

# State Constitutional Law

## 19 - School Funding

# Agenda

- Housekeeping
  - Midterm
  - Final
- Makeup classes
  - Thursday, April 25th 1:10pm - 3:10pm, Courtroom of the 90s.
  - Friday April 26th 1:10pm until 3:10pm, Courtroom of the 90s.
- Review of property rights
- School funding cases

# *Midterm and Final Exam*

# Property Rights Review

# Takings

**Two requirements for taking to be constitutional?**

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1. Public use
2. Just compensation

# Reconciling “public use” definitions

**Kelo v. City of New London**

545 U.S. 469 (2005)

**Goldstein v. New York State Urban Dev. Corp.**

921 N.E.2d 164 (N.Y. 2009)

**City of Norwood v. Horney**

853 N.E.2d 1115 (Ohio 2006)

**Bd. of Cty. Comm’rs of Muskogee Cty. v. Lowery**

136 P.3d 639 (Okla. 2006)

# *Just Compensation*

**Bayou Bridge Pipeline, LLC v. 38.00 Acres, More or Less,  
Located in St. Martin Parish, Et Al.**

**320 So.3d 1054 (La. 2021)**



# *Other Property-Related Rights*

**Patel v. Texas Dep't of Licensing**  
469 S.W.3d 69 (Tex. 2015)

**Texas Department of State Health Services v. Crown  
Distributing LLC**  
647 S.W.3d 648 (Tex. 2022)

# School Funding

- Equality
- Adequacy
- Justiciability / Remedies

# Questions to guide us for school funding cases

Does the state constitution provide a fundamental right to education? Or are public education clauses only a duty imposed on the legislature?

What are the differences between equality, adequacy, and uniformity?

How should a court determine whether school funding laws are unequal, inadequate, or not uniform?

If a school funding scheme is unconstitutional, what remedies should a court impose?

How should the judiciary balance power and relationships with the legislative and executive branches?

# Federal Backdrop

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

# *Review of 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)

# *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)

# *Adequacy Cases*

**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)

# Edgewood Independent School Dist. v. Kirby

777 S.W.2d 391 (Tex. 1989)

“A general diffusion of knowledge being essential to the preservation of the liberties and rights of the people, it shall be the duty of the Legislature of the State to establish and make suitable provision for the support and maintenance of an efficient system of public free schools.” Texas Const., Article VII, § 1.



# DeRolph v. State

677 N.E.2d 733 (Ohio 1997)

754 N.E.2d 1184 (Ohio 2001)

“The general assembly shall make such provisions, by taxation, or otherwise, as, with the income arising from the school trust fund, will secure a thorough and efficient system of common schools throughout the State.” Ohio Const. Section 2, Article VI.

# Columbia Falls Elementary Sch. Dist. No. 6 v. State

109 P.3d 257 (Mont. 2005)

“[T]he legislature shall provide a basic system of free quality public elementary and secondary schools. It shall fund and distribute in an equitable manner to the school districts the state’s share of the cost of the basic elementary and secondary school system.” Montana Const., Art. X, § 1(3).

# Abbott v. Burke

971 A.2d 989 (N.J. 2009)

“[T]he Legislature shall provide for the maintenance and support of a thorough and efficient system of free public schools for the instruction of all the children in the State between the ages of five and eighteen years.” N.J. Const.

# Citizens for Strong Schools Inc. v. Florida State Board of Ed.

262 So.3d 127 (Fla. 2019)

“The education of children is a fundamental value of the people of the State of Florida. It is, therefore, a paramount duty of the state to make adequate provision for the education of all children residing within its borders. Adequate provision shall be made by law for a uniform, efficient, safe, secure, and high quality system of free public schools that allows students to obtain a high quality education.” Florida Const. Art. IX, § 1(a)

# *Uniformity Clauses*

## **Bush v. Holmes**

919 So.2d 392 (Fla. 2006)

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# *Teacher Tenure*

**Vergara v. California**

209 Cal. Rptr. 3d 558 (2016)

# *Remedy*

**Hoke County Board of Ed. v. State**  
599 S.E.2d 365 (N.C. 2004)

**Claremont School District v. Governor**  
794 A.2d 744 (N.H. 2002)

**Neeley v. West Orange-Cove Consol. Indep. Sch. Dist.**  
176 S.W.3d 746 (Tex. 2005)