage at the literal level of reading comprehension:

Ohio Constitution, Article VI, Section 2

The General Assembly shall make such provisions, by taxation, or otherwise, as, with the income arising from the school trust fund, will secure a thorough and efficient system of common schools throughout the state; but no religious or other sect, or sects, shall ever have any exclusive right to, or control of, any part of the school funds of this state.

In the reading process (no science here), we should extract the main idea of the passage to mean that taxes raised by the legislature are for the purpose of maintaining a system of common (public) schools and not religious schools.

At the literal level of comprehension in the reading process, the term system, [according to the Google machine](#), means an "interconnecting framework" and the very example given for this definition is "the public school system."

What seems bizarre about the actions of the Ohio legislature in creating the universal voucher program is that the very folks who were so obsessed with mandating a specific instructional approach to the teaching of reading did not comprehend that there is no inferential level to be deployed in the straightforward text of the state's constitution.

Former lawmaker [Stephen Dyer succinctly framed](#) Judge Page's reasoning in making her decision for the plaintiffs:

1. It creates a separate, uncommon school system
2. It prevents the state from fully funding its own public school system

3. It gives control over taxpayer money to religious schools, which is expressly forbidden in the Ohio Constitution.

Astute readers will note that the judge's reasoning as sketched in the three points above is centered in the clear 1851 prose found in Article VI.

By doing so, the merits of the case can be separated by the plethora of extraneous distractors crafted by voucher proponents that include such terms as "scholarships," "school choice," "a matter of social justice," and "money should follow the student."

Textualists and [Original Intent](#) scholars please note: None of those words or terms are found in the Ohio Constitution.

In making its findings, the court found that the private school voucher program, [in violation of the constitution](#), "created a system of uncommon private schools," provides "a religion or other sect ... control of, a part of the school funds of Ohio, and that providing private and religious schools an "unknown amounts of public revenue...is not thorough and efficient."

As a way to add perspective to her findings, Judge Page in her opinion did sketch some earlier attempts to amend Article VI, Section 2. A delegate at the 1873 Constitutional Convention made a motion to delete the phrase "but no religious or other sect, or sects, shall ever have any exclusive right to, or control of, any part of the school funds of this state."

However, another delegate at the convention took exception, and [Judge Page noted in her narrative](#) that his words composed more than 150 years ago in opposition to the proposed amendment were added into the official record:

(T)he object of the amendment becomes apparent; it is to leave the Constitution so crippled that the various religious denominations may divide the common school fund among them, for the support of sectarian schools.

Inasmuch as the vast majority of state private school voucher funds have been snapped up to further undermine the fiscal needs of the state's public schools, the 1873 attempt to delete a key portion of the state constitution's prohibition against funding religious schools should be instructive when this case, as expected, moves to the appellate stage.

The lawsuit was led by William Phillis, the executive director of the Ohio Coalition for Equity and Adequacy of School Funding, with support from nearly half of the school districts in the state.

In a statement after the Coalition's victory in the Franklin County court, Phillis posted this brief statement:

"The Constitution of Ohio is very clear. The General Assembly is responsible for a thorough and efficient system of common schools. It is illegal for the state to tax Ohioans for private school ventures."

In the meantime, June 30 is the expiration date for teachers to complete their professional development training in the Science of Reading.

Speaker Huffman, Ohio Senate Education Committee Chair Andrew Brenner and other school voucher proponents can always enroll in the Science of Reading professional development training that they mandated for teachers to attend.

As a result, Huffman, Brenner, et. al. may then be better equipped in the future to approach textual language in their work and thus know that when it comes to reading comprehension, there is a difference between a literal and inferential response to text.

They may also learn that there is no science required in reading clear prose that was crafted in 1851, and understanding the main idea in the text.

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Huffman said in 2023 about Ohio Republican lawmakers that "[we can kind of do what we want.](#)"

Those who support education as a public good challenge his assertion and will continue to oppose the unconstitutional school voucher program.

A Franklin County judge has determined that when it comes to reading and comprehending the constitution, these same lawmakers must recognize that respect for the law must start with themselves.

In the meantime, Ohio lawmakers should consider Science of Reading training. It might help the state avoid future lawsuits and deter them from kind of doing what they want.