

## **Constitutions, courts, and elections regarding school vouchers**

Taxpayer-funded school voucher proposals have failed in every state when subjected to a statewide vote. State constitutions require states to fund a system of public schools, not privatization schemes.

Supreme Courts in Kentucky and South Carolina have ruled school voucher schemes unconstitutional. Public Funds Public Schools review of South Carolina decision is [attached](#).

In several states, including Ohio, lawmakers are ignoring their respective state constitutions and are forcing taxpayers to fund religious education via school vouchers. In many states, lawmakers seem to have no regard for the will of the people or the supreme governing document of the state. Hence the folks in each state will have to seek justice via litigation.

The EdChoice voucher case in Ohio goes to trial November 4.

## **South Carolina Supreme Court Strikes Down Unconstitutional Private School Vouchers**

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In a major [victory](#) for public school students in South Carolina—and across the country—the South Carolina Supreme Court has struck down the private school voucher program enacted by the State Legislature in 2023.

Last year, a group of public school parents along with the South Carolina State Conference of the NAACP and The South Carolina Education Association filed *Eidson v. South Carolina Department of Education*. The lawsuit asserted that the new voucher law, which would have drained scarce state resources that should be used for public schools, violated the state constitution.

The South Carolina Supreme Court granted the plaintiffs' request that it take up the case immediately, bypassing the lower courts. And yesterday the Court issued its decision in favor of the plaintiffs, agreeing that the State cannot fund private school vouchers: "After we clear away the window dressing, we can see the Act funnels public funds to the direct benefit of private schools. This is what our constitution forbids." The Court forbade the use of voucher funds to pay for tuition and fees for private schools.

"Vouchers undermine our ability to serve all students no matter their needs, they fund discrimination, and they waste public funds without any real public accountability," said Brenda C. Murphy, President of the [South Carolina State Conference of the NAACP](#). "Pushing back against the threat of private school vouchers is central to our mission to ensure equal education for all students and schools free from discrimination, so we are thrilled with today's result."

The plaintiffs were represented by lawyers from the National Education Association; Education Law Center, which directs the Public Funds Public Schools (PFPS) campaign; the NAACP Office of General Counsel; Bredhoff & Kaiser PLLC; and the South Carolina firms of Nickles Law Firm, LLC, Tinkler Law Firm, LLC, and Wyche, P.A.

"Every student deserves fully funded neighborhood public schools that give them a sense of belonging and prepare them with the lessons and life skills they need to follow their dreams and live into their brilliance," said [NEA President Becky Pringle](#). "Like other states across the country, the South Carolina Supreme Court delivered a victory for students, parents, and educators by rejecting vouchers and ensuring public schools are spaces for every student—no matter their skin color, family background and beliefs, or neighborhood. Instead of sending money to private schools, it's time for leaders to focus on public schools—where 90% of children attend—not take money away from them."

CC3885 9.26.24 Thursday

“We were proud to be among the plaintiffs who stood up to protect South Carolina’s public schools and students from the threat of private school vouchers,” said Sherry East, President of [The South Carolina Education Association](#). “This decision is proof that standing up for our values and constitution pays off for our students, families, and communities.”

“Multiple times in recent years, the South Carolina Supreme Court has reaffirmed its commitment to upholding the crucial protections for public schools enshrined in the state constitution,” said Jessica Levin, Litigation Director at [Education Law Center](#) and Director of PFPS. “We are very pleased that courts across the country continue to invalidate unconstitutional efforts to divert public funds to private schools.”