

Wyoming judge denies state's motion to dismiss school voucher lawsuit.

School vouchers have never been supported by a majority of the people of any state in a statewide ballot. Neither are school vouchers currently being approved by the courts. Wyoming judge denies state's motion to dismiss. In June, EdChoice vouchers in Ohio were declared unconstitutional by Franklin County Court of Common Pleas Judge Jaiza Page.

All states have constitutional provisions for public education. (After the Civil War no state could be admitted into the Union without a constitutional provision for public education.) The plain language of state constitutions require public education available for all, but not private education as a state funding responsibility. Private schools should not expect to be supported by public funds.

Judge denies Wyoming's motion to dismiss school voucher lawsuit

Laramie District Court judge finds plaintiffs do have standing to claim harm in lawsuit against the state's new school-choice program, which remains in limbo.

by [Katie Klingsporn](#) September 3, 2025

In the latest blow to Wyoming's controversial universal school voucher program, a judge has denied the state's motion to dismiss the lawsuit challenging it.

The Steamboat Legacy Scholarship Act program has been dogged by constitutionality concerns since well before it was [enacted into law](#) in March. Educators and parents filed suit in June, and Wyoming's attempts to advance the voucher payments in the face of the lawsuit have repeatedly failed.

The program is designed to offer Wyoming families \$7,000 per child annually for K-12 non-public-school costs like tuition or tutoring. The scholarship would also offer money for pre-K costs, but only to income-qualified families at or below 250% of the federal poverty level. It was passed amid a wave of school-choice laws, particularly in Republican-led states like Wyoming.

However, Wyoming's constitution makes public education a paramount state commitment. Critics of the universal voucher program say spending public funds on private education violates several of the state's constitutional obligations and [have long warned](#) the matter would end up in the courts.

So far, state gambits to circumvent legal challenges have been unsuccessful. Laramie County District Court Judge Peter Froelicher [granted a temporary injunction](#) pausing the voucher program in June, [then extended](#) that injunction in July. More recently, he [denied a request](#) by Wyoming Superintendent of Public Instruction Megan Degenfelder and others to let the law take effect while they challenge the injunction.

In the newest decision, issued Aug. 28, Froelicher denied the state's motion to dismiss, determining that plaintiffs do have standing to sue. In the order, Froelicher also determined that Wyoming's State Treasurer Curt Meier, who the lawsuit names, is a valid defendant. The state asked that Meier be dropped from the suit.

Degenfelder, who championed the voucher program as a major school-choice win, has expressed dismay over the lawsuit's impacts on families who had already applied and were awaiting funds to pay for costs like textbooks, tutoring or private school uniforms for the 2025-26 school year.

Rocky road

The universal voucher program represents a major expansion of the state's 2024 education savings accounts, which offered money to income-qualified students for private school tuition or homeschool costs.

The 2025 bill transformed that program by stripping income qualifications so that the \$7,000 would be available to everyone.

The bill [ignited one of the hottest debates of the recent session](#). It sparked a deluge of feedback, both from school-choice proponents and critics who called it unconstitutional.

Lawmakers transformed it before it passed out of the Legislature; they brought 26 amendments, including 11 that passed. They also repeatedly questioned the constitutionality of the expanded program. Many urged colleagues to hold off and allow the existing education savings account program to roll out before changing it so drastically. Those requests did not sway the body.

The new program's application opened on May 15, attracting nearly 4,000 student applications. But in June, nine parents of school-aged children and the Wyoming Education Association, which represents more than 6,000 of the state's public school employees, [sued Degenfelder, Meier and the state of Wyoming](#).

A previous Wyoming Supreme Court ruling on education funding "found that 'education is a fundamental right' in Wyoming, that 'all aspects of the school finance system are subject to strict scrutiny,' and that 'any state action interfering with [the right to equal educational opportunity] must be closely examined before it can be said to pass constitutional muster,'" the lawsuit reads.

This voucher program, plaintiffs assert, does not pass that muster. That's because "the state cannot circumvent those requirements by funding private education that is not uniform and that meets none of the required state constitutional standards for education."

In addition, the program is unconstitutional because it violates constitutional language that allows the state to give public funds only for the necessary support of the poor, the lawsuit argues. Instead, it's an example of "gratuitously funneling public funds to private individuals and entities, regardless of whether they are poor and regardless of whether that support is necessary."

Parents who signed onto the case oppose the voucher plan due to the harmful impact it will have on their children, according to the lawsuit, "because private schools receiving voucher funding can refuse admission to children with disabilities ... and are not required to provide special education services or comply with [individualized education programs]." They are also concerned that private schools can refuse to admit and educate children who identify as queer, transgender or non-binary.

The voucher program will also negatively impact funding at public schools that the parents' children attend, the lawsuit says.

By rejecting the state's motion to dismiss, Froelicher accepts "the individual harms alleged in the complaint as true," according to his order.

What's next

The Wyoming Attorney General's office in July appealed Froelicher's preliminary injunction preventing the Wyoming Department of Education from transferring or paying out funds to participants of the program.

In a July update on the Wyoming Department of Education's site, Degenfelder said she is grateful the attorney general appealed to the Wyoming Supreme Court, but informed the public that "the appeals process is still extensive, and, unless the injunction is stayed while the appeal proceeds, may cause the program funds to be unavailable for most of the 2025-26 school year."

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