

The Buckeye Institute for Public Policy Solutions

Proposed Toledo Community Schools Regulation Violates Ohio Constitution

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Columbus - The Buckeye Institute's 1851 Center for Constitutional Law today notified the City of Toledo Plan Commission that its proposed Minimum School Facility Requirements (MSFR) zoning regulation violates the Ohio Constitution. The measure is currently before the Toledo-Lucas County Plan Commission. If approved, the Institute's legal center will pursue legal action against the city.

Specifically, the legal center will file suit on behalf of the Maritime Academy, a Toledo community school, and a Toledo family whose child's attendance at the school will be placed in jeopardy as a result of the policy.

"The commission's proposal is an attempt to take away the educational choices given to Ohio parents by the Ohio General Assembly," Buckeye Institute President David Hansen said. "If they do not reconsider this ill-advised regulatory power grab, we will defend the interests of Toledo's parents and children in court."

"The proposed Minimum School Facility Requirements are clearly unconstitutional and run contrary to recently enacted state laws and Ohio Supreme Court decisions," Center for Constitutional Law Director Maurice Thompson said. "If the city of Toledo enacts this proposal, it will unnecessarily waste tax dollars defending an obviously flawed regulation."

The proposed requirements are one-size-fit-all mandates on community schools. They require these schools to provide large outdoor play areas, media centers, separate classrooms for every subject, and extremely large gymnasiums and dining areas. Many Toledo-area community schools have non-traditional student bodies that do not demand these facilities, while others offer many of the same benefits in different forms. For example, many community schools have computers in their classrooms rather than in "media centers," as required by MSFR. Moreover, most community schools do not have the space necessary to comply with the commission's prohibitive regulations.

Thompson advised the city plan commission that these requirements would violate the Ohio Community Schools Act. The act establishes a statewide education policy in favor of choice and innovation. Further, the Ohio Constitution precludes city-by-city regulation of education policy.

Also, Thompson advised that MSFR is a misuse of the city's zoning power. "It seems the proposed regulation is an unconstitutional attempt to use zoning law as a back-door mechanism to regulate, control and hamper statewide education policy," Thompson added.

A copy of the letter sent to the Toledo Plan Commission is available online at http://www.buckeyeinstitute.org/1851/toledo_plan_commission.pdf.

The Buckeye Institute for Public Policy Solutions, together with its 1851 Center for Constitutional Law, is a nonpartisan research and educational institute devoted to individual liberty, economic freedom, personal responsibility and limited government in Ohio.