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**DeRolph v. State**

[Seal](https://en.wikipedia.org/wiki/Seal_of_Ohio) of the [Supreme Court of Ohio](https://en.wikipedia.org/wiki/Supreme_Court_of_Ohio)

***DeRolph v. State*** was a landmark case in [Ohio](https://en.wikipedia.org/wiki/Ohio) [constitutional law](https://en.wikipedia.org/wiki/Constitutional_law) in which the [Ohio Supreme Court](https://en.wikipedia.org/wiki/Supreme_Court_of_Ohio) ruled that the state's method for funding [public education](https://en.wikipedia.org/wiki/Public_education) was unconstitutional.[[1]](https://en.wikipedia.org/wiki/DeRolph_v._State#cite_note-pd070323-1) Handed down on March 24, 1997, the 4-3 opinion said that the state funding system "fails to provide for a thorough and efficient system of common schools" as required by the [Ohio Constitution](https://en.wikipedia.org/wiki/Ohio_Constitution) and directed the state to find a remedy.[[2]](https://en.wikipedia.org/wiki/DeRolph_v._State#cite_note-steps-2) The court would look at the case several times over the next 12 years before relinquishing [jurisdiction](https://en.wikipedia.org/wiki/Jurisdiction), though the underlying problems with the school funding system were never fully solved.[[1]](https://en.wikipedia.org/wiki/DeRolph_v._State#cite_note-pd070323-1)

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**Background**

Following Ohio's 1851 [constitutional convention](https://en.wikipedia.org/wiki/Ohio_Constitution#1851_Constitution), voters approved a new [constitution](https://en.wikipedia.org/wiki/Constitution) that included provisions requiring a "thorough and efficient system of common schools throughout the State."[[3]](https://en.wikipedia.org/wiki/DeRolph_v._State#cite_note-sconet090131-3)

Historically, Ohio's public schools have been funded with a combination of local [property tax](https://en.wikipedia.org/wiki/Property_tax) revenue and money from the state.[[4]](https://en.wikipedia.org/wiki/DeRolph_v._State#cite_note-blueribbonreport-4) This led to [disparities](https://en.wikipedia.org/wiki/Social_inequality) in the quality of education in more affluent districts, where high property values led to greater funding, and urban and rural districts,[[1]](https://en.wikipedia.org/wiki/DeRolph_v._State#cite_note-pd070323-1) where low property values left students with funding shortfalls and dilapidated facilities.[[5]](https://en.wikipedia.org/wiki/DeRolph_v._State#cite_note-rutgers-5)

Funding became even more difficult for districts in 1976, when House Bill 920 went into effect, essentially freezing the revenue from property taxes. A millage tax would usually generate more revenue as the value of property in a district increased, but HB 920 required county [auditors](https://en.wikipedia.org/wiki/Auditor) to cut the tax rate so it would bring in the same amount of revenue each year. Even as [inflation](https://en.wikipedia.org/wiki/Inflation) increased costs for schools, their revenue could not keep up, forcing them to ask voters to approve new [levies](https://en.wikipedia.org/wiki/Tax) every few years.[[4]](https://en.wikipedia.org/wiki/DeRolph_v._State#cite_note-blueribbonreport-4)

Over the next 30 years, the state's school districts would send nearly 10,000 levies to the ballot.[[6]](https://en.wikipedia.org/wiki/DeRolph_v._State#cite_note-pd090129-6) Voters grew weary of the constant campaigns and—unaware of the intricacies of the funding scheme—often questioned why schools were constantly running out of money.[[7]](https://en.wikipedia.org/wiki/DeRolph_v._State#cite_note--7)

Districts in both poor and affluent areas found the funding system unsustainable, and in 1988, [superintendents](https://en.wikipedia.org/wiki/Superintendent_%28education%29) from districts in underfunded areas in [southeast Ohio](https://en.wikipedia.org/wiki/Appalachian_Ohio) formed the Coalition of Rural and Appalachian Schools to work together to address the problem. Lacking the funding to mount a serious legal challenge, they invited districts from around the state to join a new coalition: The Ohio Coalition for Equity & Adequacy of School Funding.[[8]](https://en.wikipedia.org/wiki/DeRolph_v._State#cite_note-blade010617-8)

The coalition, a [council of governments](https://en.wikipedia.org/wiki/Council_of_governments) representing nearly every school district in the state, formed in 1991 and filed a complaint in the [Perry County](https://en.wikipedia.org/wiki/Perry_County%2C_Ohio) [Court of Common Pleas](https://en.wikipedia.org/wiki/Ohio_Courts_of_Common_Pleas) on December 19, 1991, on behalf of Nathan DeRolph, a 15-year-old [freshman](https://en.wikipedia.org/wiki/Freshman) at [Sheridan High School](https://en.wikipedia.org/wiki/Sheridan_High_School_%28Thornville%2C_Ohio%29), and 550 school districts in the state.[[8]](https://en.wikipedia.org/wiki/DeRolph_v._State#cite_note-blade010617-8) Represented by [Bricker & Eckler LLP](https://en.wikipedia.org/wiki/Bricker_%26_Eckler), the coalition named the state, the [Ohio Board of Education](https://en.wikipedia.org/wiki/Ohio_Board_of_Education), its superintendent, and the [Ohio Department of Education](https://en.wikipedia.org/wiki/Ohio_Department_of_Education) as [plaintiffs](https://en.wikipedia.org/wiki/Plaintiff) in the suit, which alleged that the funding system did not meet the constitutional standard for thoroughness or efficiency, and presented an exhaustive body of evidence demonstrating that the system produced unequal, inefficient and inadequate results.[[9]](https://en.wikipedia.org/wiki/DeRolph_v._State#cite_note-uakronstudy-9)

The allegations went mostly unchallenged by the state, which in fact produced its own witnesses to testify to the inadequacy of the funding system.[[9]](https://en.wikipedia.org/wiki/DeRolph_v._State#cite_note-uakronstudy-9) Held at the [Perry County Courthouse](https://en.wikipedia.org/wiki/Perry_County_Courthouse_%28Ohio%29) in [New Lexington](https://en.wikipedia.org/wiki/New_Lexington%2C_Ohio),[[10]](https://en.wikipedia.org/wiki/DeRolph_v._State#cite_note-10) the case produced a 30-day trial, a transcript more than 5,600 pages long and 450 exhibits before the trial judge, Linton D. Lewis, Jr., ruled on July 1, 1994, that Ohioans had a fundamental right to a state-funded education and that the state’s system for providing that education was unconstitutional. Further, he ordered the board of education to devise a means for the [General Assembly](https://en.wikipedia.org/wiki/Ohio_General_Assembly) to eliminate wealth-based disparities in education.[[9]](https://en.wikipedia.org/wiki/DeRolph_v._State#cite_note-uakronstudy-9)

Although the board voted not to appeal, the [attorney general’s office](https://en.wikipedia.org/wiki/Ohio_Attorney_General), which represents the state, filed a notice of appeal to the Fifth District [Court of Appeals](https://en.wikipedia.org/wiki/Ohio_District_Courts_of_Appeal), based in [Canton](https://en.wikipedia.org/wiki/Canton%2C_Ohio).[[9]](https://en.wikipedia.org/wiki/DeRolph_v._State#cite_note-uakronstudy-9) The appeals court’s 2-1 decision, handed down on August 30, 1995, held that a previous ruling by the state supreme court permitted disparities in education, so long as the state provided for a basic education.[[11]](https://en.wikipedia.org/wiki/DeRolph_v._State#cite_note-rightforohiotimeline-11)

Two months later, the coalition appealed to the [Supreme Court of Ohio](https://en.wikipedia.org/wiki/Supreme_Court_of_Ohio).[[11]](https://en.wikipedia.org/wiki/DeRolph_v._State#cite_note-rightforohiotimeline-11)

***DeRolph I***

**Prologue**

In the days before the court heard the case, there was uncertainty on both sides as to how the justices would rule. The justices could be pigeonholed on certain issues, but on education, their leanings were harder to categorize. [Senate](https://en.wikipedia.org/wiki/Ohio_Senate) [President Pro Tempore](https://en.wikipedia.org/wiki/President_pro_tempore) [Richard Finan](https://en.wikipedia.org/wiki/Richard_Finan) said that a ruling for the plaintiffs would be a "worst-case scenario" for the legislature because any solution put forward would be challenged as well, while [William L. Phillis](https://en.wikipedia.org/w/index.php?title=William_L._Phillis&action=edit&redlink=1), the director of the coalition, cast the decision as one between educating children for a rapidly evolving world or letting them fall behind.[[12]](https://en.wikipedia.org/wiki/DeRolph_v._State#cite_note-plaindealer960909-12)

The case reached the Ohio Supreme Court on September 10, 1996. [Chief Justice](https://en.wikipedia.org/wiki/Chief_Justice_of_the_Ohio_Supreme_Court) [Thomas Moyer](https://en.wikipedia.org/wiki/Thomas_Moyer) tripled the length of oral arguments by letting each side present for 90 minutes.[[13]](https://en.wikipedia.org/wiki/DeRolph_v._State#cite_note-dispatch070318-13) Bricker's [Nicholas A. Pittner](https://en.wikipedia.org/w/index.php?title=Nicholas_A._Pittner&action=edit&redlink=1) argued for the schools, while [Solicitor General](https://en.wikipedia.org/wiki/Solicitor_General_of_Ohio) [Jeffrey Sutton](https://en.wikipedia.org/wiki/Jeffrey_Sutton) defended the state.[[14]](https://en.wikipedia.org/wiki/DeRolph_v._State#cite_note-dispatch960908-14)

Pittner reiterated arguments that unequal funding and dilapidated buildings left some students with less opportunity than others. Sutton conceded that there were problems with the system, but he argued that they should be fixed locally, not by the court. He said that the state constitution guaranteed students an education for free, not the best possible education for free.[[15]](https://en.wikipedia.org/wiki/DeRolph_v._State#cite_note-daytondailynews960911-15)

Justices peppered both sides with questions, asking whether anyone should be held to account for funding inadequacies and focusing also on school facilities around the state, which Pittner noted were sometimes in such poor condition that they didn't even meet the state's minimum standards for a humane prison.[[14]](https://en.wikipedia.org/wiki/DeRolph_v._State#cite_note-dispatch960908-14)[[15]](https://en.wikipedia.org/wiki/DeRolph_v._State#cite_note-daytondailynews960911-15)

**The decision**

By the time the [justices](https://en.wikipedia.org/wiki/Associate_Justice) adjourned to deliberate, two justices, [Andrew Douglas](https://en.wikipedia.org/wiki/Andrew_Douglas_%28judge%29) and [Paul Pfeifer](https://en.wikipedia.org/wiki/Paul_Pfeifer), had decided that the funding system was unconstitutional and needed to be changed. Meanwhile, Justice [Deborah L. Cook](https://en.wikipedia.org/wiki/Deborah_L._Cook) was adamant that the court should not be involved in school funding decisions and "never budged from that position," though neither side had made that claim.[[13]](https://en.wikipedia.org/wiki/DeRolph_v._State#cite_note-dispatch070318-13)

A majority emerged among Justices Douglas, Pfeifer, [Alice Robie Resnick](https://en.wikipedia.org/wiki/Alice_Robie_Resnick), and [Francis E. Sweeney, Sr.](https://en.wikipedia.org/wiki/Francis_E._Sweeney%2C_Sr.) Meanwhile, Chief Justice Moyer and Justice [Evelyn Lundberg Stratton](https://en.wikipedia.org/wiki/Evelyn_Lundberg_Stratton) indicated they were likely to join Cook, but they expressed more flexibility depending on the language of the majority [opinion](https://en.wikipedia.org/wiki/Legal_opinion), which was randomly assigned to Sweeney. Although formal deliberations had only lasted about a half-hour, the justices continued to discuss the case one-on-one, as Sweeney tried to coax Moyer and Stratton into the majority.[[13]](https://en.wikipedia.org/wiki/DeRolph_v._State#cite_note-dispatch070318-13)

But in the end, the decision was carried by the narrow, 4-3 majority that emerged after oral arguments. The March 24, 1997, ruling:

* found the funding scheme for elementary and secondary education to be unconstitutional;
* ordered an end to the "school foundation program" and the reliance on property taxes for school funding;
* provided the state 12 months to solve the problem;
* awarded [attorney's fees](https://en.wikipedia.org/wiki/Attorney%27s_fee) to the plaintiffs; and
* remanded the case to the trial judge.[[16]](https://en.wikipedia.org/wiki/DeRolph_v._State#cite_note-16)

Resnick, Pfeifer and Douglas each wrote separate concurring opinions. For the minority, Moyer's [dissent](https://en.wikipedia.org/wiki/Dissenting_opinion) acknowledged problems with school funding but questioned whether they actually violated the state constitution[[17]](https://en.wikipedia.org/wiki/DeRolph_v._State#cite_note-dispatch970325a-17) and argued that they were matters for the legislature to handle.[[13]](https://en.wikipedia.org/wiki/DeRolph_v._State#cite_note-dispatch070318-13)

**Reaction**

The next day, [Gov.](https://en.wikipedia.org/wiki/Governor_of_Ohio) [George Voinovich](https://en.wikipedia.org/wiki/George_Voinovich), Senate President [Richard H. Finan](https://en.wikipedia.org/w/index.php?title=Richard_H._Finan&action=edit&redlink=1) and House Speaker [Jo Ann Davidson](https://en.wikipedia.org/wiki/Jo_Ann_Davidson) called a [press conference](https://en.wikipedia.org/wiki/News_conference) to denounce the ruling. Voinovich suggested that his [administration](https://en.wikipedia.org/wiki/Administration_%28government%29) might defy the decision,[[13]](https://en.wikipedia.org/wiki/DeRolph_v._State#cite_note-dispatch070318-13) and he classified the ruling as "[judicial activism](https://en.wikipedia.org/wiki/Judicial_activism)" and "a thinly veiled call for a massive, multi-billion tax increase."[[18]](https://en.wikipedia.org/wiki/DeRolph_v._State#cite_note-daytondailynews970326-18)

[Editorial boards](https://en.wikipedia.org/wiki/Editorial_board) at the largest papers in the state joined in — perhaps prodded by the governor's aides[[13]](https://en.wikipedia.org/wiki/DeRolph_v._State#cite_note-dispatch070318-13) — arguing that the decision put too much power in the hands of an unknown rural judge,[[19]](https://en.wikipedia.org/wiki/DeRolph_v._State#cite_note-enquirer970325-19) echoing complaints by [Republican Party](https://en.wikipedia.org/wiki/Republican_Party_%28United_States%29) lawmakers.[[20]](https://en.wikipedia.org/wiki/DeRolph_v._State#cite_note-20) [The Plain Dealer](https://en.wikipedia.org/wiki/The_Plain_Dealer) wrote that "almost any other outcome would have been preferable."[[21]](https://en.wikipedia.org/wiki/DeRolph_v._State#cite_note-21) [The Columbus Dispatch](https://en.wikipedia.org/wiki/The_Columbus_Dispatch) called the ruling "one highly injudicious lurch" and dismissed claims that most districts in the state were underfunded.[[22]](https://en.wikipedia.org/wiki/DeRolph_v._State#cite_note-22) [The Cincinnati Enquirer](https://en.wikipedia.org/wiki/The_Cincinnati_Enquirer) went as far as calling for a [constitutional amendment](https://en.wikipedia.org/wiki/Constitutional_amendment) that would trump the ruling, saying that otherwise, "education policy for 11 million Ohio residents will be dictated in a rural flyspeck on the state map."[[19]](https://en.wikipedia.org/wiki/DeRolph_v._State#cite_note-enquirer970325-19)

The next week, the state filed a [motion to reconsider](https://en.wikipedia.org/wiki/Reconsider), asking the court (1) whether property taxes could still be used to fund schools at all; (2) whether school funding debts remained valid even though repayment provisions extended beyond the court's deadline to find a new funding system; and (3) to retain [jurisdiction](https://en.wikipedia.org/wiki/Jurisdiction) over the case instead of sending it back to the trial court.[[23]](https://en.wikipedia.org/wiki/DeRolph_v._State#cite_note-23) The coalition opposed the motion, saying that the ruling was clear enough and that the state needed to instead get about the business of providing additional funding.[[24]](https://en.wikipedia.org/wiki/DeRolph_v._State#cite_note-24)

Later that month, the court issued a ruling clarifying that property taxes could still be used if they were not the primary revenue source for school funding; that debts remained valid; and that the case would return to the trial judge, but that appeals of his decision would bypass the Court of Appeals and go directly back to the Ohio Supreme Court.[[25]](https://en.wikipedia.org/wiki/DeRolph_v._State#cite_note-25)[[26]](https://en.wikipedia.org/wiki/DeRolph_v._State#cite_note-26)



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## The Supreme Court of Ohio

### Case Docket

#### Dale R. DeRolph, Parent and Next Friend of Nathan DeRolph, et al. v. State of Ohio et al.

Case Information

Number

1999-0570

Type

Appeal of Right

Date Filed

03/26/1999

Status

Disposed

Prior Jurisdiction

Perry County, Court of Common Pleas

Prior Decision Date

03/19/1999

Prior Case Numbers

22043

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Tax Commissioner of Ohio; Amicus Curiae

Represented by:

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Represented by:

Richard H. Finan; Amicus Curiae on behalf of Appellant

Represented by:

Readey, Mary Lynn (38591)

Jo Ann Davidson; Amicus Curiae on behalf of Appellant

Represented by:

Goodman, Norton Victor (4912)

Bob Taft; Amicus Curiae on behalf of Appellant

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Young, Mary Beth (73451)

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Curphey, James Dodds (15832)

Greaney, Constance Mary (59834)

Mills, Jennifer Thomas (22967)

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Mills, Jennifer Thomas (22967)

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Ohio Coalition for the Education of Children with Disabilit; Amicus Curiae on behalf of Appellant

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

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U.S. Congressman Ted Strickland; Amicus Curiae on behalf of Appellee

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Iorio, Theodore Michael (8475)

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Scarselli, Gino John (62327)

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

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East Cleveland City School District; Amicus Curiae on behalf of Appellee

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Montgomery, Betty Dee (7102)

Tassie, James George (65184)

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Montgomery, Betty Dee (7102)

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Montgomery, Betty Dee (7102)

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Louis Altier; Appellee

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Yount, Sue Wyskiver (34514)

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Birath Jr., John Floyd (22024)

Greenberger, Susan Beale (10154)

Lindsmith, Quintin Franc (18327)

Yount, Sue Wyskiver (34514)

Dale R. DeRolph; Appellee

Represented by:

Pittner, Nicholas Andrew (23159), Counsel of Record

Birath Jr., John Floyd (22024)

Greenberger, Susan Beale (10154)

Lindsmith, Quintin Franc (18327)

Yount, Sue Wyskiver (34514)

James Eaton; Appellee

Represented by:

Pittner, Nicholas Andrew (23159), Counsel of Record

Birath Jr., John Floyd (22024)

Greenberger, Susan Beale (10154)

Lindsmith, Quintin Franc (18327)

Yount, Sue Wyskiver (34514)

Socrates Kolitsos; Appellee

Represented by:

Pittner, Nicholas Andrew (23159), Counsel of Record

Birath Jr., John Floyd (22024)

Greenberger, Susan Beale (10154)

Lindsmith, Quintin Franc (18327)

Yount, Sue Wyskiver (34514)

J. Kenneth Miller; Appellee

Represented by:

Pittner, Nicholas Andrew (23159), Counsel of Record

Birath Jr., John Floyd (22024)

Greenberger, Susan Beale (10154)

Lindsmith, Quintin Franc (18327)

Yount, Sue Wyskiver (34514)

Randy Miskell; Appellee

Represented by:

Pittner, Nicholas Andrew (23159), Counsel of Record

Birath Jr., John Floyd (22024)

Greenberger, Susan Beale (10154)

Lindsmith, Quintin Franc (18327)

Yount, Sue Wyskiver (34514)

Mark North; Appellee

Represented by:

Pittner, Nicholas Andrew (23159), Counsel of Record

Birath Jr., John Floyd (22024)

Greenberger, Susan Beale (10154)

Lindsmith, Quintin Franc (18327)

Yount, Sue Wyskiver (34514)

Jack Porter; Appellee

Represented by:

Pittner, Nicholas Andrew (23159), Counsel of Record

Birath Jr., John Floyd (22024)

Greenberger, Susan Beale (10154)

Lindsmith, Quintin Franc (18327)

Yount, Sue Wyskiver (34514)

Robert Rios; Appellee

Represented by:

Pittner, Nicholas Andrew (23159), Counsel of Record

Birath Jr., John Floyd (22024)

Greenberger, Susan Beale (10154)

Lindsmith, Quintin Franc (18327)

Yount, Sue Wyskiver (34514)

Mark Semanco; Appellee

Represented by:

Pittner, Nicholas Andrew (23159), Counsel of Record

Birath Jr., John Floyd (22024)

Greenberger, Susan Beale (10154)

Lindsmith, Quintin Franc (18327)

Yount, Sue Wyskiver (34514)

Marion Gary Southers Jr.; Appellee

Represented by:

Pittner, Nicholas Andrew (23159), Counsel of Record

Birath Jr., John Floyd (22024)

Greenberger, Susan Beale (10154)

Lindsmith, Quintin Franc (18327)

Yount, Sue Wyskiver (34514)

Carl Swartzwelder; Appellee

Represented by:

Pittner, Nicholas Andrew (23159), Counsel of Record

Birath Jr., John Floyd (22024)

Greenberger, Susan Beale (10154)

Lindsmith, Quintin Franc (18327)

Yount, Sue Wyskiver (34514)

Keely Thompson; Appellee

Represented by:

Pittner, Nicholas Andrew (23159), Counsel of Record

Birath Jr., John Floyd (22024)

Greenberger, Susan Beale (10154)

Lindsmith, Quintin Franc (18327)

Yount, Sue Wyskiver (34514)

Don Washburn; Appellee

Represented by:

Pittner, Nicholas Andrew (23159), Counsel of Record

Birath Jr., John Floyd (22024)

Greenberger, Susan Beale (10154)

Lindsmith, Quintin Franc (18327)

Yount, Sue Wyskiver (34514)

Joseph Winnenberg; Appellee

Represented by:

Pittner, Nicholas Andrew (23159), Counsel of Record

Birath Jr., John Floyd (22024)

Greenberger, Susan Beale (10154)

Lindsmith, Quintin Franc (18327)

Yount, Sue Wyskiver (34514)

Dawson-Bryant Local School District Board of Education; Appellee

Represented by:

Pittner, Nicholas Andrew (23159), Counsel of Record

Birath Jr., John Floyd (22024)

Greenberger, Susan Beale (10154)

Lindsmith, Quintin Franc (18327)

Yount, Sue Wyskiver (34514)

Lima City School District Board of Education; Appellee

Represented by:

Pittner, Nicholas Andrew (23159), Counsel of Record

Birath Jr., John Floyd (22024)

Greenberger, Susan Beale (10154)

Lindsmith, Quintin Franc (18327)

Yount, Sue Wyskiver (34514)

Northern Local School District Board of Education; Appellee

Represented by:

Pittner, Nicholas Andrew (23159), Counsel of Record

Birath Jr., John Floyd (22024)

Greenberger, Susan Beale (10154)

Lindsmith, Quintin Franc (18327)

Yount, Sue Wyskiver (34514)

Southern Local School District Board of Education; Appellee

Represented by:

Pittner, Nicholas Andrew (23159), Counsel of Record

Birath Jr., John Floyd (22024)

Greenberger, Susan Beale (10154)

Lindsmith, Quintin Franc (18327)

Yount, Sue Wyskiver (34514)

Youngstown City School District Board of Education; Appellee

Represented by:

Pittner, Nicholas Andrew (23159), Counsel of Record

Birath Jr., John Floyd (22024)

Greenberger, Susan Beale (10154)

Lindsmith, Quintin Franc (18327)

Yount, Sue Wyskiver (34514)

Docket

| **Date Filed** | **Description** | **Filed By** |
| --- | --- | --- |
| 03/26/1999 | Notice of appeal by State of Ohio et al. | Appellant |
| 03/26/1999 | Demand for certified transcript | Appellant |
| 03/29/1999 | Copy of notice of appeal sent to clerk of court of common pleas |  |
| 03/31/1999 | Order to clerk of court/custodian to certify record |  |
| 04/21/1999 | Entry: It is ordered, sua sponte, that the time for transmitting the record is extended to 5/3/99 |  |
| 04/29/1999 | Motion for stay pending appeal of a remedial order issued by trial court | Appellant |
|  | **05/26/99 Granted** |  |
| 05/10/1999 | Memo opposing motion for stay pending remedial order of the Perry County Court of Common Pleas | Appellee |
| 06/17/1999 | Motion to establish expedited briefing schedule and to dispense with oral argument | Appellee |
|  | **07/01/99 Denied** |  |
| 06/22/1999 | Memo opposing motion to establish briefing schedule and to dispense with oral argument | Appellant |
| 06/23/1999 | Record |  |
| 06/23/1999 | Clerk's notice of filing of record |  |
| 07/09/1999 | Entry: sua sponte, the parties shall brief this case in accordance with S. Ct. Prac. R. VI and comply with S. Ct. Prac. R. VII and all other applicable rules of practice |  |
| 08/02/1999 | Appellant's merit brief | Appellant |
| 08/02/1999 | Appendix (3 Volumes) | Appellant |
| 08/02/1999 | Supplement to briefs (3 Volumes & 1 video tape) | Appellant |
| 08/02/1999 | Brief of amicus curiae Ohio Governor Bob Taft | Amicus Curiae on behalf of Appellant |
| 08/02/1999 | Appendix | Amicus Curiae on behalf of Appellant |
| 08/02/1999 | Brief of amicus curiae Richard H. Finan, President of the Senate, & Jo Ann Davidson, Speaker of the Ohio House of Rep | Amicus Curiae on behalf of Appellant |
| 08/02/1999 | Appendix | Amicus Curiae on behalf of Appellant |
| 08/27/1999 | Brief of amicus curiae The League of Women Voters of Ohio | Amicus Curiae on behalf of Appellee |
| 08/27/1999 | Appendix to amicus brief of The League of Women Voters | Amicus Curiae on behalf of Appellee |
| 08/27/1999 | Brief of amicus curiae Ohio Legal Rights Service | Amicus Curiae on behalf of Appellee |
| 08/30/1999 | Brief of amicus curiae Coalition for School Funding Reform, et al. | Amicus Curiae on behalf of Appellee |
| 08/31/1999 | Brief of amicus curiae West Clermont Local School District Board of Education | Amicus Curiae on behalf of Appellee |
| 08/31/1999 | Brief of amicus curiae Representatives John R. Bender, Jack Ford, Barbara C. Pringle, Daniel Metelsky et al. | Amicus Curiae on behalf of Appellee |
| 08/31/1999 | Appendix | Amicus Curiae on behalf of Appellee |
| 08/31/1999 | Brief of amicus curiae U.S. Congressman Ted Strickland | Amicus Curiae on behalf of Appellee |
| 08/31/1999 | Brief of amicus curiae The Ohio Federation of Teachers | Amicus Curiae on behalf of Appellee |
| 09/01/1999 | Brief of amicus curiae Coalition of Rural and Appalachian Schools | Amicus Curiae on behalf of Appellee |
| 09/01/1999 | Brief of amicus curiae Ohio Education Association | Amicus Curiae on behalf of Appellee |
| 09/01/1999 | Brief of amicus curiae American Civil Liberties Union of Ohio Foundation, Inc. | Amicus Curiae on behalf of Appellee |
| 09/01/1999 | Brief of amicus curiae The Alliance for Adequate School Funding | Amicus Curiae on behalf of Appellee |
| 09/01/1999 | Amended brief of amicus curiae Coalition For School Funding Reform, etc. | Amicus Curiae on behalf of Appellee |
| 09/01/1999 | Brief of amicus curiae Ohio Association of Public School Employees (OAPSE) / AFSCME Local 4, AFL-CIO | Amicus Curiae on behalf of Appellee |
| 09/01/1999 | Brief of amicus curiae Ohio Association for Gifted Children | Amicus Curiae on behalf of Appellee |
| 09/01/1999 | Appendix | Amicus Curiae on behalf of Appellee |
| 09/01/1999 | Brief of amicus curiae The Ohio Association of Child Caring Agencies | Amicus Curiae on behalf of Appellee |
| 09/01/1999 | Appellee's merit brief | Appellee |
| 09/01/1999 | Appendix | Appellee |
| 09/01/1999 | Second supplement to briefs (3 volumes) | Appellee |
| 09/01/1999 | Brief of amicus curiae Buckeye Association of School Administrators, Ohio School Boards Association, etc. | Amicus Curiae on behalf of Appellee |
| 09/08/1999 | Notice of oral argument to be held on November 16, 1999 |  |
| 09/21/1999 | Reply brief of State of Ohio | Appellant |
| 09/21/1999 | Reply brief of amicus curiae Ohio Govenor Bob Taft | Amicus Curiae on behalf of Appellant |
| 09/21/1999 | Reply brief of amicus curiae Richard H. Finan and Jo Ann Davidson | Amicus Curiae on behalf of Appellant |
| 09/23/1999 | Receipted bill for cost of copies of second supplement in the amount of $2,106.00 | Appellee |
| 11/12/1999 | Request to broadcast/record/photograph court proceedings by Cathrerine Candisky of The Columbus Dispatch |  |
|  | **11/15/99 Granted** |  |
| 11/15/1999 | Request to broadcast/record/photograph court proceedings by Maria Smith of WBNS-TV |  |
|  | **11/16/99 Granted** |  |
| 11/15/1999 | Request to broadcast/record/photograph court proceedings by Hugh Dermody of WXIX-TV |  |
|  | **11/16/99 Granted** |  |
| 11/15/1999 | Request to broadcast/record/photograph court proceedings of Dwight Crum of Brown Publishing Company |  |
|  | **11/16/99 Granted** |  |
| 11/15/1999 | Request to broadcast/record/photograph court proceedings by Dan Shellenbarger of Ohio Govt. Telecommunications |  |
|  | **11/16/99 Granted** |  |
| 11/15/1999 | Request to broadcast/record/photograph court proceedings by Jack Kustron of PHOTOJ.COM |  |
|  | **11/16/99 Granted** |  |
| 11/16/1999 | Request to broadcast/record/photograph court proceedings by Sandy Theis of Cleveland Plain Dealer |  |
| 02/18/2000 | Motion to file statement of additional authorities | Appellant |
|  | **02/28/00 Granted; appellants citation to the additional authority due 7 days from the date of this entry** |  |
| 03/06/2000 | List of additional authorities | Appellant |
| 05/11/2000 | Upon consideration of the merits |  |
|  | **05/11/00 Portions of trial court decision affirmed; no special master appointed; continued until 6/15/01 to set briefing schedule. See opinion at** [**2000-Ohio-437**](https://supremecourt.ohio.gov/rod/docs/pdf/0/2000/2000-ohio-437.pdf) |  |
| 12/08/2000 | Motion for order requiring ANT to: pay costs of unfunded mandates, to file master plan and file progress reports | Appellee |
| 12/18/2000 | Memo opposing motion for order requiring defendants to pay costs of unfunded mandates, to file a master plan, etc. | Appellant |
| 01/25/2001 | Entry: It is ordered, sua sponte, that evidence is due as soon as practicable but no later than 6/15/01; briefs are due by 6/18/01; no responsive briefs or stipulated extensions are permitted; oral argument is set for 6/20/01 |  |
| 04/11/2001 | Entry: sua sponte, oral argument scheduled for 6/20/01 is extended to 30 minutes per side |  |
| 04/13/2001 | Notice of oral argument to be held 6/20/01 |  |
| 04/13/2001 | Designation of counsel of record of Assistant Attorney General Mary Lynn Readey | Appellant |
| 05/02/2001 | Notice of filing of subpoenas and subpoenas duces tecum as served | Appellee |
| 05/02/2001 | Motion for expedited order to compel appellants to respond to discovery | Appellee |
|  | **05/11/01 Granted** |  |
| 05/02/2001 | Emergency motion for clarification of court's scheduling order | Appellant |
|  | **05/11/01 Denied** |  |
| 05/02/2001 | And motion to quash the deposition subpoenas of David Brunson, Wendy Zhan, James Payton, and Daria Shams | Appellant |
|  | **05/11/01 Denied** |  |
| 05/02/2001 | And motion for protective order | Appellant |
|  | **05/11/01 Denied** |  |
| 05/02/2001 | Supplement to State of Ohio's motions of May 2, 2001 | Appellant |
| 05/04/2001 | Memo opposing emergency motion for clarification and to quash deposition subpoenas and for protective order | Appellee |
| 05/04/2001 | Memo opposing motion for expedited order to compel appellants to respond to discovery | Appellant |
| 05/31/2001 | Entry: sua sponte, parties shall file original & 9 copies of any evidence filed in this case |  |
| 06/11/2001 | Request to broadcast/record/photograph court proceedings by Jack Kustron of PhotoJ.com |  |
|  | **06/12/01 Granted** |  |
| 06/14/2001 | Request to broadcast/record/photograph court proceedings by Gabriel Utasi of The Cincinnati Enquirer |  |
|  | **06/15/01 Granted** |  |
| 06/15/2001 | Evidence (three boxes) with index | Appellee |
| 06/15/2001 | Brief of amicus curiae of Ohio Association for Gifted Children | Amicus Curiae on behalf of Appellee |
| 06/15/2001 | Appendix to merit brief of Ohio Association for Gifted Children | Amicus Curiae on behalf of Appellee |
| 06/15/2001 | Brief of amicus curiae of Initiatives in Urban Education Foundation | Amicus Curiae on behalf of Appellee |
| 06/15/2001 | Evidence (7 Boxes-A thru G) with index | Appellant |
| 06/15/2001 | Notice of taking of depositions of Daria Shams, Jimmy Payton Robert Shapiro, David Brunson and Wendy Zahn | Appellant |
| 06/15/2001 | Notice of filing corrected copies of deposition transcript of Robert Shapiro | Appellee |
| 06/18/2001 | Brief of amicus curiae the Ohio General Assembly | Amicus Curiae on behalf of Appellee |
| 06/18/2001 | Brief of amicus curiae Ohio Legislative Black Caucus | Amicus Curiae on behalf of Appellee |
| 06/18/2001 | Supplement to briefs of Ohio Legislative Black Caucus | Amicus Curiae on behalf of Appellee |
|  | **06/21/01 Sua sponte, document stricken as supplement to amicus brief filed without prior leave** |  |
| 06/18/2001 | Brief of amicus curiae Ohio Federation of Teachers | Amicus Curiae on behalf of Appellee |
| 06/18/2001 | Brief of amici curiae Coalition for School Funding Reform, Cleveland Hts.-Univ. Hts. City School Dist., et al. | Amicus Curiae on behalf of Appellee |
| 06/18/2001 | Brief of amicus curiae Ohio Education Association | Amicus Curiae on behalf of Appellee |
| 06/18/2001 | Brief of amicus curiae of The Alliance for Adequate School Funding | Amicus Curiae on behalf of Appellee |
| 06/18/2001 | Appellant's merit brief | Appellant |
| 06/18/2001 | Brief of amicus curiae The League of Women Voters of Ohio | Amicus Curiae on behalf of Appellee |
| 06/18/2001 | Brief of amicus curiae of Ohio Association of Public School Employees/AFSCME Local 4, AFL-CIO | Amicus Curiae on behalf of Appellee |
| 06/18/2001 | Brief of amicus curiae of Ohio Governor Bob Taft | Amicus Curiae on behalf of Appellant |
| 06/18/2001 | Brief of amicus curiae of Coalition of Rural and Appalachian Schools | Amicus Curiae on behalf of Appellee |
| 06/18/2001 | Brief of amicus curiae Ohio Coalition for the Education of Children with Disabilities | Amicus Curiae on behalf of Appellant |
| 06/18/2001 | Brief of amici curiae Richard H. Finan, President of the Senate and Larry Householder, Speaker of the House | Amicus Curiae on behalf of Appellant |
| 06/18/2001 | Brief of amicus curiae Ohio Legal Rights Service | Amicus Curiae on behalf of Appellee |
| 06/18/2001 | Appellee's merit brief | Appellee |
| 06/18/2001 | Brief of amici curiae The Ohio Business Roundtable, The Ohio Manufacturers' Association, et al. | Amicus Curiae on behalf of Appellant |
| 06/18/2001 | Appendix to merit brief of The Ohio Business Roundtable, The Ohio Manufacturers' Association, et al. (two volumes) | Amicus Curiae on behalf of Appellant |
| 06/18/2001 | Brief of amicus curiae Federal Hocking Local School District | Amicus Curiae on behalf of Appellee |
| 06/18/2001 | Brief of amicus curiae The Board of Education of the City School District of the City of Cincinnati | Amicus Curiae on behalf of Appellee |
| 06/18/2001 | Brief of amicus curiae The Ohio Board of Regents | Amicus Curiae on behalf of Appellant |
| 06/18/2001 | Appendix to the amicus brief of The Ohio Board of Regents | Amicus Curiae on behalf of Appellant |
| 06/18/2001 | Request to broadcast/record/photograph court proceedings of Tom Dodge of The Columbus Dispatch |  |
|  | **06/19/01 Granted** |  |
| 06/18/2001 | Request to broadcast/record/photograph court proceedings of Andrew Welsh-Huggins of The Associated Press |  |
|  | **06/19/01 Granted** |  |
| 06/18/2001 | Brief of amicus curiae Tax Commissioner of Ohio | Amicus Curiae |
| 06/18/2001 | Brief of amici curiae Buckeye Association of School Admrs., Ohio School Boards of Education, et al. | Amicus Curiae on behalf of Appellee |
| 06/18/2001 | Brief of amicus curiae U.S. Congressman Ted Strickland | Amicus Curiae on behalf of Appellee |
| 06/19/2001 | Request to broadcast/record/photograph court proceedings by Karen Schiely of Akron Beacon Journal |  |
|  | **06/19/01 Granted** |  |
| 06/19/2001 | Request to broadcast/record/photograph court proceedings by Steven Brock & Mindy Drayer of WCMH |  |
|  | **06/19/01 Granted** |  |
| 06/19/2001 | Request to broadcast/record/photograph court proceedings by Gary Gardner for Will Shilling of The Associated Press |  |
|  | **06/20/01 Granted** |  |
| 08/06/2001 | Notice of change of address of Raymond Vasvari for American Civil Liberties Union of Ohio Foundation | Amicus Curiae on behalf of Appellee |
| 09/06/2001 | Upon consideration of the merits |  |
|  | **09/06/01 It is ordered that modifications be made to make the new school funding plan constitutional. See opinion** [**2001-Ohio-1343**](https://supremecourt.ohio.gov/rod/docs/pdf/0/2001/2001-ohio-1343.pdf) |  |
| 09/17/2001 | Motion for reconsideration | Appellant |
|  | **11/02/01 Granted; decision and opinion to follow** |  |
| 09/24/2001 | Memo opposing motion for reconsideration | Appellee |
| 11/16/2001 | Entry: Sua sponte, this cause is stayed and referred for settlement conference pursuant to S.C. Prac. R. XIV, Sec. 6 and consistent with the opinion; parties may submit memos regarding appointment of master commissioner w/in 10 days |  |
| 11/26/2001 | Memorandum in response submitted pursuant to Court's order of 11/16/01 | Appellant |
| 11/26/2001 | Memorandum and comment submitted pursuant to Court's order of 11/16/01 | Appellee |
| 11/26/2001 | And memorandum and comment of the Members of the Minority Party of the Ohio House of Representatives & the Ohio Senate | Amicus Curiae on behalf of Appellee |
| 12/13/2001 | Entry: appellants' requests for clarification of the 11/16/01 order and for a status conference are denied |  |
| 12/13/2001 | Entry: sua sponte, Howard S. Bellman is appointed as master commissioner in this matter |  |
| 12/19/2001 | Notice of substitution of Office of Attorney General as counsel for Governor, Senator Finan and Speaker Householder | Amicus Curiae on behalf of Appellant |
| 12/27/2001 | Entry: Sua sponte, reports/requests for additional time by Master Commissioner may be filed in form of letter to the justices; unless otherwise ordered, rules of practice do not apply; Clerk shall provide service to counsel |  |
| 01/03/2002 | Report of Master Commissioner filed pursuant to Court's order of 11/16/01 |  |
| 01/04/2002 | Service of Master Commissioner Report of 1/3/02 on counsel of record for parties by Clerk |  |
| 02/14/2002 | Request for extension of time to file final report to March 15, 2002, by Master Commissioner Howard S. Bellman |  |
|  | **02/19/02 Granted; final report due 30 days from the date of this entry** |  |
| 02/20/2002 | Original of request for extension of time previously filed via fax by Master Commissioner Bellman |  |
| 02/25/2002 | Master Commissioner's Fee & Expense Statement for 12/31/01 - 1/30/02 |  |
|  | **04/19/02 It is ordered that, by 5/3/02, each party pay professional expenses of $9700 and file notice that payment has been made** |  |
| 03/21/2002 | Notice from Master Commissioner Howard Bellman that mediation has not produced a resolution |  |
| 03/25/2002 | Original of notice that mediation has not produced a resolution previously filed via fax by Master Comm. Bellman |  |
| 03/25/2002 | Master Commissioner's Fee and Expense Statement for 1/31/02 - 2/28/02 |  |
|  | **04/19/02 It is ordered that, by 5/3/02, each party pay professional expenses of $5800 and file notice that payment has been made** |  |
| 04/16/2002 | Master Commissioner's Fee & Expense Statement for March 2002 |  |
|  | **04/19/02 It is ordered that, by 5/3/02, each party pay professional expenses of $8250 and file notice that payment has been made** |  |
| 05/03/2002 | Notice of payment of professional expenses to Master Bellman, pursuant to Court's 4/19/02 entry | Appellant |
| 05/03/2002 | Notice of payment of Master Commissioner's fees for professional services pursuant to Court's entry of 04/19/02 | Appellee |
| 05/10/2002 | Motion for payment of attorney fees and expenses | Appellee |
|  | **12/27/02 Denied** |  |
| 05/17/2002 | Submission by Master Commissioner of original receipts and certification for claimed expenses |  |
|  | **05/23/02 It is ordered that, by 6/6/02 each party pay expenses of $5,061.22 and file notce that payment has been made** |  |
| 05/20/2002 | Memo opposing motion for payment of attorney fees and expenses | Appellant |
| 06/05/2002 | Notice of payment of Master Commissioner's expenses | Appellee |
| 06/05/2002 | Notice of payment of Master Commissioner's expenses | Appellant |
| 12/11/2002 | Upon reconsideration of the merits |  |
|  | **12/11/02 9/6/01 decision is vacated; DeRolph I & II are law of case; and the current school-funding system is unconstitutional. See opinion at** [**2002-Ohio-6750**](https://supremecourt.ohio.gov/rod/docs/pdf/0/2002/2002-ohio-6750.pdf) | DISPOSITIVE |
| 12/11/2002 | Certified copy of judgment entry sent to clerk |  |
| 12/11/2002 | Issuance of mandate |  |
| 03/17/2003 | Return of record to clerk of court/custodian; 6 cabinets & 1 poster |  |
| 10/20/2003 | Return of additional portions of record to clerk of court/ custodian |  |

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/)

**References**

 *Stephens, Scott (2007-03-23).* [*"School-funding suit brought changes, but challenges remain"*](http://blog.cleveland.com/earlyedition/2007/03/schoolfunding_suit_brought_cha.html)*.* [*The Plain Dealer*](https://en.wikipedia.org/wiki/The_Plain_Dealer) *(*[*Cleveland*](https://en.wikipedia.org/wiki/Cleveland%2C_Ohio)*,* [*Ohio*](https://en.wikipedia.org/wiki/Ohio)*). Retrieved 2009-01-31.*

  [*"The DeRolph Decision and Educational Adequacy"*](http://www.donet.com/~eprice/oscmjrty.html)*. Supporters of Thorough and Efficient Public Schools. Retrieved 2009-01-31.*

  [*"Supreme Court Upholds Constitutionality of State Law Authorizing Charter Schools"*](http://www.supremecourtofohio.gov/Communications_Office/summaries/2006/1025/041668.asp) *(Press release). The Supreme Court of Ohio. 2006-10-25. Retrieved 2009-01-31.*

  [*Building a Better School Funding System*](http://www.blueribbontaskforce.ohio.gov/02022005brtf.pdf) *(PDF), The Governor's Blue Ribbon Task Force on Financing Student Success, February 2005, p. 60, retrieved 2009-01-31*[[*dead link*](https://en.wikipedia.org/wiki/Wikipedia%3ALink_rot)]

  [*"IELP Resources: Ohio"*](http://ielp.rutgers.edu/resources/Ohio)*. Newark, N.J.: Institute on Education Law and Policy. Retrieved 2009-01-31.*

  *Starzyk, Edith (2009-01-29).* [*"Gov. Ted Strickland's school plan earns praise"*](http://blog.cleveland.com/openers/2009/01/governor_ted_stricklands_schoo.html)*.* [*The Plain Dealer*](https://en.wikipedia.org/wiki/The_Plain_Dealer) *(*[*Cleveland*](https://en.wikipedia.org/wiki/Cleveland%2C_Ohio)*,* [*Ohio*](https://en.wikipedia.org/wiki/Ohio)*). Retrieved 2009-01-31.*

  [*"Funding Our Schools"*](http://treasurer.cuyahogacounty.us/fundingschools.htm)*.* [*Cleveland*](https://en.wikipedia.org/wiki/Cleveland%2C_Ohio)*,* [*Ohio*](https://en.wikipedia.org/wiki/Ohio)*: Cuyahoga County Treasurer's Office. Retrieved 2009-01-31.*[[*dead link*](https://en.wikipedia.org/wiki/Wikipedia%3ALink_rot)]

  *James, Drew (2001-06-17).* [*"Coalition legal fees $3.6M and growing Ohio taxpayers foot bills for Columbus firm's work"*](http://www.toledoblade.com/apps/pbcs.dll/artikkel?SearchID=73065440499531&Avis=TO&Dato=20010617&Kategori=NEWS24&Lopenr=106170038)*. The Toledo Blade (Toledo, Ohio). Retrieved 2009-01-312009-01-31.* Check date values in: |access-date= ([help](https://en.wikipedia.org/wiki/Help%3ACS1_errors#bad_date))

  *O'Brien, Molly T. (October 2003),* [*"At the Intersection of Public Policy and Private Process: Court-Ordered Mediation and the Remedial Process in School Funding Litigation"*](http://papers.ssrn.com/sol3/Delivery.cfm/SSRN_ID461023_code031031570.pdf?abstractid=461023&mirid=1) *(PDF), Public Law & Legal Theory Working Paper Series,* [*University of Akron*](https://en.wikipedia.org/wiki/University_of_Akron) *School of Law (*[*Social Science Research Network*](https://en.wikipedia.org/wiki/Social_Science_Research_Network)*): 49,* [*doi*](https://en.wikipedia.org/wiki/Digital_object_identifier)*:*[*10.2139/ssrn.461023*](https://dx.doi.org/10.2139/ssrn.461023)*, retrieved 2009-01-31*

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**External links**

* [Supreme Court opinion in *Derolph I*](http://www.sconet.state.oh.us/rod/docs/pdf/0/1997/1997-ohio-84.pdf)
* [Supreme Court opinion in *Derolph II*](http://www.sconet.state.oh.us/rod/docs/pdf/0/2000/2000-ohio-437.pdf)
* [Supreme Court opinion in *Derolph III*](http://www.sconet.state.oh.us/rod/docs/pdf/0/2001/2001-ohio-1343.pdf)
* [Supreme Court opinion in *Derolph IV*](http://www.sconet.state.oh.us/rod/docs/pdf/0/2002/2002-ohio-6750.pdf)
* [The Ohio Coalition for Equity & Adequacy of School Funding](http://www.ohiocoalition.org/)
* [Governor's Blue Ribbon Task Force Report](http://www.blueribbontaskforce.ohio.gov/meetings/02022005brtf.pdf)
* [Chronology of DeRolph v. State of Ohio](http://www.bricker.com/services/resource-details.aspx?resourceid=412)
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