

**The Ohio Supreme Court has rendered three major decisions on school funding. Another major school funding case (the EdChoice Voucher case) will be before the Ohio Supreme Court in the foreseeable future.**

There have been three major Ohio Supreme Court decisions regarding public school funding. A fourth major case essentially related to funding is now pending in the 10<sup>th</sup> District Court of Appeals.

Miller v Kornis was decided by the Ohio Supreme Court in 1923. This decision states that a system having school districts starved of funds could not meet the constitutional standard of thorough and efficient.

Pertinent text from Miller v Kornis states:

With this very state purpose in view, regarding the problem as a state-wide problem, the sovereign [\*298] people made it mandatory upon the General Assembly to secure not merely a system of common schools, but a system thorough and efficient throughout the state.

A thorough system could not mean one in which part or any number of the school districts of the state were starved for funds. An efficient system could not mean one in which part or any number of the school districts of the state lacked teachers, buildings or equipment. (1923, Miller v Kornis. p.6)

In the 1970s, Cincinnati Board of Education filed a case which challenged the constitutionality of the school funding system, arguing that it did not meet the standard inherent in Article VI, section 2 of the Ohio Constitution. In a curious twist in this case, the court determined the case was about taxation—not education—and in 1979 ruled against Cincinnati. Some observers have considered the decision to be “curious”; and for good reason.

During the court deliberations in the Cincinnati v Walter case, a meeting of the Chief Justice, the leaders of the House and Senate, and the Governor took place, wherein the pending case was discussed.

In the DeRolph School Funding case, the Ohio Supreme Court ruled that Ohio’s elementary and secondary schools were neither thorough nor efficient and thus ruled in 1997 the system unconstitutional. Three decades later, the system is still unconstitutional.

The EdChoice voucher case is pending in the 10<sup>th</sup> District Court of Appeals. This case affects school district funds because state officials say funds are not available to fully fund the Cupp/Patterson Fair School Funding formula; however, the EdChoice Voucher program will cost Ohio taxpayers about \$1.6 billion for a 2-year period—This is money that should have gone toward the implementation of the Cupp/Patterson Fair School Funding Plan.