

School Funding

Basis for school funding litigation:

- Equality
- Adequacy

Questions to guide us for school funding cases

Does the state constitution provide a fundamental right to education? Or are public education clauses only a duty imposed on the legislature?

What are the differences between equality, adequacy, and uniformity?

How should a court determine whether school funding laws are unequal, inadequate, or not uniform?

Equality Cases

Hornbeck v. Somerset County Board of Education

458 A.2d 758 (Md. 1983)

Horton v. Meskill

376 A.2d 358 (Conn. 1977)

Vincent v. Voight

614 N.W.2d 388 (Wis. 2000)

Hornbeck v. Somerset County Board of Education

458 A.2d 758 (Md. 1983)

Maryland constitution requires the “establishment and maintenance of a thorough and efficient statewide system of free public schools”

Horton v. Meskill

376 A.2d 358 (Conn. 1977)

The school fund “shall be inviolably appropriated to the support and encouragement of the public schools throughout the state, and for the equal benefit of all the people thereof.” Conn. Const, Art. 8 § 4.

Vincent v. Voight

614 N.W.2d 388 (Wis. 2000)

“The legislature shall provide by law for the establishment of district schools, hwich shall be as nearly uniform as practicable; and such schools shall be free and without charge for tuition to all children between the ages of 4 and 20 years.” Wisc. Const. Art. X § 3.

Adequacy Cases

Edgewood Independent School Dist. v. Kirby
777 S.W.2d 391 (Tex. 1989)

DeRolph v. State
677 N.E.2d 733 (Ohio 1997)

DeRolph v. State
754 N.E.2d 1184 (Ohio 2001)

Columbia Falls Elementary Sch. Dist. No. 6 v. State
109 P.3d 257 (Mont. 2005)

Abbott v. Burke
971 A.2d 989 (N.J. 2009)

Citizens for Strong Schools Inc. v. Florida State Board of Ed.
262 So.3d 127 (Fla. 2019)

Edgewood Independent School Dist. v. Kirby

777 S.W.2d 391 (Tex. 1989)

“A general diffusion of knowledge being essential to the preservation of the liberties and rights of the people, it shall be the duty of the Legislature of the State to establish and make suitable provision for the support and maintenance of an efficient system of public free schools.” Texas Const., Article VII, § 1.

DeRolph v. State

677 N.E.2d 733 (Ohio 1997)

754 N.E.2d 1184 (Ohio 2001)

“The general assembly shall make such provisions, by taxation, or otherwise, as, with the income arising from the school trust fund, will secure a thorough and efficient system of common schools throughout the State.” Ohio Const. Section 2, Article VI.

Columbia Falls Elementary Sch. Dist. No. 6 v. State

109 P.3d 257 (Mont. 2005)

“[T]he legislature shall provide a basic system of free quality public elementary and secondary schools. It shall fund and distribute in an equitable manner to the school districts the state’s share of the cost of the basic elementary and secondary school system.” Montana Const., Art. X, § 1(3).

Abbott v. Burke

971 A.2d 989 (N.J. 2009)

“[T]he Legislature shall provide for the maintenance and support of a thorough and efficient system of free public schools for the instruction of all the children in the State between the ages of five and eighteen years.” N.J. Const.

Citizens for Strong Schools Inc. v. Florida State Board of Ed.

262 So.3d 127 (Fla. 2019)

“The education of children is a fundamental value of the people of the State of Florida. It is, therefore, a paramount duty of the state to make adequate provision for the education of all children residing within its borders. Adequate provision shall be made by law for a uniform, efficient, safe, secure, and high quality system of free public schools that allows students to obtain a high quality education.” Florida Const. Art. IX, § 1(a)