

Wyoming court: Voucher program unconstitutional

The Plaintiffs in this case asserted the voucher program creates separate systems of education that are not uniform, thorough, efficient, adequate, or open to all Wyoming students, and that the voucher program appropriates public funds to private individuals and corporations that are not under the absolute control of the state

It is not surprising that courts in other states are ruling against voucher schemes. Nearly every state constitution in the U.S. has one or more provisions that mandates one public common school system open to all and forbids public tax money distributed to private school ventures.

The trial court in Ohio found that the EdChoice voucher scheme is likewise unconstitutional.

Victory Against Private School Vouchers in Wyoming

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A Wyoming court stopped the state's so-called "Steamboat Legacy Scholarship Act" private school voucher program in its tracks. The program would have provided some students with up to \$7,000 per year in vouchers for private school tuition. But the judge ordered a preliminary injunction that prohibits the state from funding the program.

The lawsuit against the voucher program was brought by the Wyoming Education Association, which also won a lawsuit in February before the same judge, who ruled that Wyoming was inadequately and inequitably funding public schools in violation of students' education and equal protection rights.

The plaintiffs in the voucher lawsuit, *Wyoming Education Association v. Degenfelder*, also include Wyoming public school parents, teachers, and taxpayers, and the lawsuit was brought against the State of Wyoming, the Wyoming State Treasurer, and the Wyoming Superintendent of Public Instruction.

The plaintiffs asserted that the voucher program violates multiple provisions of the Wyoming Constitution:

1. The program creates separate systems of education that are not uniform, thorough, efficient, adequate, or open to all Wyoming students;
2. The program appropriates public funds to private individuals and corporations that are not under the absolute control of the State; and
3. The state constitution prohibits donations of public funds to any individual, association or corporation "except for necessary support of the poor;" and the voucher program does not allocate funds that can be considered "necessary support for the poor."

On July 15, the court ruled that the plaintiffs were likely to succeed on the first and second claims listed above. In addition, the court noted that not all students would have access to these voucher funds since private schools can deny admission to any student, such as those with disabilities. The court also ruled that a preliminary injunction was necessary to avoid irreparable injury to the plaintiffs, since the vouchers would divert \$30 million of public funds to private schools.

The State of Wyoming has filed a notice of appeal to challenge the preliminary injunction.

"The Wyoming court had it just right. Private school vouchers are unconstitutional and take funding away from the public schools that serve the vast majority of students," said ELC staff attorney Patrick Cremin. "This is especially true in Wyoming, where the same court found the state's school funding system to be unconstitutional."

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Wyoming law firm Hacker, Hacker & Kendall, P.C. represents the plaintiffs.