

HB671—the Jamie Callender Bill to defund the Coalition/Vouchers Hurt Ohio (VHO) litigation effort challenging the constitutionality of the EdChoice Voucher scheme—has been met with robust opposition—but may move forward regardless.

The immediate, adamant opposition to HB671 caused the sponsor to make public a knee-jerk response to amend the bill to greatly reduce the penalty to districts that financially support the plaintiffs' constitutional challenge—from total escrow of each of the district's state funds to the amount of funds each paid to the Coalition/VHO litigation effort.

There has been widespread and diverse speculation regarding the future of HB671. Some believe the intensity of the opposition—past and ongoing—will bury the bill. Others believe the leadership of the General Assembly, in spite of intense opposition, will, in their characteristic autocratic mode of operation, ram the bill through the legislature by hook or by crook.

I, personally, believe the leadership of this General Assembly will slip some form of the Callender Bill into another bill that is in the final stages for passage. This seems to be the M.O. of the current legislature. Voucher legislation has never passed in a stand-alone bill.

However, school district leaders need not be concerned. If the Governor signs such a bill, the Coalition/VHO attorneys will file an injunction a split second before the ink from the Governor's pen will dry.

HB671, in any form, is conspicuously unconstitutional. It is an affront to the judicial branch of government. The EdChoice Voucher case is pending in the 10th District Court of Appeals. This egregious proposal signals to the judiciary that the legislature yearns to assume judicial responsibilities.

The court has established that the Plaintiffs have standing (i.e.) the right to litigate this matter. The trial court has rendered a decision in favor of the Plaintiffs. The HB671 nonsense attempts to give the state legislature the prerogative to decide the case instead of the court. Leaders of the legislature seem to fear that the judiciary might not rubber stamp the work of the legislature.

The founding fathers set up a system of checks and balances in government for such a time as this. They seemed to realize that power-hungry politicians would need to be restrained. They established three separate branches of government to safeguard the rights of the folks. The judicial branch certainly is essential.

The level of school funding and the formula for distributing the funds to school districts are established in the State General Revenue Budget Bill. At that point the funds for each school district are assigned by law. The funds then belong to the school districts. By what authority can the state withhold those funds by legislation? Districts have not broken the law by funding a lawsuit against the state. The state would be breaking the law as well as violating the Ohio Constitution by passing HB671. The response to this by certain legislature leaders is "we kinda do what we want..."