

# School Funding Recap

# Basis for school funding litigation:

- Equality
- Adequacy

# 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?

# *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

458 A.2d 758 (Md. 1983)

Maryland constitution requires the “establishment and maintenance of a thorough and efficient statewide system of free public schools”

# Horton v. Meskill

376 A.2d 358 (Conn. 1977)

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)

“The legislature shall provide by law for the establishment of district schools, hwich shall be as nearly uniform as practicable; and such schools shall be free and without charge for tuition to all children between the ages of 4 and 20 years.” Wisc. Const. Art. X § 3.

# *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)

# 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)

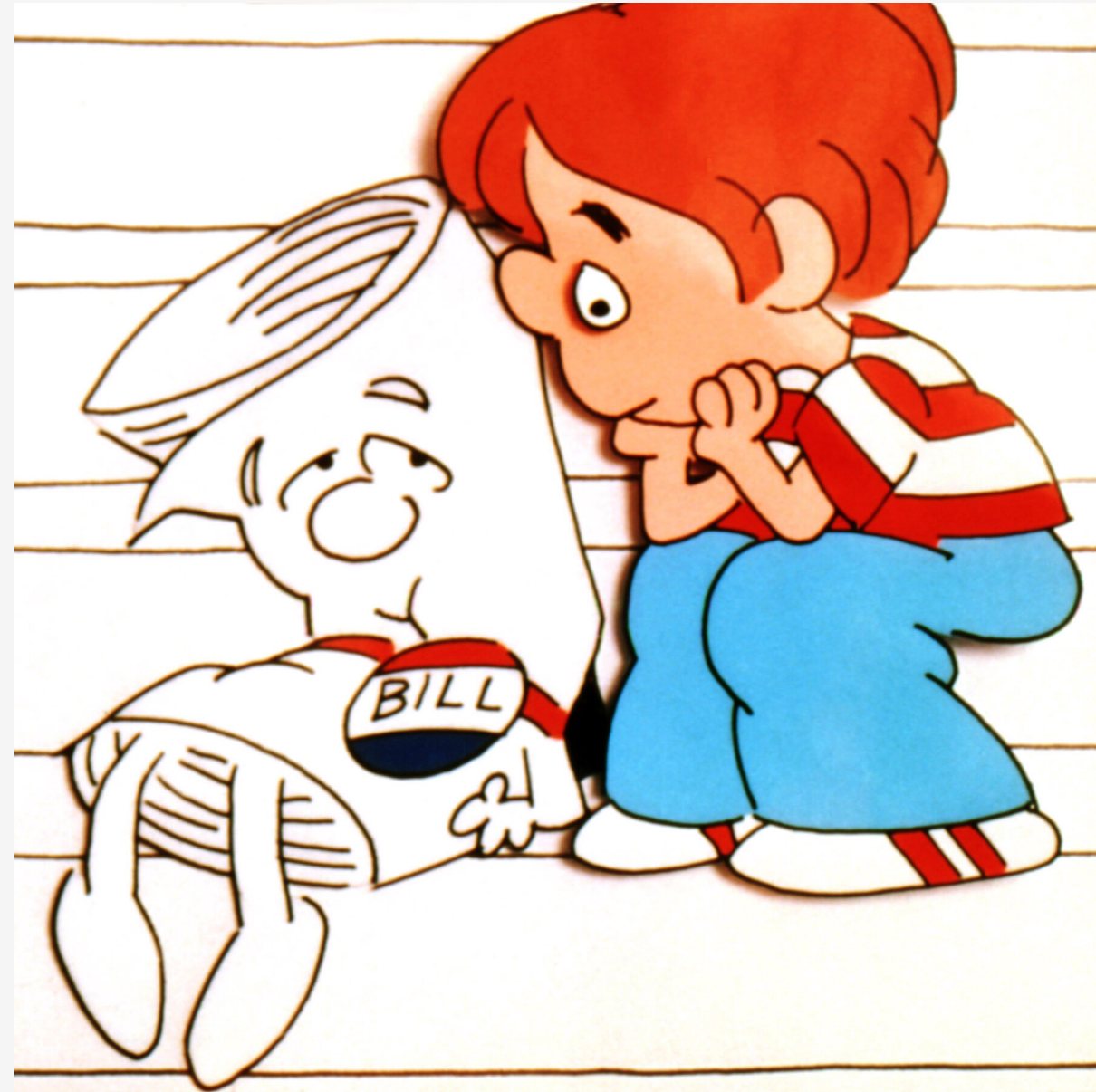
# Voting Rights

# Two topics

Drawing electoral districts

Regulating elections

# What is the right to vote?



Is voting a *fundamental* right?

# Federal Constitution

“The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.” 15th Amend. U.S. Const.

“The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.” 19th Amend. U.S. Const.

“The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.” 24th Amend. U.S. Const.

“The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.” 26th Amend. U.S. Const.

# Right to Vote in State Constitutions?

**What is gerrymandering?**

**Let's play a game!**

# Online versions:

<https://gametheorytest.com/gerry/game/>

More complex version: <https://www.nytimes.com/interactive/2025/us/politics/congressional-gerrymandering-redistricting-game.html>

# Federal Backdrop

Under Article I, Section 4 of the U.S. Constitution, the “Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof.”

Under Supreme Court interpretation of the one-person-one-vote requirements of the Fourteenth Amendment, states must redraw state and federal district lines after each census. *Baker v. Carr*, 369 U.S. 186 (1962); *Reynolds v. Sims*, 377 U.S. 533 (1964).

Political gerrymandering can be a cognizable constitutional claim. *Davis v. Bandemer*, 478 U.S. 109 (1986).

Actually, no it can't: non-justiciable. *Rucho v. Common Cause*, 588 U.S. 684 (2019).

# State constitutions' explicit gerrymandering provisions

“No general assembly district plan shall be drawn primarily to favor or disfavor a political party.” Ohio Const. Art. XI § 6(A)

“No apportionment plan or individual district shall be drawn with the intent to favor or disfavor a political party or an incumbent.” Fla. Const. Art. III § 20(a)

“Districts shall not be drawn for the purpose of favoring or discriminating against an incumbent, political candidate, or political party.” Cal. Const. Art. XXI §2(e)

**Wait... let's talk about California**

# League of Women Voters of Pennsylvania v. Commonwealth of Pennsylvania

178 A.3d 737 (Pa. 2018)

“Elections shall be free and equal; and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.” Article I, Section 5 Penn. Const.

Similar constitutional provisions related to state legislative elections:

(1) the population of such districts must be equal, to the extent possible; (2) the district that is created must be comprised of compact and contiguous geographical territory; and (3) the district respects the boundaries of existing political subdivisions contained therein, such that the district divides as few of those subdivisions as possible.

# Harper v. Hall

886 S.E.2d 393 (N.C. 2023)

*Prior cases:*

Harper I

Harper II

# How to interpret?

Under Article I, Section 4 of the U.S. Constitution, the “Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof.”

# Clarke v. Wisconsin Elections Commission

998 N.W.2d 370 (Wis. 2023)

Districts will “consist of contiguous territory and be in as compact form as practicable.” Wis. Const. art. IV, § 4.

