Toledo Blade

Article published December 15, 2002

The 'Gang of 4' flames out

It's somehow appropriate that the Ohio Supreme Court has failed to resolve this state's long-standing school-funding controversy. As we have said from the start, the court should never have taken the *DeRolph* case to begin with.

That's because the ultimate responsibility for deciding how much money the state spends on primary and secondary education, and how it is spent, lies with the General Assembly, not with that meddlesome majority of the high court we refer to as the "Gang of Four."

Ohio's educational establishment, including the voracious teachers' unions, has an insatiable thirst for taxpayer dollars, something no court could ever quench.

DeRolph IV, the court's latest attempt since 1997 at solving the school-funding question, doesn't change that basic reality. Furthermore, it provides the plaintiffs in the case, the Coalition for Equity and Adequacy of School Funding, with little or nothing in the way of legal issues for continued appeals.

The newly constituted court that will ascend to the bench in January is not going to force the legislature to raise taxes for schools. The Nov. 5 election, in which voters replaced retiring Gang of 4 ringleader Andy Douglas with Maureen O'Connor, settled that.

Justice Paul Pfeifer, writing for the majority in this week's decision, declared that a "systematic overhaul" of school funding by the legislature is what is needed, "not further nibbling around the edges."

But, as Gov. Bob Taft points out, the state has boosted school operating funds by 81 percent in the past decade, and has appropriated $1.9 billion for building construction and repair in just the past 21/2 years. Those are enormous sums of money and can hardly be termed "nibbling."

All told, the *DeRolph* case has been a long, wasteful, and shameful example of a court usurping the legislative authority of the General Assembly. Twice before, the court ruled the state's school-funding formula unconstitutional. The third time up, the court reversed itself, saying the school formula might be constitutional if the state put more money into it.

So the state put more money into it. But we're no closer to closure than we were after the *DeRolph* suit was first filed in Perry County 11 years ago.

The latest majority opinion may carry Paul Pfeifer's name, but Andy Douglas'

political fingerprints are all over it. Typical of the Toledo justice's penchant for having it both ways, Justice Douglas basically agreed with Chief Justice Tom Moyer, one of the three justices in the minority, who said more money was the answer. But, without four votes for that view, Justice Douglas cast his vote with the Gang of 4 regulars.

If he wanted the school funding issue resolved before he leaves office, he had the opportunity to make it happen, and he muffed it again.

Despite the confusion, Governor Taft may well be correct in his appraisal that *DeRolph* has now run its course. Ohioans elected Ms. O'Connor and re-elected Justice Evelyn Stratton in November because they are weary of this roller coaster ride.

Now the legislature must begin to restore some sanity to school funding, remembering that no amount of money will solve many of the fundamental problems that plague our educational system. Lack of parental involvement is a prime example. Like school funding, there are some problems that can never be solved by the courts.

Once again, the Gang of Four and their meddler-in-chief, Andy Douglas, have done Ohio no favors.

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