

Statehouse News Bureau coverage of the February 12 Coalition/VHO News Conference.

[School districts blast bill that would withhold state funding if they sue Ohio](#)

The Statehouse News Bureau | By [Karen Kasler](#)

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[Image](#)

Former Ohio Supreme Court Chief Justice Eric Brown, Dayton City School Board member Jocelyn Rhynard, school funding advocate Bill Phillis and attorney Mark Wallach - part of the Vouchers Hurt Ohio coalition - at a press conference on Feb. 12, 2026.

Half of the state's school districts are sparring with a Republican state lawmaker over his bill that would withhold their state funding if they sue the state over that funding. That coalition is calling it the "bully bill", and that the Ohio constitution requires lawmakers to "secure a thorough and efficient system of public common schools."

The Vouchers Hurt Ohio coalition suing the state over the EdChoice and EdChoice expansion programs blasted [House Bill 671](#), sponsored by Rep. Jamie Callender (R-Concord). The bill would withhold state foundation funding for any school district that's part of a legal action over state funding. The funding would be released when the legal action is either dropped or the case ends.

Public schools sued the state in the the 1990s in the DeRolph v. Ohio case. That resulted in four decisions from the Ohio Supreme Court that property tax-based funding for public schools was unconstitutional before the court declared an end to the litigation in 2003. That coalition was led by Bill Phillis , who said the 320 schools that make up Vouchers Hurt Ohio are committed to the case.

"They're not going to be intimidated," Phillis said. "In a sense, Rep. Callender has given us a gift. He has raised public attention to the egregious nature of this kind of legislation."

Dayton City School board member Jocelyn Rhynard added: "If this bill had been in law at that time, we would not have been able to address the unconstitutionality in the courts, and we would not have the DeRolph decision."

"The state is not funding schools," said former Ohio Supreme Court chief justice Eric Brown, the chair of the coalition's steering committee. "At the same time, our public tax dollars are going to private, mostly religious schools for most wealthy families whose children were already in those schools."

The group's attorney Mark Wallach also takes issue with Sen. Jerry Cirino, who [told the Statehouse News Bureau](#) he supports the bill though he isn't sure if it's constitutional, but "it shouldn't stop us from doing what we think is the right thing."

"That's lawlessness, frankly, and it's not a responsible thing for a public official who has sworn to enforce the constitution of the state of Ohio to say," Wallach said. "If he wanted to find out if it was constitutional, he could ask a lawyer. He could try asking the state attorney general, which would be an interesting thing to do in this case, because it's so obviously unconstitutional to cut off funding when you've been ordered to fund schools."

As the state's lawyer, Yost is leading the defense of the vouchers programs. He [said in July](#), "I feel very confident over the course of this appeal that the legislature's action will be found to be lawful and constitutional and then will continue to operate in Ohio into the future."

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Cirino said he's opposed to schools using the state's money to sue the state, and that lawmakers have "the power of the purse". But the group said schools have the right to sue when necessary, and the constitution requires the state to fund public schools adequately and equitably.

The case is now in Ohio's Tenth District Court of Appeals, after a Franklin County judge ruled the voucher program unconstitutional but said it could continue while the case goes on.

<https://www.stateneews.org/government-politics/2026-02-12/school-districts-blast-bill-that-would-withhold-state-funding-if-they-sue-ohio>