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The DeRolph School Funding Case Might Be a Dim Memory for the General Public and This Generation of School District Personnel, but It Is Still Relevant

Thirty-three years ago in 1988, the Coalition of Rural and Appalachian Schools (CORAS) was formed as a council of governments. CORAS, three years later, initiated another council of governments—the Ohio Coalition for Equity and Adequacy of School Funding (E&A Coalition)—for the purpose of challenging the constitutionality of the school funding system.

The E&A Coalition filed the DeRolph case on behalf of 5 plaintiff school districts in December 1991 in Perry County. Common Pleas Judge Linton Lewis ruled the system unconstitutional July 1, 1994. On four occasions (1997, 2000, 2001, and 2002), the Ohio Supreme Court upheld the Lewis decision. Concerned that incoming Court members in January 2003 might overturn the DeRolph decisions, the Court majority in the December 2002 decision released jurisdiction of the case; hence, it was left to future governors and legislatures to fix the system without judicial oversight.

The Court ruled that Ohio elementary and secondary schools are neither thorough nor efficient (as required by the Ohio Constitution) and ordered the legislature to fix the school funding formula and reduce emphasis on property tax in the formula. Although state officials have, over time, increased the percentage of the State General Revenue Fund budget allotted to K-12 education from 34.5% in FY1991 to over 40%, and arranged for the construction of over 1200 new school buildings, to this day, the requirements inherent in the Ohio Supreme Court decisions have not been accomplished. The current legislature had the opportunity to fix the system in the FY2022 and FY2023 biennial budget via the Cupp/Patterson Fair School Funding Plan, but the Ohio Senate dropped the ball. Maybe next state budget. (My yearning since 1958).

The state has diverted over \$20 billion from K-12 public school funds to charters and vouchers since the DeRolph decisions, while not correcting the components of the system the Court ruled unconstitutional. In fact, the diversion of the funds from the constitutionally-required system exacerbates the constitutional problem.

The challenge to the constitutionality of the EdChoice voucher program is in the fact that it precludes the state's capacity to accomplish its constitutional responsibility to secure and fund a thorough and efficient system of common schools.