

North Carolina Supreme Court Orders a Specific School Funding Remedy—A Transfer of State Funds (\$1.5 Billion) to K-12 Education.

In full view of the three co-equal branches of government, checks and balances, and separation of powers, the North Carolina Supreme Court order a significant sum of revenue to be transferred to public K-12 education. The court reasoned that when an offending branch of government fails in its constitutional duty, the court is empowered to order the deficiency remedied. The court said that constitutional violations demand a just remedy. The court further said, “If this court is to fulfill its own constitutional obligations, it can no longer patiently wait for the day, year, or decade when the state gets around to acting on its constitutional duty ‘to guard and maintain’ the constitutional rights of North Carolina school children.”

It is unfortunate that the Ohio Supreme Court gave up jurisdiction in the DeRolph School Funding case in 2002. For more than a quarter century, the State of Ohio has violated the constitutional rights of Ohio school children, while at the same time state officials exacerbate the problem by siphoning off public common school funds for EdChoice vouchers and charter schools.

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