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**The Supreme Court of Ohio**

**Case Docket**

**Dale R. DeRolph et al. v. State of Ohio et al.**

Case Information

Number

1995-2066

Type

Discretionary Appeal (Non-felony)

Date Filed

10/10/1995

Status

Disposed

Prior Jurisdiction

Perry County, 5th District Court of Appeals

Prior Decision Date

08/30/1995

Prior Case Numbers

CA477

Parties

Amicus Curiae on behalf of Appellant not Identified; Amicus Curiae on behalf of Appellant

*Represented by:*

American Civil Liberties Union of Ohio; Amicus Curiae on behalf of Appellant

*Represented by:*

Englund, Joan Marie (40814)

Cleveland Teachers Union; Amicus Curiae on behalf of Appellant

*Represented by:*

Ciocia, James Anthony (15993)

Coalition of Rural and Appalachian Schools; Amicus Curiae on behalf of Appellant

*Represented by:*

Timmins Jr., Patrick Farrell (24432)

Ohio Association of Elementary School Administrators; Amicus Curiae on behalf of Appellant

*Represented by:*

Hawk, Morris Lloyd (65495), Counsel of Record

Roloff, David Edwin (38241)

Buckeye Association of School Administrators; Amicus Curiae on behalf of Appellant

*Represented by:*

Carey, Kimball H. (23303)

Ohio School Boards Association; Amicus Curiae on behalf of Appellant

*Represented by:*

Carey, Kimball H. (23303)

Ohio Association of School Business Officials; Amicus Curiae on behalf of Appellant

*Represented by:*

Carey, Kimball H. (23303)

Ohio Association of Public School Employees (OAPSE); Amicus Curiae on behalf of Appellant

*Represented by:*

Walter, Robert John (9491), Counsel of Record

Drabick Jr., Thomas Charles (62774)

AFSCME Local 4; Amicus Curiae on behalf of Appellant

*Represented by:*

Walter, Robert John (9491), Counsel of Record

Drabick Jr., Thomas Charles (62774)

AFL-CIO; Amicus Curiae on behalf of Appellant

*Represented by:*

Walter, Robert John (9491)

Ohio Association of Secondary School Administrators; Amicus Curiae on behalf of Appellant

*Represented by:*

Hawk, Morris Lloyd (65495), Counsel of Record

Roloff, David Edwin (38241)

Ohio Legal Rights Service & The Ohio Coalition for the Educ; Amicus Curiae on behalf of Appellant

*Represented by:*

Tobin, Susan Gail (21725)

Coalition for School Funding Reform et al.; Amicus Curiae on behalf of Appellant

*Represented by:*

Taft, Frederick Irving (9129)

Ohio AFL-CIO; Amicus Curiae on behalf of Appellant

*Represented by:*

Jaffy, Marc Jerold (46722), Counsel of Record

Jaffy, Stewart Ralph (11377)

Ohio Professional Staff Union; Amicus Curiae on behalf of Appellant

*Represented by:*

Shoemaker, Kevin Lee (17094)

Institute for Democracy in Eduction; Amicus Curiae on behalf of Appellant

*Represented by:*

Goldberger, David Alan (10292)

The Ohio Federation of Teachers; Amicus Curiae on behalf of Appellant

*Represented by:*

Bella, Johna Marie (34567), Counsel of Record

Schnorf, David Marshall (33557)

Mary Abel et al.; Amicus Curiae on behalf of Appellant

*Represented by:*

Long, Jan Michael (22839), Counsel of Record

Espy, Bennie Eugene (2558)

Amicus Curiae on behalf of Appellee not Identified; Amicus Curiae on behalf of Appellee

*Represented by:*

Stanley J. Aronoff; Amicus Curiae on behalf of Appellee

*Represented by:*

Goodman, Norton Victor (4912)

JoAnn Davidson; Amicus Curiae on behalf of Appellee

*Represented by:*

Goodman, Norton Victor (4912)

George Voinovich; Amicus Curiae on behalf of Appellee

*Represented by:*

Chester, John Jonas (21956), Counsel of Record

Brey, Donald Carl (21965)

The Alliance for Adequate School Funding; Amicus Curiae on behalf of Appellee

*Represented by:*

Whatley, Frederick William (10988), Counsel of Record

Betts, James Edward (10960)

Appellant not identified; Appellant

*Represented by:*

Dale R. Derolph; Appellant

*Represented by:*

Pittner, Nicholas Andrew (23159), Counsel of Record

Birath Jr., John Floyd (22024)

Greenberger, Susan Beale (10154)

Smith, Michael David (59870)

Yount, Sue Wyskiver (34514)

Randy Miskell; Appellant

*Represented by:*

Pittner, Nicholas Andrew (23159)

Northern Local School District Board of Education; Appellant

*Represented by:*

Pittner, Nicholas Andrew (23159)

J. Kenneth Miller; Appellant

*Represented by:*

Pittner, Nicholas Andrew (23159)

Jack Porter; Appellant

*Represented by:*

Pittner, Nicholas Andrew (23159)

Keely Thompson; Appellant

*Represented by:*

Pittner, Nicholas Andrew (23159)

Joseph Winnenberg; Appellant

*Represented by:*

Pittner, Nicholas Andrew (23159)

Southern Local School District Board of Education; Appellant

*Represented by:*

Pittner, Nicholas Andrew (23159)

Louis Altier; Appellant

*Represented by:*

Pittner, Nicholas Andrew (23159)

Mark North; Appellant

*Represented by:*

Pittner, Nicholas Andrew (23159)

Donna Blankenship; Appellant

*Represented by:*

Pittner, Nicholas Andrew (23159)

Mark Semanco; Appellant

*Represented by:*

Pittner, Nicholas Andrew (23159)

Dawson-Bryant Local School District Board of Education; Appellant

*Represented by:*

Pittner, Nicholas Andrew (23159)

Carl Swartzwelder; Appellant

*Represented by:*

Pittner, Nicholas Andrew (23159)

Don Washburn; Appellant

*Represented by:*

Pittner, Nicholas Andrew (23159)

David Bowers; Appellant

*Represented by:*

Pittner, Nicholas Andrew (23159)

Jon Carver; Appellant

*Represented by:*

Pittner, Nicholas Andrew (23159)

Lima City School District Board of Education; Appellant

*Represented by:*

Pittner, Nicholas Andrew (23159)

James Eaton; Appellant

*Represented by:*

Pittner, Nicholas Andrew (23159)

Charles Buroker; Appellant

*Represented by:*

Pittner, Nicholas Andrew (23159)

Marion Gary Southers Jr.; Appellant

*Represented by:*

Pittner, Nicholas Andrew (23159)

Robert Rios; Appellant

*Represented by:*

Pittner, Nicholas Andrew (23159)

Youngstown City School District Board of Education; Appellant

*Represented by:*

Pittner, Nicholas Andrew (23159)

Socrates Kolitsos; Appellant

*Represented by:*

Pittner, Nicholas Andrew (23159)

Joseph Conley; Appellant

*Represented by:*

Pittner, Nicholas Andrew (23159)

Appellee not identified; Appellee

*Represented by:*

State Board of Education of Ohio; Appellee

*Represented by:*

McAlister, Robert Beaton (23108), Counsel of Record

McNellie, Elizabeth Anne (46534)

State of Ohio; Appellee

*Represented by:*

Sutton, Jeffrey Stuart (51226), Counsel of Record

Culley, Christopher Michael (22870)

Montgomery, Betty Dee (7102)

John Goff; Appellee

*Represented by:*

VanderLaan, Mark Alan (13297), Counsel of Record

Mattes, William Michael (40465)

Mullen, David Kevin (46857)

Taylor, Joel Sanford (19572)

Ohio Department of Education; Appellee

*Represented by:*

VanderLaan, Mark Alan (13297), Counsel of Record

Culley, Christopher Michael (22870)

Mattes, William Michael (40465)

Montgomery, Betty Dee (7102)

Mullen, David Kevin (46857)

Taylor, Joel Sanford (19572)

Non-Party not identified; Non-Party

*Represented by:*

Christopher Thompson; Non-Party

*Represented by:*

Jami Blankenship; Non-Party

*Represented by:*

Andrew Bowers; Non-Party

*Represented by:*

Christopher Bowers; Non-Party

*Represented by:*

Sherri Southers; Non-Party

*Represented by:*

Brian Southers; Non-Party

*Represented by:*

Docket

| **Date Filed** | **Description** | **Filed By** |
| --- | --- | --- |
| 10/10/1995 | Notice of appeal of Dale R. Derolph et al. | Appellant |
| 10/10/1995 | Memorandum in support of jurisdiction | Appellant |
| 10/10/1995 | Motion for leave to file brief amicus curiae (memorandum in support of jurisdiction) of American Civil Liberties Union | Amicus Curiae on behalf of Appellant |
| 10/10/1995 | Memorandum of amicus curiae American Civil Liberities of Ohio Foundation, Inc. | Amicus Curiae on behalf of Appellant |
| 10/10/1995 | Memorandum of amicus curiae Cleveland Teachers Union | Amicus Curiae on behalf of Appellant |
| 10/10/1995 | Memorandum of amicus curiae Coalition of Rural and Appalachian Schools | Amicus Curiae on behalf of Appellant |
| 10/10/1995 | Memorandum of amicus curiae Ohio Assn. of Elementary School Admn. & Ohio Assn. of Secondary School Administrators | Amicus Curiae on behalf of Appellant |
| 10/10/1995 | Memorandum of amicus curiae Buckeye Assn. of School Admn., Ohio School Bds Assn. & Ohio Assn. of School Business Off. | Amicus Curiae on behalf of Appellant |
| 10/10/1995 | Memorandum of amicus curiae Ohio Assn. of Public School Employees (OAPSE)/AFSCME Local 4, Afl-CIO | Amicus Curiae on behalf of Appellant |
| 10/11/1995 | Copy of notice of appeal sent to clerk of court of appeals |  |
| 10/13/1995 | Notice of designation of parties | Appellant |
| 11/07/1995 | Memorandum in response | Appellee |
| 11/07/1995 | Designation of counsel of record by Robert B. McAlister | Appellee |
| 01/17/1996 | Upon consideration of jurisdictional question |  |
|  | **01/17/96 Appeal allowed** |  |
| 01/17/1996 | Order to clerk of court/custodian to certify record |  |
| 01/29/1996 | Motion to exceed page limitation | Appellant |
|  | **03/06/96 Granted; page limit is increased from fifty to seventy-five pages** |  |
| 01/31/1996 | Record (14 boxes) |  |
| 01/31/1996 | Clerk's notice of filing of record |  |
| 02/05/1996 | Memo opposing motion to exceed page limitation | Appellee |
| 02/07/1996 | Motion to expedite motion for waiver of page limitations | Appellant |
|  | **02/08/96 Denied** |  |
| 02/08/1996 | Entry: Any supplement to the briefs or second supplement filed in this case shall be accompanied by ONLY 2 COPIES |  |
| 03/11/1996 | Brief of amicus curiae by Ohio Legal Rights Service and The Ohio Coalition for the Education of Children w/Disabilities | Amicus Curiae on behalf of Appellant |
| 03/11/1996 | Appellant's merit brief | Appellant |
| 03/11/1996 | Appendix; 2 volumes | Appellant |
| 03/11/1996 | Joint supplement to briefs; Volumes I-V (video cassette with volume 3) | Appellant |
| 03/11/1996 | Brief of amicus curiae by Coalition for Funding Reform | Amicus Curiae on behalf of Appellant |
| 03/11/1996 | Brief of amicus curiae by Cleveland Teachers Union | Amicus Curiae on behalf of Appellant |
| 03/11/1996 | Brief of amicus curiae by Ohio Association of Public School Employees | Amicus Curiae on behalf of Appellant |
| 03/11/1996 | Brief of amicus curiae by The Institute for Democracy in Education | Amicus Curiae on behalf of Appellant |
| 03/11/1996 | Brief of amicus curiae by American Civil Liberties Union of Ohio Foundation, Inc. | Amicus Curiae on behalf of Appellant |
| 03/11/1996 | Brief of amicus curiae by Coalition of Rural and Appalachian Schools | Amicus Curiae on behalf of Appellant |
| 03/11/1996 | Brief of amicus curiae by The Ohio Professional Staff Union | Amicus Curiae on behalf of Appellant |
| 03/11/1996 | Brief of amicus curiae by Ohio Assn. Elementary School Administrators & The Ohio Assn. of Secondary School Admins. | Amicus Curiae on behalf of Appellant |
| 03/11/1996 | Brief of amicus curiae by Ohio AFL-CIO | Amicus Curiae on behalf of Appellant |
| 03/11/1996 | Brief of amicus curiae by The Ohio Federation of Teachers | Amicus Curiae on behalf of Appellant |
| 03/11/1996 | Brief of amicus curiae by Buckeye Assoc. of School Admins. & Ohio School Bds. Assn. & Ohio Assn. of School Business Off. | Amicus Curiae on behalf of Appellant |
| 04/10/1996 | Brief of amicus curiae by The Alliance for Adequate School Funding | Amicus Curiae on behalf of Appellee |
| 04/10/1996 | Brief of amicus curiae by Stanley J. Aronoff & JoAnn Davidson | Amicus Curiae on behalf of Appellee |
| 04/10/1996 | Appellee's merit brief of State of Ohio et al. | Appellee |
| 04/10/1996 | Notice of waiver of filing of brief & participation in oral argument by State Board of Education | Appellee |
| 04/10/1996 | Brief of amicus curiae by Governor George Voinovich | Amicus Curiae on behalf of Appellee |
| 04/30/1996 | Reply brief of amicus curiae Cleveland Teachers Union | Amicus Curiae on behalf of Appellant |
| 04/30/1996 | Reply brief by Mary Abel et al. | Amicus Curiae on behalf of Appellant |
| 04/30/1996 | Reply brief | Appellant |
| 04/30/1996 | Reply brief of the Ohio Association of Elementary Schools et al. | Amicus Curiae on behalf of Appellant |
| 04/30/1996 | Motion to expedite date of oral argument | Appellant |
|  | **05/29/96 Denied** |  |
| 04/30/1996 | And motion to extend time for oral argument | Appellant |
| 05/08/1996 | Response to motion to expedite date of oral argument and to extend time for oral argument | Appellee |
| 05/20/1996 | Entry: sua sponte, oral argument is set for 9/10/96; time is extended to 20 minutes per side |  |
| 07/19/1996 | Notice of oral argument to be held on 9/10/96 |  |
| 08/13/1996 | Request to broadcast/record/photograph court proceedings by James Bradshaw of the Columbus Dispatch |  |
|  | **08/19/96 Granted** |  |
| 08/23/1996 | Request to broadcast/record/photograph court proceedings by Mary R. Nordstrom of City of Columbus, Ohio Government TV | Non-Party |
|  | **09/05/96 Granted** |  |
| 08/29/1996 | Request to photograph court proceedings by Robin Witek of the Akron Beacon Journa |  |
|  | **09/06/96 Granted** |  |
| 08/29/1996 | Request to televise court proceedings by Cynthia Brill of Court TV |  |
|  | **09/06/96 Granted** |  |
| 08/30/1996 | Request to broadcast/record/televise/photograph court proceedings by Kelly Frombach of WCMH-TV | Non-Party |
|  | **09/06/96 Granted** |  |
| 09/03/1996 | List of additional authorities | Appellee |
|  | **09/06/96 Sua sponte, document stricken** |  |
| 09/03/1996 | List of additional authorities | Appellant |
| 09/04/1996 | Request to record for broadcast of Stephanie Beougher of WTVN radio | Non-Party |
|  | **09/06/96 Granted** |  |
| 09/05/1996 | Request to record court proceedings for broadcast by Jim Otte of WHIO-TV | Non-Party |
|  | **09/06/96 Granted** |  |
| 09/05/1996 | Request to record court proceedings by Mark Nordstrom of The Ohio News Network | Non-Party |
|  | **09/06/96 Granted** |  |
| 09/06/1996 | Request to photograph court proceedings by Gary Gardner of Associated Press |  |
|  | **09/10/96 Granted** |  |
| 09/06/1996 | Request to record court proceedings by Jim Mengel of WBNS-TV |  |
|  | **09/09/96 Granted** |  |
| 09/09/1996 | Request to broadcast/record/photograph court proceedings by Bill Cohen of Ohio Public Radio |  |
|  | **09/10/96 Granted** |  |
| 10/21/1996 | Motion to file statement of additional authorities post oral argument | Appellee |
|  | **10/30/96 Granted; statement of additional authorities due within 7 days from date of this entry** |  |
| 11/01/1996 | List of additional authorities | Appellee |
| 02/11/1997 | Motion to file statement of additional authorities post oral argument | Appellant |
|  | **02/26/97 Denied** |  |
| 03/24/1997 | Upon consideration of the merits |  |
|  | **03/24/97 Reversed and remanded to the trial court with directions to enter judgment consistent with the opinion rendered herein. See opinion** [**1997-Ohio-90**](https://supremecourt.ohio.gov/rod/docs/pdf/0/1997/1997-ohio-90.pdf)**,** [**1997-Ohio-84**](https://supremecourt.ohio.gov/rod/docs/pdf/0/1997/1997-ohio-84.pdf)**,** [**1997-Ohio-85**](https://supremecourt.ohio.gov/rod/docs/pdf/0/1997/1997-ohio-85.pdf)**,** [**1997-Ohio-86**](https://supremecourt.ohio.gov/rod/docs/pdf/0/1997/1997-ohio-86.pdf)**,** [**1997-Ohio-89**](https://supremecourt.ohio.gov/rod/docs/pdf/0/1997/1997-ohio-89.pdf) | DISPOSITIVE |
| 04/03/1997 | Motion for reconsideration and clarification by state appellees | Appellee |
|  | **04/25/97 Motion for clarification is granted and an opinion is rendered. See opinion** [**1997-Ohio-87**](https://supremecourt.ohio.gov/rod/docs/pdf/0/1997/1997-ohio-87.pdf) |  |
| 04/10/1997 | Memo opposing motion for reconsideration and clarification | Appellant |
| 05/28/1997 | Certified copy of judgment entry sent to clerk |  |
| 05/28/1997 | Issuance of mandate |  |
| 05/28/1997 | Certified copy of judgment entry sent to clerk |  |
| 05/28/1997 | Issuance of mandate |  |
| 05/28/1997 | Copy of rehearing entry sent to clerk |  |
| 05/29/1997 | Return of record to clerk of court/custodian |  |
| 06/19/1997 | Petition by Judge Linton D. Lewis, Jr., of the Perry County Common Pleas Court |  |
|  | **07/01/97 Entry: Trial court should overrule motion for proposed order & schedule. See opinion** [**1997-Ohio-88**](https://supremecourt.ohio.gov/rod/docs/pdf/0/1997/1997-ohio-88.pdf) |  |
| 03/11/1998 | Motion for extension of March 24, 1998, deadline | Appellee |
| 03/20/1998 | Memo opposing motion for extension of March 24, 1998, deadline | Appellant |
| 03/23/1998 | Motion for order reinstating remand, directing trial court to set briefing, & allocating burdens of production/proof | Appellant |
|  | **08/21/98 Motion is stricken from the Court's record. See opinion** [**1998-Ohio-525**](https://supremecourt.ohio.gov/rod/docs/pdf/0/1998/1998-ohio-525.pdf) |  |
| 04/02/1998 | Memo opposing motion for order reinstating remand, directing trial court to establish scheduling order and allocating to the state the burdens of production and proof | Appellee |
| 07/07/1998 | Joint status report |  |
| 08/24/1998 | Entry requesting clarification filed by Judge Linton D. Lewis of Perry County Common Pleas Court |  |
|  | **09/01/98 Court responds to Judge Lewis's inquiries (see entry). See opinion** [**1998-Ohio-301**](https://supremecourt.ohio.gov/rod/docs/pdf/0/1998/1998-ohio-301.pdf) |  |
| 08/28/1998 | Correspondence from Judge Linton Lewis transmitting entries and documents filed in Perry County Common Pleas Court |  |

End of Docket

Supreme Court of Ohio Office of the Clerk
65 South Front Street, 8th Floor • Columbus, Ohio 43215-3431
800.826.9010 • 614.387.9530

**Sandra H. Grosko**, Clerk
[Supreme Court of Ohio Home Page](http://www.supremecourt.ohio.gov/)