

Tactics being used by some state officials against the EdChoice voucher litigation are similar to those used against the DeRolph School Funding litigation.

State officials in the 1990's attempted to thwart the DeRolph School Funding litigation by the following tactics:

1. State officials in control of the Statehouse attempted to buy off (bribe some of the school districts).
 - The legislature enacted a supplemental equity aid formula which provided extra funding for about 200 of the lowest wealth districts. The intent was to encourage these districts to drop out of the lawsuit. They didn't!
2. A few individual districts in the Coalition were bribed by special projects to drop out of Coalition membership.
3. A group of school districts (possibly encouraged by some state officials) attempted to intervene in the Plaintiffs' lawsuit (multiple times).
 - The intent of these districts was to control the outcome of the litigation, but the court denied them the right to intervene.
4. State officials, primarily via their hired minions, convinced some newspaper editorial boards that a ruling in favor of the Plaintiffs would bankrupt the state or require a horrific tax increase.
5. Some state officials and at least one editorial board put political pressure on the law firm that was handling the DeRolph case.
6. State officials, on a frequent basis, attempted to broker an out-of-court settlement. At one point the court even tried to broker a deal!
 - After the third decision against the state in DeRolph, the court ordered the parties to engage in a settlement conference which ended in "no deal!"
7. State officials tried to convince school district officials, the media, and the public that the Plaintiffs would lose at the Supreme Court level.

Of course, the tactics used against the Plaintiffs in DeRolph failed. It is not surprising that some state officials in control of the Statehouse are using similar tactics to attempt to derail the EdChoice voucher lawsuit.

1. Senate President said publicly that the Plaintiffs are not serious; they filed the lawsuit, he said, as a tactic to influence the outcome of school funding in the state budget.
2. Senate President illegally enlisted the Office of Auditor of State to threaten action against school districts that are a part of the litigation.
3. A state official put pressure on a law firm engaged in the voucher case to back away from the case or lose its state business.
4. Senate President appealing all the way to the Ohio Supreme Court to avoid responding to any questions from the Plaintiffs about vouchers.
5. During the most recent state budget process, some legislators had to "swallow" the universal voucher deal in exchange for even partial funding for the Cupp-Patterson Fair Funding Plan.

Public funds for private school facilities alert.

Public school officials, personnel, and advocates need to be alert to the following potential scenario during deliberations regarding the capital improvements bill and the next state budget.

The state, due to the court decision in DeRolph, provided one of the most robust school building assistance programs in the history of the United States; over 1200 new school buildings have been built, replacing at least 2500 dilapidated buildings. However, there is a dire need for the continuation of an

aggressive state school building assistance program. A multitude of districts need facility assistance from the state.

Currently, the champion of private school vouchers is campaigning to provide state building assistance for private schools. In the next state budget process and/or in the current capital improvements bill process this voucher/private school zealot will try to make a deal—more capital improvements funds for public schools in exchange for public school advocates' support for capital funds for private schools.

Just remember that every tax dollar that would go into private school construction is a tax dollar less for public school construction.