

Notice to the Senate President: The EdChoice Voucher Lawsuit is NOT a “Negotiating Tactic with the Legislature”—It is a Dead Serious Challenge to the Constitutionality of the EdChoice Voucher Scheme.

In a January 7 [Lima News](#) article, the Senate President said that the lawsuit is a “negotiating tactic” meant to deter lawmakers from expanding EdChoice vouchers and similar programs. Further he told the Lima News, “I don’t think the lawsuit has any merit, I think the people who filed it know that it has little merit and it’s really a legislative negotiating tactic, which is meaningless to me.”

Lima Schools Superintendent and Steering Committee member Jill Ackerman said, “There should never be a separate and unequal system of schools, period.” She added, “We stand firm in our belief that this is legitimate.”

Voucher lawsuit can move forward, judge says

By Mackenzi Klemann -January 7, 2023

LIMA — A lawsuit objecting to Ohio’s school voucher program may proceed after a Franklin County judge denied the state’s motion to dismiss. Ohio’s Attorney General’s office argued that student and school district plaintiffs lacked standing to sue and that courts have already settled the issue.

The lawsuit, which Lima schools joined last January, argues that the EdChoice program diverts funding from public schools to private schools, potentially violating the state’s constitution.

“There should never be a separate and unequal system of schools, period,” Lima schools Superintendent Jill Ackerman said. She added, “We stand firm in our belief that this is legitimate.”

Attorney General Dave Yost filed a motion to dismiss the lawsuit in May, but Franklin County Judge Jaiza Page’s decision will allow the case to move forward.

Critics of the lawsuit argue that the courts have already settled the question, pointing to cases such as the Ohio Supreme Court’s 1999 decision that upheld a voucher program for Cleveland schools students.

Senate President Matt Huffman (R-Lima), one of the most prominent EdChoice supporters in the statehouse, called the lawsuit a “negotiating tactic” meant to deter lawmakers from expanding EdChoice and similar programs.

“I don’t think the lawsuit has any merit,” Huffman told The Lima News in December. “I think the people who filed it know that it has little merit and it’s really a legislative negotiating tactic, which is meaningless to me.”

Still, the lawsuit plaintiffs argue that Ohio’s voucher system has expanded dramatically since those court rulings, particularly after House Bill 110, which expanded access to EdChoice scholarships in 2021 as part of a deal to pass the Cupp-Patterson Fair School Funding Plan.

The Cupp-Patterson plan had been an attempt to remedy statewide public school funding after Ohio’s model as a state had been ruled unconstitutional back in 1997.

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Under Cupp-Patterson, more students became eligible for EdChoice, while the value of vouchers themselves rose from \$6,000 to \$7,500 per high school student and from \$4,650 to \$5,500 per student in kindergarten through 8th grade. Meanwhile, average per pupil spending for public school students was \$4,333, according to the complaint.

“Facts matter in the court of law,” William L. Phillis, director of the Ohio Coalition for Equity & Adequacy of School Funding, said in a statement after the Franklin County court ruled that the case could proceed.

“The Ohio Constitution is clear,” Phillis said. “There shall be a single system of public schools, not a separate and unequal system of schools that can apply a discriminatory litmus test against students based on race, religion, income, or any disqualifying factor that strikes their fancy.”

<https://www.limaohio.com/top-stories/2023/01/07/voucher-lawsuit-can-move-forward-judge-says/>