

Today is the 25th Anniversary of the DeRolph School Funding Ruling

Some Ohioans, especially those engaged in public education, will recall the newspaper headlines, “Unconstitutional” on this day or the next day, a quarter century ago. Some public school educators were not yet born.

During state budget deliberations in early 2021, lawmakers blew the opportunity to perfect a constitutional system of common schools. Maybe next year! It is of no credit to Ohio to cling to an unconstitutional system of common schools.

The DeRolph school funding case was the “case of the 20th century.” For the benefit of all concerned, two attachments are provided:

- A Press Release to commemorate the event, and
- Pertinent information about the case

FOR IMMEDIATE RELEASE

25 YEAR ANNIVERSARY OF DEROLPH SCHOOL FUNDING SUPREME COURT DECISION: STATEMENT FROM VOUCHERS HURT OHIO AND OHIO COALITION FOR EQUITY AND ADEQUACY OF SCHOOL FUNDING

COLUMBUS - Today marks 25 years since the Ohio Supreme Court ruled on March 24, 1997 that “Ohio’s elementary and secondary schools are neither thorough nor efficient” and therefore unconstitutional in the landmark decision known as DeRolph.

William L. Phillis, executive director for the Ohio Coalition for Equity & Adequacy of School Funding that brought the lawsuit, said the ruling fundamentally changed and shaped many aspects of the education landscape in Ohio.

“But the governor and the Ohio General Assembly have yet to address the remedy ordered initially in 1997 and in three subsequent Ohio Supreme Court rulings for a public school funding formula that passes constitutional muster,” Phillis said. “Still, there has been a significant amount of progress prompted by the decision.”

Phillis cited new school buildings, a larger percentage of the state General Revenue Budget directed toward schools and a growing awareness of the need to address the serious discrepancies between have and have not school districts that emanated from the March 24, 1997 ruling.

“Due to DeRolph, the state and local districts through the Ohio School Facilities Commission invested over \$20 billion in over 1,200 new school buildings in districts. Prior to DeRolph, children were attending schools in places like Flushing, Ohio that had no indoor plumbing in some of the buildings or wooden buildings in Morgan County that lacked sprinkler systems. Other schools lacked science labs, cafeterias, libraries and

were ill-equipped to meet the demands of the Internet. The school building program, a state and local partnership, changed all that thanks to DeRolph,” Phillis said.

“Due to DeRolph, the percentage of the state budget allotted to K-12 education grew from 34.5 percent to over 40 percent so lawmakers and governors were on the right track putting their money where their priorities are,” Phillis said.

“And due to DeRolph, parents, educators and members of communities across the state were made aware of the vast difference of educational opportunities offered our children based solely on their zip code. Some children were attending schools equipped with swimming pools, the latest textbooks, computers, you name it, while others in property poor districts were reading decades old history and science books in decrepit facilities that were shameful,” Phillis said.

“So we are grateful to the four members of the Ohio Supreme Court - Andy Douglas, Paul Pfeifer, Alice Robie Resnick and Francis Sweeney - who stood strong for public school children in 1997,” Phillis said.

“Unfortunately, their good work and the historic court opinion has been undermined by the pirates of privatization. The state has missed the opportunity to fix the single system of common schools open to all children for the good of all the people by siphoning away \$25 billion since 1997 for charter schools, direct funding to private schools, and unconstitutional private school voucher schemes,” Phillis said.

On Jan. 4, the Coalition and Vouchers Hurt Ohio filed a five-count lawsuit challenging the constitutionality of the harmful private school voucher program known as EdChoice.”

“DeRolph was the defining public school lawsuit of the 20th Century and the Vouchers Hurt Ohio lawsuit will be the defining public school lawsuit of the 21st Century,” Phillis said.

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25th anniversary of the Ohio Supreme Court Decision in the DeRolph School Funding case: Pertinent Information About the Case

On March 24, 1997—a quarter century ago—the Ohio Supreme Court ruled that “Ohio’s elementary and secondary schools are neither thorough nor efficient”; thus, the system is unconstitutional. The court ruled that the school funding formula and emphasis on property tax in the formula contribute to the unworkability of the system and must be eliminated...

During a news conference on March 25, 1997 the Governor and legislative leaders chastised the Court as they expressed severe opposition to the decision. They projected to the public that they might resist the court decision. Over the intervening quarter century, state officials have provided for the construction of over 1200 new school buildings and increased the percentage of the state's General Revenue Fund for K-12 education from 34.5% in 1992 to more than 40% in the past several years; however, the increased funding level has not benefitted school districts because the funds representing the higher priority for education are being drained off in the expanding school privatization programs.

During the deliberations on the current state Budget Bill (HB110), the 134th General Assembly had an opportunity to adopt the Fair School Funding Plan which, if fully funded, would have put school funding on a path to constitutionality.

The Ohio Senate, via HB110, instead of perfecting a constitutional system, chose to expand eligibility for vouchers and dramatically increased the amount per voucher. This action and the increased emphasis on charter schools blocked the path to a constitutional school funding system, causing more harm to public school district students.

While the constitutionally-required public common school system languishes in an unconstitutional plight, the state, by way of the current state budget and deliberations on HB290, is setting the stage for a full-scale future assault on the traditional public school system.

Some state officials are saying publicly that the K-12 school money should follow the students, rather than funding the system. Such is a total disregard for the Ohio Constitution.