



The Right to Education Under Assault: Privatization, Funding, and Civic Values

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We have lots of new friends from . . .



Governor McMaster Used COVID funds
to create his own voucher program. |

A New Lawsuit

- Bishop of Charleston v. Adams
- Weird Alignment of Characters



At the
national
level, . . .

Secretary DeVos took COVID money reserved for public schools and tried to spread it to private schools

President Trump and Secretary DeVos threatened to terminate federal funds if schools didn't physically reopen

Senator Scott and Senator Alexander co-sponsored an amendment to the COVID relief bill of 2020 that would have reserved a substantial chunk of the education funds for private schools

Senator Schumer made a last minute insertion into the 2021 COVID aid bill that set aside some modest funds for private schools

Bill No.	Title	State	Year	Session
A2476	Provides gross income tax credit for certain homeschooling expenses.	NJ	2020 - 2021	2020-2021 Regular Session - 2020-2021 Regu...
S259	Opportunity Scholarship Act - Senate	NJ	2020 - 2021	2020-2021 Regular Session - 2020-2021 Regu...
A356	Opportunity Scholarship Act - Assembly	NJ	2020 - 2021	2020-2021 Regular Session - 2020-2021 Regu...
A2205	Gross income tax deductions for contributions to NJBEST - Assembly	NJ	2020 - 2021	2020-2021 Regular Session - 2020-2021 Regu...
S842	Gross income tax deductions for contributions to NJBEST - Senate	NJ	2020 - 2021	2020-2021 Regular Session - 2020-2021 Regu...
A565	Establish New Jersey Property Tax Relief and Education Empowerment Program	NJ	2020 - 2021	2020-2021 Regular Session - 2020-2021 Regu...
S1624	Provides gross income tax credit for certain homeschooling expenses.	NJ	2020 - 2021	2020-2021 Regular Session - 2020-2021 Regu...
S3056	Provides State grants for new accounts opened under New Jersey Better Educational Savings Trust (NJB...	NJ	2020 - 2021	2020-2021 Regular Session - 2020-2021 Regu...
S3002	Provides that public school parents be eligible to claim learning material or activity that parent considers ha...	NJ	2020 - 2021	2020-2021 Regular Session - 2020-2021 Regu...
HB1742	In-person instruction; education vouchers, etc.	VA	2021 - 2021	2021 Regular Session - 2021 Regular Session
HB1047	HB1047 Education matters.	IN	2021 - 2021	2021 Regular Session - 2021 Regular Session
A4972	Provides State grants for new accounts opened under New Jersey Better Educational Savings Trust (NJB...	NJ	2020 - 2021	2020-2021 Regular Session - 2020-2021 Regu...
A4946	Provides gross income tax credits for certain education and child care expenditures incurred by taxpay...	NJ	2020 - 2021	2020-2021 Regular Session - 2020-2021 Regu...
S3104	Provides gross income tax credits for certain education and child care expenditures incurred by taxpay...	NJ	2020 - 2021	2020-2021 Regular Session - 2020-2021 Regu...
HB60	HB60 Georgia Educational Scholarship Act	GA	2021 - 2022	2021-2022 Regular Session - 2021-2022 Regul...

Adding up to

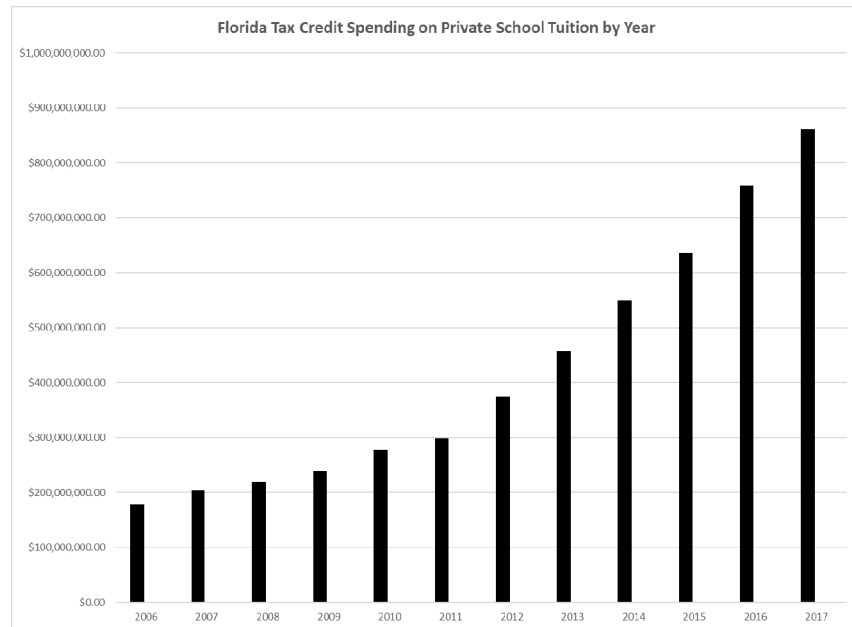


SC House Bill 3976

the State Treasurer shall transfer from the state appropriated monies allocated for the child's education in the prior school district of the child's domicile. . . to the department. The department shall deposit these monies into the South Carolina **Education Scholarship Account** Fund.

Price Tag?

- 5,000 students in 2022= about \$50 million
- Escalates each year to 20,000 students in 2025= about \$200,000,000
- "In all subsequent years, if the program remains in effect and contingent upon the amount of funds in the program, there may be no limit on the number of ESA students."



To ensure equitable treatment and personal safety of all ESA students, all education service providers shall:

- (1) comply with all applicable health and safety laws or codes;
- (2) if applicable, hold a valid occupancy permit if required by their municipality;
- (3) not discriminate on the basis of race, color, national origin; and

An education service provider that is not a public school is autonomous and not an agent of the State or federal government, therefore:

- (1) the department or any other state agency **may not regulate the educational program** of a certified education provider that accepts funds from an account;
- (4) an education service provider that accepts payment from a parent using funds from an ESA pursuant to this chapter is **not an agent of the State** or federal government; and
- (5) education service providers **shall not be required to alter their creeds, practices, admissions policy, or curriculum** in order to accept payments from a parent using funds from an ESA.

In establishing the Education Scholarship Account Act, the South Carolina General Assembly intends **to further enhance educational opportunity for all South Carolinians** across the prekindergarten through higher education spectrum by providing parents with state funds that will allow them to access the K-12 education that works best for their child





Whereas, the South Carolina General Assembly intends **to promote student achievement** by making South Carolina the most student-centered State in the nation by increasing student participation in, and student access to, **effective educational opportunities**, . . . regardless of where they live or their socioeconomic status; and



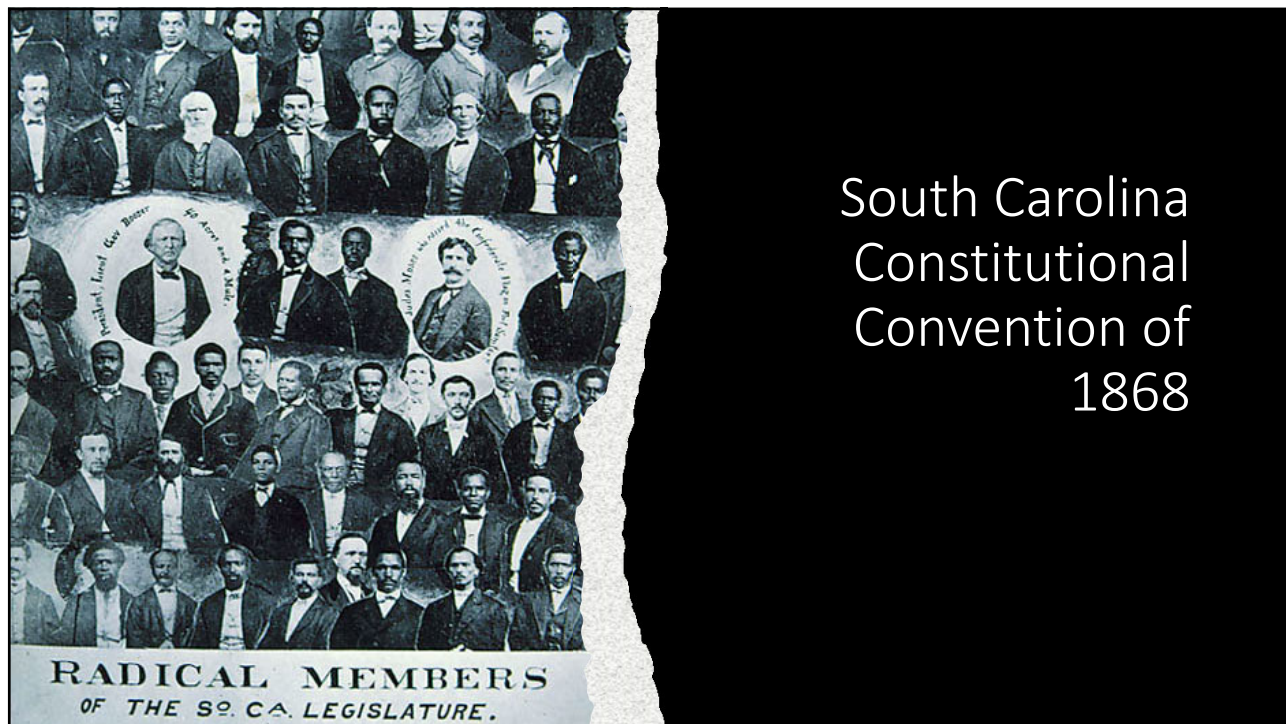
Whereas, the South Carolina General Assembly intends that the efforts of the education structure be **as** **direct benefit to students to** maximize parental choice options and student access to customized, high-quality educational opportunities presently unavailable to their children

Constitutional Problem

§ 3. The General Assembly shall provide for the maintenance and support of a system of free public schools open to all children in the State ...





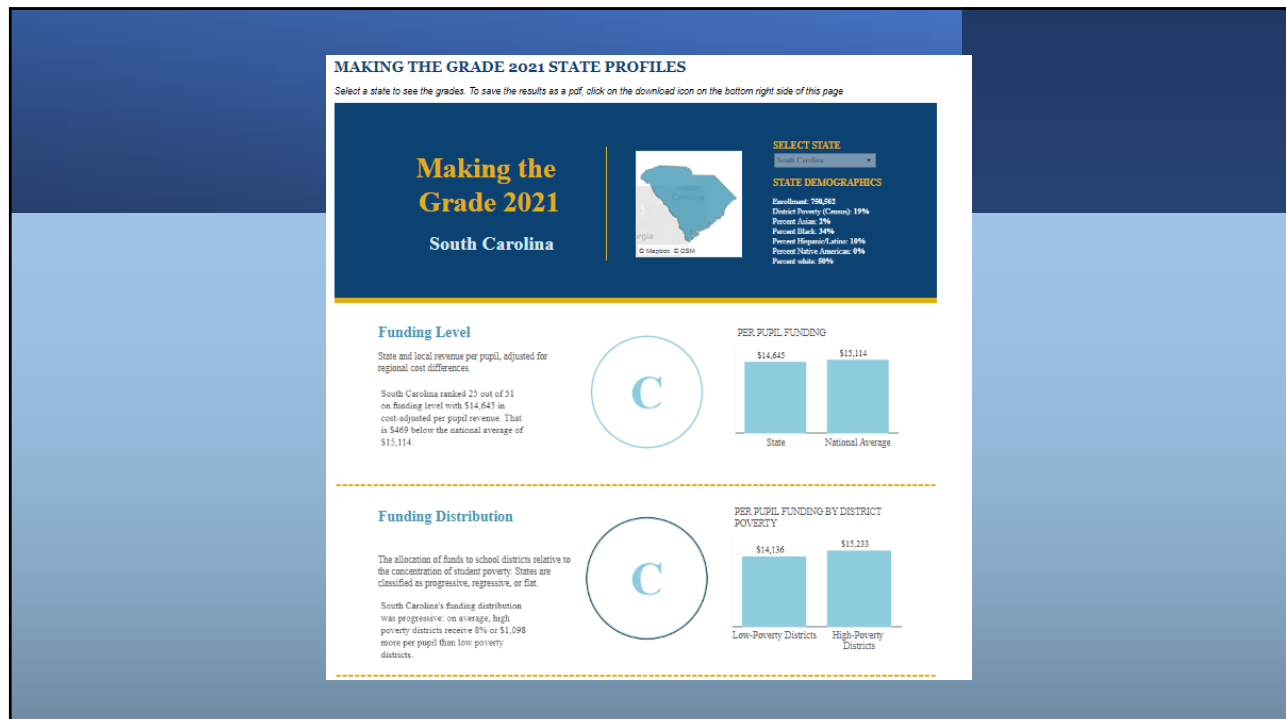
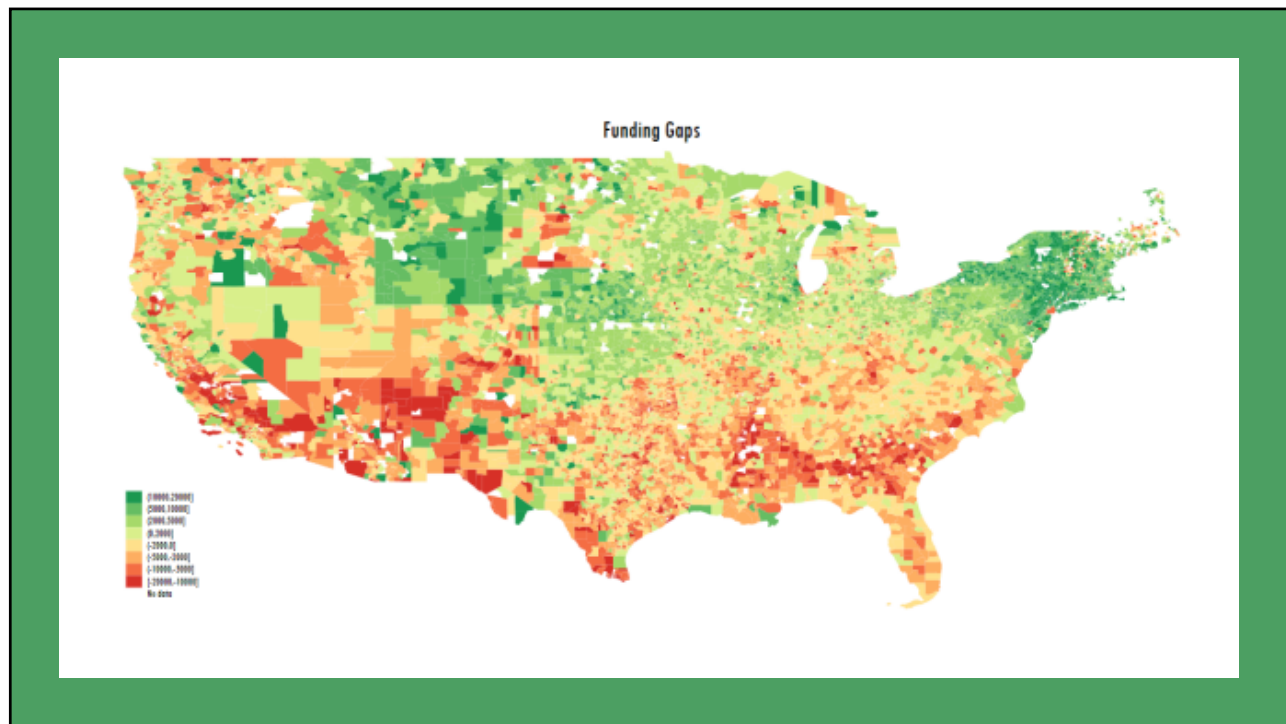


The Constitutional Problem

State has an absolute constitutional duty to provide an adequate public education

That obligation is foremost among its obligations

ESAs misorder priorities



South Carolina
Constitution
Article XI

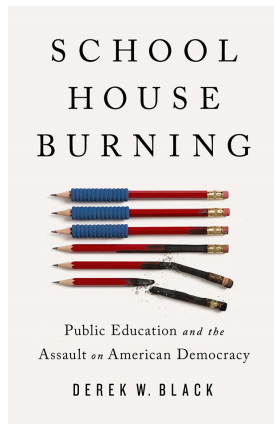
§ 4. Direct aid to religious or other private educational institutions prohibited. No money shall be paid from public funds nor shall the credit of the State or any of its political subdivisions be used for the direct benefit of any religious or other private educational institution. (1972 (57) 3193; 1973 (58) 44.)

Unequal on
Multiple
Accounts

Asks students to sacrifice and forfeit their rights: Students w/ disabilities; Personal Beliefs; Sex and Gender

Does nothing to serve our rural communities or strengthen a system of education in the state

My Work



ARTICLE

**The Constitutional Compromise to
Guarantee Education**

Derek W. Black*