

A Few Days From Now—March 24—Will Mark the 25th Anniversary of the Ohio Supreme Court’s Decision in the DeRolph School Funding Case

On March 25, 1997 the newspaper headlines screamed, “UNCONSTITUTIONAL”. The March 24 Decision was a surprise and shock to most of those in power at the Statehouse. During a press event on March 25, the Governor, Speaker of the House and President of the Senate did not hide their anger and predicted massive tax increases. They expressed no interest in complying with the court decision; their combined bluster on that day after the landmark decision set the stage for a quarter century stall in developing a bona fide remedy.

During the 25 years of stonewalling, some legislators and a couple governors made some serious attempts to put together a plan that would meet the terms of a thorough and efficient system of common schools as required by Article VI, section 2 of the Ohio Constitution; however, the leaders of the House and Senate have not fulfilled their constitutional and rightful obligation. (Some public officials would say that the changes made during this quarter century stall make the system constitutional, in spite of the fact that the formula is still broken and that reliance on property tax has not lessened.)

The DeRolph litigation had some useful outcomes. 1200 new school buildings have been built and the percentage of the state’s General Revenue Fund budget has increased from 34.5% in 1992 to over 40% currently. However, the increase in the state General Revenue Fund budget priority for K-12 education has been diverted to the expansion of charters and vouchers.

The Cupp/Patterson Fair School Funding Plan was designed to meet the constitutional requirement for public school funding, but the Ohio Senate, with a zeal for school privatization options, nixed that effort.