

SUPREME COURT OF OHIO

State ex rel. Yost v. Columbus City Schools Bd. of Edn.

2026-Ohio-1878 · No. 2024-1250 · Decided May 26, 2026

SUMMARY

The Supreme Court of Ohio dismissed the Attorney General’s mandamus action against the Columbus City Schools Board of Education for lack of standing. The court held that *parens patriae* standing, which permits suit for indirect injury to a substantial segment of the State’s population, is inconsistent with the requirement that a mandamus relator be directly benefited or injured by the judgment. The court concluded that the action concerned a relatively small number of pupils in one school district and that the Attorney General had not established a statutory or quasi-sovereign basis for standing.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Per Curiam; Fischer, J.; DeWine, J.; Brunner, J.; Shanahan, J.; Deters, J.; Kennedy, C.J.; Hawkins, J.
JURISDICTION	Supreme Court of Ohio
DECIDED	May 26, 2026
DOCKET	2024-1250
DISPOSITION	dismissed
PROCEDURAL POSTURE	Original mandamus action brought by the Ohio Attorney General seeking to compel a school board to provide interim transportation to private- and charter-school pupils during mediation and administrative review. The Supreme Court of Ohio granted an alternative writ, considered the parties' evidence and motions, and dismissed the action for lack of standing.
STANDARD OF REVIEW	Standing is a threshold requirement that must be established before the court considers the merits. To obtain mandamus, a relator must ordinarily establish a clear legal right to relief, a clear legal duty on the respondent, and the absence of an adequate remedy in the ordinary course of law.
PRECEDENTIAL VALUE	Published opinion; binding Supreme Court of Ohio precedent, subject to formal revision before publication in the Ohio Official Reports advance sheets.

PARTIES

State ex rel. Yost, Attorney General v. Columbus City Schools Board of Education

TOPICS

standing

civil procedure

remedies

statutory interpretation

municipal law

PRACTICE AREAS

civil procedure

constitutional law

education law

mandamus

municipal law

remedies

QUESTIONS PRESENTED

1. Whether the Attorney General had standing to bring an original mandamus action based solely on the *parens patriae* doctrine.
2. Whether *parens patriae* standing, which permits the State to sue for indirect injury to a quasi-sovereign interest, is compatible with Ohio's requirement that a mandamus relator be directly benefited or injured by the judgment.
3. Whether the action was moot because the school board allegedly offered or provided transportation.
4. Whether the Attorney General's motion for leave to file rebuttal evidence should be granted and whether the school board should be permitted to file a rebuttal affidavit.
5. Whether the school board's evidentiary objections should be sustained.

HOLDINGS

1. The Attorney General's motion for leave to file rebuttal evidence was granted because the proposed affidavits challenged the school board's contentions concerning mootness and *parens patriae* standing.
2. The school board's motion for leave to submit a rebuttal affidavit was denied because the applicable rule permits only the relator to file rebuttal evidence.
3. The school board's objections to alleged hearsay and inadmissible opinions were overruled without deciding the admissibility questions.
4. The mandamus action was not moot because the school board failed to establish that it had provided interim transportation to every pupil whose family requested mediation.
5. The Attorney General lacked standing to bring the mandamus action because he did not show that he or his office would be directly benefited or injured by issuance of the writ, and he identified no statute authorizing him to act for those who would directly benefit.
6. *Parens patriae* standing cannot supply standing for an Ohio mandamus action because it permits the State to sue for indirect injury, whereas mandamus requires the relator to be directly benefited or injured by the judgment.

KEY QUOTATIONS

“Thus, the parens patriae doctrine of standing allows the State to sue for indirect injury—which is inconsistent with our mandamus jurisprudence.” (¶ 27)

“To the contrary, the attorney general appears to be seeking mandamus to redress injury to particular people, which is not a proper use of parens patriae standing.” (¶ 34)

FACTUAL BACKGROUND

Columbus City Schools adopted resolutions under R.C. 3327.02 declaring transportation impractical for certain private- and charter-school pupils, initially in response to a bus-driver shortage. The board made additional determinations after the statutory deadline and offered payment in lieu of transportation; some families requested mediation, during which the statute required interim transportation. The Attorney General alleged that the board was not providing interim transportation to all pupils whose families requested mediation and sought a writ compelling compliance.

PROCEDURAL HISTORY

The Attorney General filed the mandamus action on September 5, 2024, along with an emergency motion for a temporary writ. The court denied the emergency motion, denied the school board's motion to dismiss, and granted an alternative writ. The court granted the Attorney General leave to file rebuttal evidence, denied the school board leave to file a rebuttal affidavit, overruled evidentiary objections, rejected the mootness argument, and dismissed the cause for lack of standing.

DISPOSITION

dismissed

CASES CITED

- State v. McNeill, 1998-Ohio-293, ¶ 44
- State ex rel. Ware v. Sheldon, 2025-Ohio-1768, ¶ 9
- State ex rel. Ungaro v. Mahoning Cty. Bd. of Elections, 2022-Ohio-3318, ¶ 17
- State ex rel. Tam O'Shanter Co. v. Stark Cty. Bd. of Elections, 2017-Ohio-8167, ¶ 11
- State ex rel. Law Office of Montgomery Cty. Pub. Defender v. Rosencrans, 2006-Ohio-5793, ¶ 15
- State ex rel. Ohio Stands Up!, Inc. v. DeWine, 2021-Ohio-4382, ¶¶ 5, 7
- State ex rel. Sinay v. Soddors, 1997-Ohio-344, ¶ 9
- State ex rel. Hills & Dales v. Plain Local School Dist. Bd. of Edn., 2019-Ohio-5160, ¶¶ 9-13
- Kelm v. Kelm, 2001-Ohio-168, ¶ 6 & fn. 1
- Alfred L. Snapp & Son, Inc. v. Puerto Rico ex rel. Barez, 458 U.S. 592, 600-607 (1982)
- Maryland v. Louisiana, 451 U.S. 725, 737 (1981)
- In re Suwinski, 509 B.R. 568, 570-576 (Bankr. S.D. Ohio 2013)
- Fed. Home Loan Mtg. Corp. v. Schwartzwald, 2012-Ohio-5017, ¶ 21
- State ex rel. Martens v. Findlay Mun. Court, 2024-Ohio-5667, ¶ 12

- State ex rel. Cordray v. Marshall, 2009-Ohio-4986, ¶¶ 18-23, 42
- State ex rel. Merrill v. Ohio Dept. of Natural Resources, 2011-Ohio-4612, ¶¶ 31-36
- State ex rel. Little v. Dayton & Southeastern RR. Co., 36 Ohio St. 434, 439-440 (1881)
- State ex rel. Crabbe v. Plumb, 116 Ohio St. 428, 429 (1927)
- State ex rel. Sheets v. Hobart, 11 Ohio Dec. 166, 210 (C.P. 1901)
- State ex rel. Brown v. Newport Concrete Co., 44 Ohio App.2d 121, 128-129 (1st Dist. 1975)
- Snyder v. Old World Classics, L.L.C., 2025-Ohio-1875, ¶ 4
- Greenlaw v. United States, 554 U.S. 237, 243 (2008)
- United States v. Sineneng-Smith, 590 U.S. 371, 375-376 (2020)
- State ex rel. Parisi v. Dayton Bar Assn. Certified Grievance Comm., 2019-Ohio-5157, ¶ 34
- State ex rel. GateHouse Media Ohio Holdings II, Inc. v. Columbus Police Dept., 2025-Ohio-5243, ¶ 41
- Kamen v. Kemper Fin. Servs., Inc., 500 U.S. 90, 99 (1991)
- Marbury v. Madison, 5 U.S. 137, 177 (1803)
- TWISM Ents., L.L.C. v. State Bd. of Registration for Professional Engineers & Surveyors, 2022-Ohio-4677, ¶ 33
- State ex rel. Howard v. Chief Inspector's Office, 2026-Ohio-1428, ¶ 59
- State ex rel. Waters v. Spaeth, 2012-Ohio-69, ¶ 6
- State ex rel. Cincinnati Enquirer v. Lyons, 2014-Ohio-2354, ¶ 28
- State ex rel. N. Main St. Coalition v. Webb, 2005-Ohio-5009, ¶ 41

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