

Public Funds Public Schools (PFPS) Files an Amicus Brief in the South Carolina Voucher Lawsuit

A majority of the states have a constitutional provision that forbids public funding of private religious schools. Voucher proponents are attempting to convince courts that these “no aid” provisions were adopted because of anti-religious prejudices. The amicus brief filed by PFPS urges the court to reject that myth.

Vouchers and School Segregation: Setting the Record Straight in South Carolina

Author: PFPS

Posted: Jun 6, 2022

Private school vouchers have a racist history in South Carolina. Vouchers were used to resist desegregating the state’s K-12 public schools in the wake of the *Brown v. Board of Education* ruling. Public Funds Public Schools (PFPS) spotlighted this disgraceful historical record in a powerful *amicus curiae* or “friend of the court” brief filed with the U.S. Court of Appeals for the Fourth Circuit in *Bishop of Charleston v. Adams*, a lawsuit challenging South Carolina’s constitutional ban on public funding of private schools.

The *Bishop of Charleston* lawsuit was filed by lawyers from the Liberty Justice Center, a pro-voucher legal organization. In February, a federal district court rejected Liberty Justice Center’s claims that enactment of the South Carolina Constitution’s “no-aid” clause was motivated by anti-religious and racial prejudices, violating the First and Fourteenth Amendments of the U.S. Constitution.

“The *Bishop of Charleston* case is the latest attempt by pro-voucher lawyers to break down state constitutional barriers that prevent public dollars from being diverted to private and religious schools,” said Education Law Center Senior Attorney and PFPS Director Jessica Levin.

The South Carolina Constitution contains an explicit safeguard to ensure public funds only pay for public education. To defend this provision, PFPS, along with the Southern Education Foundation (SEF) and the Advancement Project National Office, filed the *amicus* [brief](#) urging the appellate court to affirm the district court’s ruling.

The *amicus* brief provides the court with stark facts about the racist background of private school vouchers in South Carolina, part of the history of Southern states using voucher programs to fund private “segregation academies” in defiance of court-ordered public school desegregation. The brief also highlights data showing that private schools today—including those in South Carolina—disproportionately serve white students, as well as current-day research demonstrating voucher programs cause and worsen school segregation.

“The history of school vouchers and privatization is rooted in efforts to circumvent the Supreme Court’s ruling in *Brown v. Board* that school segregation is unconstitutional,” said SEF President and CEO Raymond Pierce. “Siphoning public education funds into private schools only serves to increase segregation and the education inequities that create barriers to opportunity for Black and Brown students and students from low-income families.”

“Adequate and equitable funding for public schools is essential to ensure every child has a welcoming, high-quality school in their community,” said Katherine Dunn, Director of the Advancement Project National Office’s Opportunity to Learn program. “South Carolina’s no-aid clause is indispensable to that goal. That’s why we’re standing up to defend it.”

[Public Funds Public Schools | Vouchers and School Segregation: Setting the Record Straight in South Carolina \(pfps.org\)](#)