

**Kentucky Court declares charter school funding unconstitutional.**

Kentucky dived into the charter school waste pit late in the game. In 2022, the Kentucky Legislature enacted HB9, which provides public funding to “private entities known as charter schools”. The legislation exempts charters from statutes and administrative regulations.

The Kentucky Constitution is similar to Ohio's Constitution with regard to education. Whereas the Kentucky Constitution requires an “efficient system of common schools”, Ohio’s Constitution requires a “thorough and efficient system of common schools”.

The Judge, in deciding the Kentucky case, determined that charters are actually private schools. Ohio statutes for charters label Ohio charters as public schools; however, Ohio charters are privately governed and privately operated. Ohio charters are exempt from many state statutes and administrative codes, which distinguishes charters from public entities. The logical conclusion is that Ohio charter schools are private schools. They certainly are not public common schools.

In the analysis, the Judge considered the meaning of the term “common schools”, asking a simple question: “Is the term common schools malleable enough to include two separate and unequal systems of education?” A good question!

Ohio has three separate and unequal systems—charters, private school vouchers, and the system (common school) required by the Ohio Constitution. Is the meaning of the term “common school” in the Ohio Constitution malleable enough to include three separate and unequal systems of education? The answer is obvious. Ohio citizens deserve political leaders that respect the Constitution.

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