

History of school funding in Ohio: The DeRolph school funding litigation

State officials in the early 1990s were outraged that school districts led by some Appalachian school district leaders had the audacity to challenge the constitutionality of the school funding system. In 1990 the State Board of Education provided the General Assembly with an ambitious set of funding and policy recommendations. ([Restructuring the Common School in Ohio: The Path to Educational Progress Policy and Budget Recommendations of the State Board of Education to the Governor and 119th General Assembly, December 10, 1990](#))

Routinely, public schools in Ohio have received biennial state funding calculated on the basis of residual funding instead of the actual cost of providing a high-quality education for all students.

The Trial Court in DeRolph ruled in 1994 that education in Ohio is a fundamental right and that the school funding system is unconstitutional. The Ohio Supreme Court agreed with the Trial Court in decisions handed down in 1997, 2000, 2001, and 2002, except that the Ohio Supreme Court did not rule that education in Ohio is a fundamental right.

On March 25, 1997, the Governor, Speaker of the House, and Senate President held a news conference to lambaste the March 24, 1997, Ohio Supreme Court decision which declared that the state's elementary and secondary school system is neither thorough nor efficient, thus unconstitutional. This vitriolic attack on the court and the court's decision by the executive and legislative branches of government set the stage for widespread resistance for an appropriate solution.

From 1997 to the Strickland Administration, the legislature made some feeble attempts to work toward a constitutional system of school funding. To his credit, Governor Robert Taft worked diligently to improve the school funding environment but had little support from the legislature's leadership at that time; however, Governor Taft was successful in setting forth a \$20 billion school facilities program which was enhanced periodically thereafter. This effort resulted in the construction of over 1200 new school buildings.

The next post will discuss the efforts of the Strickland Administration to craft a constitutional system of public education.