

Supreme Court of Kentucky: Charter Schools are UNCONSTITUTIONAL

In a [decision](#) dated February 19, 2026, the Supreme Court of Kentucky ruled charter schools unconstitutional. The Constitution of Kentucky requires the General Assembly to secure a thorough system of common schools: “Section 183: the General Assembly shall, by appropriate legislation, provide for an efficient system of common schools throughout the state.” The Ohio Constitution in Article VI, section 2 requires the General Assembly “to secure a thorough and efficient system of common schools throughout the state.”

On page 19 of the Kentucky decision, the court stated, “Nevertheless, the Constitution as it stands is clear that it does not permit funneling public education funds outside the common public school system.”

Ohio, with a very similar constitutional provision for the common school system as Kentucky, is spending more than \$1.6 billion on charter schools and about \$800 million on vouchers, or nearly \$2.4 billion on schools not a part of the common school system this year. A constitutional challenge to Ohio’s reckless use of public school funds for vouchers is in progress. A suit challenging the constitutionality of charters would be very appropriate. The suit against EdChoice vouchers is more forward and is destined to eliminate the EdChoice voucher scheme.