

Status of the EdChoice Voucher Litigation and Summary of the Claims

The lawsuit challenging the constitutionality of the EdChoice voucher program was filed January 4, 2022. The State Defendants filed a motion to dismiss the case. The Franklin County Court Judge assigned to the case has not yet ruled on the motion to dismiss. Based on the strength of the complaint, it would be difficult to believe the judge would grant the State's motion to dismiss.

Below is a summary of the claims.

SUMMARY OF CLAIMS The EdChoice Scholarship Program poses an existential threat to Ohio's public school system. Not only does this voucher program unconstitutionally usurp Ohio's public tax dollars to subsidize private school tuitions, it does so by depleting Ohio's foundation funding – the pool of money out of which the state funds Ohio's public schools – otherwise available to alreadystruggling school districts for the education of their students. The public funds, moreover, do not follow the student; instead, private school tuitions are subsidized at significantly higher rates as compared to the per pupil foundation funding allocated for Ohio's public school students. The discrepancy in per pupil foundation funding is so great that some districts' private school pupils receive, as a group, more in funding via EdChoice vouchers than Ohio allocates in foundation funding for the entire public school districts where those students reside. This voucher program effectively cripples the public school districts' resources, creates an "uncommon", or private, system of schools unconstitutionally funded by taxpayers, siphons hundreds of millions of dollars of taxpayer funds into private (and mostly religious) institutions, and discriminates against minority students by increasing segregation in Ohio's public schools. Because private schools receiving EdChoice funding are not subject to Ohio's Sunshine Laws or most other regulations applicable to public schools, these private facilities operate with impunity, exempt from public scrutiny despite the public funding that sustains them. Due in large part to the hundreds of millions of dollars diverted to funding private school tuition through the EdChoice Program, the General Assembly has failed in its constitutional obligation to fully fund Ohio's public school districts at the level which the General Assembly has, itself, determined to be required.