

Fixing funding in Ohio:

DeRolph vs. State of Ohio to House Bill 1

STORY BY MIKE HARDEN

photos by Tim Revell

Nathan and Dale DeRolph, co-plaintiffs in the landmark school funding case *DeRolph vs. State of Ohio*, make a return visit to Nathan's alma mater, Sheridan High School in Perry County.

Nathan DeRolph was a 15-year-old freshman at Perry County's Sheridan High School when he was compelled to take an American History exam standing up because his classroom lacked sufficient desks to accommodate its students.

"I looked around and said, 'What is wrong with this equation?'" DeRolph noted recently. "There were three trash cans in the classroom to collect water because the roof was leaking." Just not enough chairs.

DeRolph's grievance became one of the linchpin arguments in a 1991 lawsuit contending that Ohio had failed to live up to the mandate in its own state constitution to provide a "thorough and efficient" educational system for all of its students.

Children yet unborn when *DeRolph vs. State of Ohio* was filed have now completed high school, though even as they stepped forward to receive their diplomas the state remained torn by rancor and divisiveness over the struggle to find an equitable and efficient method of funding public education in Ohio.

In the 18 years since the lawsuit was filed, the Ohio Supreme Court ruled four times that the method the state utilizes to fund its schools—with its over-reliance on property taxes—is unconstitutional.

Perhaps no family more than the DeRolphs can truly understand the acrimony that arose over the vast spread of years in trying to find a fair and balanced way to fund public education.

Nathan's father Dale, a co-plaintiff in the suit, says today, "I was a little naïve in my thinking. I thought we were going to file this lawsuit, the court could decide it, and it would be over with. I never gave any thought to the possibility that it would become as protracted and drawn out as it did."

I think my dad and I were both naïve in thinking that once the case was heard—if they ruled in our favor—the state would have to do something. Personally, I think that was when I really got discouraged and frustrated with the political side of school funding. To me, school funding has never been about politics. It has always been about right or wrong. I couldn't fathom how the highest court in Ohio could order something to be done and be ignored four times. If anyone else in Ohio were to ignore the Supreme Court, they'd probably be in jail.

NATHAN DEROLPH



A rudimentary primer on the school funding issue in Ohio bears witness to the manner in which school funding became, intractably, part of the state's budget process and, as well, a political hot potato. In 1933, the year Franklin Delano Roosevelt was inaugurated for his first term in the White House, Ohio made a decision to fund public schools through what it called the school foundation formula. Not unlike methods incorporated by other states, it showed a heavy reliance on property taxes.

Across the broad sweep of threescore years, few members of the Ohio General Assembly were inclined to have their names and their political fortunes associated with a serious attempt to overhaul state funding methods. Thus, by *fait accompli*, the state's formula for

funding public education sank into a deepening morass of imbalance and inefficiency.

The wheels of justice turned exceedingly slow in confronting the problem head on. It is not as though the plaintiffs, more than 500 of Ohio's 600-plus school districts, representing the Ohio Coalition for Equity & Adequacy in School Funding, lacked sufficient evidence to make its case. The missing chair for Nathan DeRolph was simply one example. In an attempt to provide a broad cross-section of the glaring inequities caused by funding woes across the board in Ohio—rural to urban, poor to middle-income.

Nicholas Pitner, the lead attorney on behalf of the Ohio Coalition, explained, "What evolved was the process of identifying school

districts that could portray the extremes of problems and individuals and who could articulate the suffering they were enduring. We had 100-year-old school buildings. We had underfunding of programs that hurt property-poor districts. The inequities in Ohio were deeper than in many other states.

"Dale and Nathan DeRolph were part of the case because they had a very compelling story to tell and they were brave enough to stand up and tell it. There were other school districts listed as plaintiffs—Lima City, Youngstown, Southern. In all, there were actually five district plaintiffs. We wanted to be able to present a cross-section of urban decay. It was a far bigger picture than simply Nathan DeRolph not having a chair to sit in."

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Pitner recalled listening to a young teacher from an urban district recite the litany of problems faced by the children she was trying to teach. “She said the children in her class had never been outside the city, never been to the zoo, never been to a shopping mall. There were no books in their homes. Many of those kids were starting school, on the average, a year behind and the distance kept getting larger. In part, obviously, some of those issues went beyond the school, but there were things that the school just couldn’t offer.”

When Pitner visited the schools of Perry County, in whose court the case would first be heard, he discovered what could only be described as a wading pool in a school hallway, the result of an antiquated roof so porous that it created an area students had to step around going to and from classes.

“We visited one of the chemistry labs,” Pitner said of Perry County, “and the encyclopedia was dated 1957.” Nathan DeRolph’s high-school science text was dated 1976, the year of his birth.

In the first phase of the lawsuit, the case was brought before Perry County Common Pleas Judge Linton Lewis, Jr. The ensuing trial, heard in the autumn of 1993, lasted one month, called more than 70 witnesses and introduced more than 500 exhibits.

Both Nathan DeRolph and father Dale, whose names topped the list of co-plaintiffs recall the month-long ordeal being an eye-opening experience for both of them. Part of the case involved traveling to other sections of Ohio not only to visit other sites that were part of the lawsuit, but to get a look at a few of schools that were the cream of Ohio’s public education system.

Nathan said, “I can remember going into these new gleaming white classrooms, and then you’d go to another school where the lights didn’t even work in the classroom.”

In one school’s gymnasium, basketballs would commonly strike the old sheathed piping overhead, releasing small clouds of asbestos onto the players below.

To the DeRolphs, it was difficult to conceive how any sitting judge could look at the overwhelming evidence gathered throughout Ohio and not see a vast disparity and imbalance in how the state funds its schools.

Next month: *Ohio Schools* will take a look at the ruling by Perry County Common Pleas Judge Linton Lewis, Jr. and subsequent rulings by the Ohio Supreme Court.



Scene from Perry County: The former Sheridan High School is now used as administrative offices for the school district.