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15 years — no school-funding fix

Property-tax base ruled unconstitutional, but no one has a better way

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By [Jim Siegel](#) & [Joe Vardon](#)

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Fifteen years have passed since the Ohio Supreme Court first ruled that the state's system of funding schools is unconstitutional, and Ohio is again waiting for a governor to roll out a new formula touted as bold and transformative.

On March 24, 1997, Justice Francis E. Sweeney wrote for the 4-3 majority: "By our decision today, we send a clear message to lawmakers: The time has come to fix the system. Let there be no misunderstanding. Ohio's public school-financing scheme must undergo a complete systematic overhaul."

Some continue to argue that the state's school-funding system remains unconstitutional, but the Supreme Court has not ruled on the matter since **the court handed down its fourth decision against the state in December 2002**, when the majority also surrendered jurisdiction of what became known as the "DeRolph" case, after the parent who filed it.

"Enough is enough," Rick Bannister said after watching his Westerville community endure a bitter fight this year over the most recent operating levy, an emergency measure that passed by 2 p percentage points under the threat of 200 job cuts and the loss of extra-curricular activities,

"There has been a 15-year absence to a solution to this problem. It's time for action," said Bannister, chairman of Our Community Our Schools in Westerville, which pushed for the levy.

The most recent campaign, which followed a 22-point defeat of a levy last fall in Ohio's 11th largest district, grew bitter with threats of business boycotts, charges of falsification and accusations about theft of campaign signs, including some that were burned.

Nearly 800 people signed the group's online letter asking Gov. John Kasich, who lives in the Westerville district, to meet with parents, school officials and the local chamber of commerce to talk about school funding. The meeting with top Kasich staffers is set for April 4.

"We really just want to tell our story, because Westerville is not unlike many communities around the state," Bannister said. "We're all well-meaning people who are trying to do the right things, but there needs to be a plan that addresses DeRolph and helps local school districts."

Kasich says to expect his school-funding plan next year. While it's designed to move more dollars into the classroom, he predicts it won't make everyone happy.

"The only way everybody would be happy is if there's universal funding from the state, and that's not going to happen," Kasich told *The Dispatch*. "There's no magic bullet here. There's never been a magic bullet. You've got federal funding, you've got state funding and you've got local dollars.

"If you have more wealth, you're not going to get as much money as the poorer districts. ... It's never a win-win."

Kasich said he also will urge all school districts to be better managers and administrators when necessary.

Bannister said the wealth factor is part of the problem. "The state's formula really penalizes districts unfairly if they're deemed to be a wealthy district," he said, noting that Westerville is considered wealthy although nearly one-third of its students get free or reduced-price lunches, up from 10 percent in 2001.

Kasich is the latest governor to jump into the complex school-funding arena since the original DeRolph decision.

Gov. George V. Voinovich had the “successful schools” model, which tried to base funding levels on what the state’s top-performing schools were spending.

Gov. Bob Taft had the “building blocks” model, designed to be based on program needs, not student outcomes.

Gov. Ted Strickland had the “evidence-based” model, which sought to calculate costs of individual components needed for a successful education. Kasich scrapped Strickland’s plan.

“I felt like we had given Ohio a structural, constitutional approach to school funding,” Strickland said. “As it was phased in, we would’ve met the demands of the Supreme Court.”

Strickland said it appears that Kasich’s approach is not constitutional, but he’s willing to give him time to work it out and comply with the court ruling. “If they do, I’ll congratulate them for a job well-done.

“I never tried to pretend it was easy, but I don’t think the difficulty absolves the political leaders from their obligation to get it done,” Strickland said. “When you look at a state like Ohio that is so diverse, regionally, economically and in every way, to have the reliance on property taxes that we have, it inevitably leads to inequity.”

Critics argue that state leaders never made the “systematic overhaul” called for in the 1997 decision. Property taxes and property values are still key components of school funding, though some say that, for many districts, particularly low-income schools, the reliance has lessened.

“I don’t think you ever get away from property taxes,” said Senate President Tom Niehaus, R-New Richmond, noting that it’s the most predictable tax-revenue source.

“I don’t believe that more money is the answer,” he added, pointing to a poor school in his district that does very well. “You can’t do it without any money, but it isn’t the complete answer.”

With the state’s financial difficulties, schools have largely been without a funding formula since 2009. Money essentially has been based on what a district got the previous year. Most districts have had funding cuts during that time, including the \$780 million slashed in the current two-year budget.

David Varda, executive director of the Ohio Association of School Business Officials, said that after 15 years of watching school-funding changes, he hopes leaders have learned that it’s time to create different formulas for different types of districts.

“Maybe part of the problem is we try to stick everything that everybody needs into one formula,” Varda said. “I’m also hopeful that we can get a structure that will be around for a while and we can debate it ... as governors change.”

The state’s setup still does not fund an Appalachian school district as well as a suburban Columbus district, he said. **The formula today lacks constitutionality** “if the intent of the court, as I understood it, was to make sure that everyone has the same opportunity no matter where they are.”

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WEEKLY ADS



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2 Days Left

COMMENTS

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THOUGHTFUL INDABURBS (GEOCAM)

Teacher pay and benefits are so far ahead of what the rest of us can get in the private sector that voters aren't going to be approving any more school levies. In the real world, people pay thousands per year for their family's health insurance if they even have it. Public employee unions think they can tax Upper Arlington for millions to give to Portsmouth city schools. All solutions from the OEA involve taxes, more taxes and even higher taxes. flag

2012-03-25 08:58:55.0

RICHARD DAWKINS (TROLLTWEAKER)

Seriously, does anyone really think that a right-wing, pro-charter, pro-voucher Creationist like Kasich is going to fix Ohio's school funding problems? Are you kidding me? His donors are for-profit charters.... flag

2012-03-25 11:39:52.0

D MONKEYMAN (DUCKMONKEYMAN)

@GEOCAM. Just more anti-teacher rhetoric regurgitated from right winged talk shows. Teachers start at \$33,000 per year average \$53,000 per year. Are you comparing to other professionals? If so, you'd find the health plans similar or worse for most teachers. Besides, if teaching is so great, get off your *** and become one. flag

2012-03-25 11:59:38.0

IVA CHANCE (IHAVEHADIT)

Thanks Monkeyman and Richard Dawkins. flag

2012-03-25 12:08:11.0

BUCK NUTS (BUCKNUTS)

Well said Monkey. Sick of tired of media, parents, government all blaming teachers. Teachers have to put up with spoiled non-compliant children all day and for what? So they can listen to people say how bad of a job they are doing? Find me another profession that REQUIRES a masters that makes what teachers make....oh, you can't! I will say that it is about time they tackle the real issues in Ohio which is FUNDING SCHOOLS! KASUCK is the one requiring more levies because he has taken away funding. He won't step up and tackle the real issue because he's only worried about lining his own pockets and talking down to teachers. Where are the jobs he promised????? flag

2012-03-25 12:42:22.0

JOHNNIE RESIDENT (CMH.RESIDENT)

A republican court ruled it unconstitutional, and republicans controlling the statehouse for 15 years did absolutely nothing. Except cut millions more from schools (read the dispatch today - see what columbus schools are facing). These bums need to be voted out of office. They do not care about education or the future of this state. Just themselves, their donors, and the intraparty fight over control of the ORP. Disgraceful. Long overdue time for a change. Republicans have proven year in and year out that they cannot lead. flag

2012-03-25 12:42:35.0

WHO CARES (REPUBNOMORE)

Thoughtful or should I say Thoughtless...Teachers are not the problem. They are paid less than counterparts in public with equal education and experience. Fact. Kasich will implement a plan to insure that anyone with a brain will never get into education. Why spend 100,000 on an education to get treated like a criminal by the GOP and people like THOUGHTFUL and then have you pay based on students who may or may not try or even come to school. Every GOP person wants to treat education like a business until it comes to compensation, then they realize that educators are just a bunch of women and everyone knows that they don't deserve to make as much as men. By the time people realize the long term damage that Kasich has done, he will be long gone like he was when people realized what he did at lehman bros flag

2012-03-25 12:45:27.0

NOT GIVEN (NOTGVN)

OK THOUGHTLESS INDABURBS you go right on beating that dead horse and see if it gets up and runs. Unlikely. Take the modifiers out of your comment and it reads: Teachers are the problem with education. Your envy does not serve your argument, such as it is. You might stop thinking like a deadbeat freeloader, see if that helps.

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2012-03-25 13:08:53.0

SEAN O'BRIEN (GALENABUCKEYE)

It's not about the salaries. It is about total compensation which includes benefits that extend far beyond simply healthcare. Tell the complete story as opposed to just hurling insults. This would be a good place to start, <http://dispatch.com/content/downloads/2011/09/BRT-Public-Sector-Comp-Study.pdf>

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2012-03-25 13:48:31.0

KEVIN INGLEDUE (JUSTKDUE)

First and foremost, solve the union problem that has plagued the schools for decades, and a huge part of the problem is solved - plain and simple, despite the protests from a few loud drones that are blinded by the union mentality. Consolidate where practical - we don't need 600+ fiefdoms duplicating costs and compete for the same dollars - 88 county districts would be too drastic, but Ohio could easily cut administrative expenses in half, improving efficiencies where practical, and reducing the number to around 300-400 as a start. Finally, find a way to get the politics out of the schools - people like Bannister drive a nail into the heart of a community as his band just did in Westerville, and then try to blame those who are for fiscal responsibility - his people are for nothing but feeding the union beast and attacking anyone who doesn't fall in line - there is no room for this kind of politics if we are truly interested in an "education system" that is FOR THE KIDS.

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2012-03-25 13:53:55.0

FREDERICK SHEEMAN (FREELoader)

Perhaps we should just throw out this whole outmoded and unbalanced tax system and start over. While we're at it, lock out the lobbyists and the special interests in the interest of helping and hurting everybody equally. The money spent on the levy votes and defending the school districts' positions is money wasted. By building a new and well thought out tax system for the entire state would make more sense. Perhaps it could be a model for the entire country - including the Federal government.

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2012-03-25 15:21:11.0

PETER MYER (LAKERAT)

I remember well when the Court issued its' ruling, and Voinovich and the other repugs in the legislature all said they would not follow the Court's order, with The Dispatch cheerleading and joining in. It was, and remains, disgusting. If the Dems had done something similar, the Dispatch would have screamed bloody murder, and- rightfully-called for their impeachment. It kills me when the 'lawn order' types don't like the order, and how 'activist judges' are only those on the side of the little guy. The Repugs won't do anything for anyone unless someone on their bench is getting money- just look at the gambling issue- shot down 4x until a top GOP lobbyist was hired. Amazing how something so terrible is suddenly 'just fine'. Charters have run their money course, so the Repugs will now start to back off, after White Hat collected a billion. Yes, teacher-beaters- it's those greedy folks making peanuts, putting in long hours, buying their students supplies, etc. that are the "problem"- not the raiding of the treasury for Charters, nor massive cuts to local government, nor the bankrupting of the pensions by Kasich and his buddies at Lehman, and cohorts at Enron and friends like Tom Noe. Keep blowing smoke- keep tax cuts for the rich and blame the little guy- sooner or later, without the interference of the Dispatch, the truth will be known, and your days in power will be numbered. The Dispatch? They quietly bought every single piece of print media in Central Ohio last fall (what anti-trust?) so you'll never see a negative word about them, right Doonesbury?

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2012-03-25 16:42:33.0

BRADLEY HOWARD (BRADLEY)

The problem will NEVER be solved. Idiotic people with too much money that think they know better hold up the process by filing lawsuit after lawsuit. Let's see what it looks like in another 15 years.

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2012-03-25 17:59:59.0

WILLIAM GRIFFITH (WSG)

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A couple facts up front - 1) Spending on public education has outpaced inflation for decades. 2) There is now and never will be enough money to achieve equality of OUTCOME in all Ohio public school districts - which is what the Ohio Supreme Court apparently wanted. AS evidenced by the State Issue 2/ SB 5 'debate', election and outcome the resolution of this issue is NOT close. In other states where this fight has occurred the outcomes were decades in the making so Ohio is not unique. Accountability meaning student achievement and verified quality educational outcomes - are things the OEA will fight tooth and claw to AVOID. Look at the demonization of the OGT and anyone who portrays students as 'product' as say in the private sector. As mentioned see SB 5 and Issue 2. The Columbus EA is a prime example of job security over performance - take a look at the discipline files.

2012-03-25 18:33:41.0

THE LIVES (LIVES7)

Strickland did NOTHING but drive Ohio into an 8 BILLION dollar deficit by HIS own estimates and sunk the Ohio economy on the way. Strickland needs to simply be quiet. Enough with this old codgers rambling nonsense.

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2012-03-25 18:54:24.0

MARK BELLAMY (SUBVET724)

Per-pupil inflation adjusted spending money has tripled in the past 30 years. Yet test scores remain flat. So more money is not the solution. How the money is spent is the problem. All students should be given vouchers and given an opportunity to leave their monopoly school. Money will flow to the good schools. The poor performing then need to be given the tools to improve their school. This means firing bad teachers and rewarding good teachers. Give principals the ability to create really good schools that will attract voucher money and a quality education will follow.

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2012-03-25 19:06:59.0

MIKE SMITH (MERBRICKY)

And isn't it curious that the answer to the unconstitutional nature of school funding that the Republican controlled Legislature came up with and shot through the State House like a bullet only served to remove Davis Bacon protections from school construction. SB102 set up the School Facilities Commission which is nothing more than a political hack committee. It is totally political, serves no real function, and just adds to the cost of government. B102 was passed on strictly party lines. I saw it with my own eyes and learned on that very day who was looking out for the working people and who wasn't. Sadly, many of those who orchestrated that farce are still there. And the unconstitutional nature of this state's school funding STILL isn't fixed. The only thing they did, was once again, beat down the working person. The beatings shall continue until such time that moral improves.

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2012-03-26 04:55:24.0

CHRIS COLUMBUS (COLUMBUS)

Here's part of the problem--too many school districts. For example, Washington County, Ohio: Population (2010 Census)-- 61,778. This county has 6 school districts. Imagine 6 school superintendents with a host of admin officials. Levies don't pass in this part of Ohio.

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2012-03-26 07:00:59.0

PHIL FURROW (FURROWP)

Strickland wanted to use conversion levies, where revenue would rise with property valuations. But that method still has school districts relying on property taxes. How does other states fund public schools? Maybe we should look at those models or methods.

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2012-03-26 09:11:22.0

CASTIN STONE (DAILYREADER)

There are multiple problems with the funding of, and the spending by, the school systems. The number of teachers/staff in our schools has vastly out paced the growth in students. In fact, student growth has been basically flat for 20 years yet staff has grown by over 30%. Teacher salaries get bashed but generally using false data, by both sides. Every district is different - in my district (Hilliard) the average salary is pushing \$70,000 with 15% co-pay of health insurance, 0 on vision and dental. The average salary upon retirement is close to \$90,000. Add the 14% that the taxpayers contribute to STRS. State law does NOT require a Masters, that is up to the district. And the starting salary of \$33,000 does NOT require a Masters. These are "facts", not some spin I heard on the news, and they can all be verified. If you don't want to start your profession for \$33,000, then don't become a teacher. Take a job in the private sector, but remember, you will work until you are 67, and your "pension" will max out at the current \$24,000 cap for SS, not 80% of your 3 best years. This is reality, not bashing. It comes down to what the district can afford, not what the unions can

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extract from school boards. Yes, the funding method needs changed, but expenses have to be based on revenue - you can't keep coming back to the taxpayers every 3 years for more when so many of the taxpayers are barely squeaking by. And the party bashing is ridiculous - both parties have ignored the problem, and both share the blame.

2012-03-26 10:22:46.0