

State Constitutional Law

18 - Review & School Funding

Agenda

- Finish property rights
- Start school funding cases
- Review midterm

Other Property-Related Rights

Patel v. Texas Dep't of Licensing

469 S.W.3d 69 (Tex. 2015)

“No citizen of this State shall be deprived of life, liberty, property, privileges or immunities, or in any manner disfranchised, except by the due course of the law of the land.”

Texas Const., Art. I, § 19

A mess of standards of review

- 1) real and substantial
- 2) rational basis including consideration of evidence
- 3) no-evidence rational basis

A new standard

To find a statute unconstitutional under Art. I, § 19, plaintiffs must prove either:

- 1) the statute's purpose could not arguably be rationally related to a legitimate governmental interest; or
- 2) when considered as a whole, the statute's actual, real-world effect as applied to the challenging party could not arguably be rationally related to, or is so burdensome as to be oppressive in light of, the government interest

Similar federal standards

Rational basis: To survive judicial review, the law must serve a *legitimate* government interest and there must be a *rational connection* between the law's means and that interest.

Intermediate scrutiny: To survive judicial review, the law must further an *important* government interest and must do so by means that are *substantially related* to that interest.

Texas Department of State Health Services v. Crown Distributing LLC

647 S.W.3d 648 (Tex. 2022)

Patel standard

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School Funding

- Equality
- Adequacy
- Justiciability / Remedies

Federal Backdrop

Rodriguez v. San Antonio Indep. Sch. Dist.
406 U.S. 966 (1972)

Equality Cases

Hornbeck v. Somerset County Board of Education

458 A.2d 758 (Md. 1983)

Horton v. Meskill

376 A.2d 358 (Conn. 1977)

Vincent v. Voight

614 N.W.2d 388 (Wis. 2000)

Hornbeck v. Somerset County Board of Education

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The school fund “shall be inviolably appropriated to the support and encouragement of the public schools throughout the state, and for the equal benefit of all the people thereof.” Conn. Const, Art. 8 § 4.

Vincent v. Voight

614 N.W.2d 388 (Wis. 2000)

Adequacy Cases

Edgewood Independent School Dist. v. Kirby
777 S.W.2d 391 (Tex. 1989)

DeRolph v. State
677 N.E.2d 733 (Ohio 1997)

DeRolph v. State
754 N.E.2d 1184 (Ohio 2001)

Columbia Falls Elementary Sch. Dist. No. 6 v. State
109 P.3d 257 (Mont. 2005)

Abbott v. Burke
971 A.2d 989 (N.J. 2009)

Citizens for Strong Schools Inc. v. Florida State Board of Ed.
262 So.3d 127 (Fla. 2019)

