

FUTURE

The Coalition's role in reforming school funding has never been more essential. State officials have demonstrated that they will not fix the system without untypical pressure.

The federal mandates imposed by the No Child Left Behind Act and the state pressure to substantially increase proficiency test scores have forced school districts to expand programs and services. The costs associated with these expansions along with the ongoing inflation, loss of local property tax valuation, increased health care, technology, utilities and insurance costs are driving many school districts into deficit spending and deficits. The Five-Year Financial Forecasts of Ohio school districts on file in the Ohio Department of Education (ODE), confirm the ill-fiscal health of the state school system. ODE has identified 243 school districts that have negative or weak cash fund balances. This is nearly double the number of districts identified the previous year (FY 2003).

The per pupil base cost support level was increased by 2.2 percent each of the current biennium (fiscal years 2004 and 2005). School expenditures are increasing at a much greater annual rate and thus the property tax will be assuming a greater share of the school funding responsibility. Whereas the state increased the share of the state budget allotted to public K-12 education from 34.5 percent in fiscal year 1992 to 39.3 percent in fiscal year 2003, the percentage dropped to 38.5 in fiscal year 2005. The Supreme Courts' release of jurisdiction of the *DeRolph* case diminished the pressure to fund public K-12 schools.

Ohio's system of school funding is unconstitutional. The case law of *DeRolph I* and *II* is in place. All that is needed is for the Supreme Court to enforce the decisions already on the books. It is outrageous that members of the Ohio Supreme Court refuse to protect the rights of school children to a thorough and efficient system. It is equally heinous that the Governor and legislators ignore the Court's order to completely overhaul the school funding system.

Since public officials are ignoring the rule of law, it is essential that the education community and all Ohioans become more engaged in public policy. Several actions can be taken to create a greater level of public awareness and thus a change in the direction of public policy for public K-12 education such as:

- Issuing report cards to the governor and legislators
- Holding statehouse rallies
- Adopting resolutions of support for a complete systematic overhaul of the school funding system
- Holding rallies on courthouse steps in each county
- Conducting district, county or area wide public information meetings
- Determining the position of Supreme Court and legislative candidates on school funding issues and supporting only those who commit to obeying the court order to give the school funding system a complete systematic overhaul
- Establishing "committees of correspondence" throughout the state to spread the truth about school funding to all Ohio citizens



Heading

The Ohio Coalition for
Equity and Adequacy of
School Funding

Past...

Present...

Future...

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PAST

The Coalition, organized as a council of governments, began operation in fiscal year 1991. Boards of education that join the Coalition, by resolution, authorize the Coalition to take any actions, including litigation, to challenge the constitutionality of the school funding system and any other actions necessary and appropriate to bring about an equitable and adequate school funding system.

The mission of the Coalition is to secure high quality educational opportunities for all students without diminishing the opportunities for students that currently reside in high capacity school districts. This mission is completely in accord with the thorough and efficient clause of the Ohio Constitution:

The General Assembly shall make such provisions, by taxation, or otherwise, as, with the income arising from the school trust fund, will secure a thorough and efficient system of common schools throughout the state; but no religious or other sect, or sects, shall ever have any exclusive right to, or control of, any part of the school funds of this state. Article VI, section 2

The Coalition challenged the constitutionality of the school funding system by filing the *DeRolph* case in December 1991. The suit claimed that the inadequate, inequitable and unjust system violates the "thorough and efficient" clause of the Ohio Constitution. The state vigorously defended the decadent system contending that it meets the constitutional requirement. Many key state officials still defend the system even though it has been ruled unconstitutional **four** times.

The *DeRolph* litigation has prompted numerous changes in state policy which in turn have accrued substantive benefits to public K-12 schools.

Subsequent to the 1997 *DeRolph I* decision, the state established the school facilities assistance program, which has already provided several billion state dollars for replacing and renovating dilapidated school facilities. On the operating side, the percentage of the state budget allocated to public K-12 schools increased from 34.5 percent when the case was filed in fiscal year 1992 to 39.3 percent in fiscal year 2003. But more important than the tangible benefits is the case law effectuated by the *DeRolph* decisions.

The Court decisions in *DeRolph* have established that "thorough and efficient", as stated in Article VI, section 2 of the Ohio Constitution, translates to the mandate for high quality educational opportunities for all. The *DeRolph* decisions also make clear that the state is responsible for securing the thorough and efficient system. Hence, the Court has decreed that all school children are entitled to high quality educational opportunities and the state is responsible for ensuring that such opportunities are available.

PRESENT

The Coalition has maintained a membership of more than 500 school districts during the past 10 years. Many key state officials have used various subtle and not-so-subtle means to persuade boards of education not to renew membership; however, generally speaking, boards have not been influenced by these elected officials. **The Coalition is alive and well.**

Although public K-12 education has gained financially via the *DeRolph* decisions, the case law of these decisions has been largely ignored by the Governor and legislature. *DeRolph I* and *II* require the state to secure not just a system of education but a thorough and efficient system. The meaning of "thorough and efficient", as set forth in these decisions, is that of a high quality system. Further, the state is responsible for creating and maintaining the system. The Syllabus of *DeRolph II* states, " 'The attainment of efficiency and thoroughness in that system' of common schools is 'expressly made a purpose, not local, not municipal, but statewide.' "

The Governor's budget recommendations for the fiscal years 2004 and 2005 biennium, did not address the Court's order to give the school funding system a complete systematic overhaul. Instead, the Governor recommended the appointment of a blue ribbon commission to propose the distribution of a set amount of money to the various K-12 education special purpose and subsidy line items for fiscal year 2005. The legislature approved the commission but made the fiscal distribution for both fiscal years.

Since the philosophical makeup of the Supreme Court was changed by the November 2002 election, legislators assumed (rightly so) that the "complete systematic overhaul" can be ignored, and it is!

In March 2003, the Coalition filed a motion requesting the Perry County Common Pleas Court to set up a compliance conference to extract from state officials their plans for overhauling the funding system in accordance with the *DeRolph* decisions. The Attorney General, representing the state, immediately filed a writ of prohibition with the Ohio Supreme Court, which was granted by the Court on May 16, 2003. The Court ruled that no Ohio court has further jurisdiction in the *DeRolph* case. The Coalition then filed a petition for writ of certiorari with the U.S. Supreme Court but the petition was denied without comment.

Hence, at this time, in the context of the current membership of the Ohio Supreme Court, Ohio operates an unconstitutional public K-12 school system (ruled four times to be unconstitutional) but the Court refuses to enforce a remedy. The state has been given no time line to fix the system and no sanctions if the system remains unconstitutional.

The Court has declared the right of students to a thorough and efficient system but will not enforce that right. The rule of law is being trampled underfoot. This is a violation of due process and equal protection of law.