

June 25 Lima News: Could Supreme Court's Ruling on Schools in Maine Affect Ohio Voucher Lawsuit?

The Carson Decision by the U.S. Supreme Court has no effect on the EdChoice voucher case in Ohio. In Maine, some districts do not operate public high schools and the state pays the tuition for affected students to attend other public high schools or private schools that are not religious schools. The Carson ruling essentially says that the state cannot prohibit tuition money going to religious private schools.

The EdChoice voucher case challenges the constitutionality of EdChoice vouchers being available to any private school, period!

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Could Supreme Court's ruling on schools in Maine affect Ohio voucher lawsuit?

Lima schools is one of the plaintiffs in a lawsuit seeking to overturn Ohio's school voucher program. More than 600 students living within the Lima district were using private school vouchers when the lawsuit was filed in January.

Mackenzi Klemann | The Lima News

LIMA — A coalition of public schools suing Ohio over its school voucher program say the U.S. Supreme Court's recent decision to overturn a ban on tuition assistance from going to religious schools in Maine is "narrow" and should not affect their lawsuit.

"We are undaunted and moving full speed ahead," William Phillis, executive director for the Ohio Coalition for Equity and Adequacy of School Funding, said in a statement after Tuesday's ruling.

Five public school districts, including Lima schools, filed a lawsuit in January to overturn Ohio's 25-year-old EdChoice scholarship program, which provides scholarships or vouchers to children from low-income households or low-performing school districts to attend private schools.

The lawsuit, which has the support of nearly 100 public school districts from across the state, argues the voucher program has led to resegregation in some school districts and thus created a separate system of schools.

At Lima schools, white student attendance has declined by 10 percentage points since the voucher program's inception, according to the lawsuit. Sixty-five percent of students attending Lima schools today are students of color, even though the city is 64% white.

More than 600 students living within the district are now participating in the voucher program, for an estimated cost of \$3.5 million or an average \$5,833 per student, according to the lawsuit.

The state motioned to dismiss the lawsuit, but Phillis said plaintiffs will file a rebuttal in the coming days.

Phillis called the Supreme Court's ruling in Carson vs. Makin, which overturned Maine's ban on state-funded tuition assistance from going to religious schools, "narrow" and unrelated to Ohio's voucher case.

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Maine was already providing tuition assistance to families who lived in communities without a public high school, Phillis said. Families could use the funds to attend private or public schools so long as the school was not religiously affiliated, but the court ruled that religious schools could not be omitted if state funds were already going to private schools.

The coalition's argument is based on the thorough and efficient clause of the Ohio constitution, which instructs the General Assembly to make a thorough and efficient system of common schools.

"Ohio funds charter schools and vouchers out of the same line item in the state budget as the public schools," Phillis said. "So vouchers, particularly the EdChoice vouchers, interfere with the capacity of school districts and thus the capacity of the state to operate a thorough and efficient system of common schools. Private schools are not common schools."

Still, an amicus brief filed in support of Ohio's voucher program argues Ohio cannot "invalidate" the program "merely because it includes religious schools."

The brief, filed by the Religious Liberty Institute at Notre Dame Law School, claims "judicial enforcement of Ohio's no-funding provision would impermissibly further that provision's shameful legacy of anti-Catholic discrimination."

Lawmakers have considered expanding the voucher program to cover all Ohio children, regardless of their household income or residence, a move which critics argue would further divert funds from public schools but which supporters say would create more educational choices for families currently excluded from EdChoice.

By Mackenzi Klemann - mklemann@limanews.com

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