

State defendants are powerless to prove that the EdChoice voucher plan passes constitutional muster: Part 6

Article VI, section 2 of the Ohio Constitution, has never been seriously challenged since its inclusion in the 1851 Ohio Constitution. During the Constitutional Convention of 1873/1874, there was an attempt by a lone ranger delegate to remove the clause that prohibits the funding of private religious schools, but that was easily discarded. Delegates to the Constitutional Convention of 1912 did not tamper with the thorough and efficient provision.

The meaning of the language of Article VI, section 2, has not changed. The state is still required to secure a thorough and efficient system of common schools and forbids funding of private schools.