LAWSUIT CHALLENGES CONSTITUTIONALITY OF VOUCHER LAW

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A lawsuit filed today in Wake County Superior Court challenges the constitutionality of legislation passed earlier this year that creates a private school voucher program using public funds. Under the legislation, which takes effect in the 2014-15 school year, a private school can receive up to $4,200 in public funding for each eligible student that it enrolls. The legislation does not require that a student struggle academically or attend a poorly performing public school in order to receive a voucher. It also does not require any assurance that public funds will be spent to provide students with an adequate education and one that is offered on a non-discriminatory basis.

The suit was filed by four individual taxpayers, three of whom have children attending public schools, and the North Carolina School Boards Association (NCSBA), a nonprofit, nonpartisan membership association that represents all 115 local boards of education in the state and the Board of Education of the Eastern Band of the Cherokee Nation.

The legislation initially appropriates $10 million in public funds. The complaint alleges that public funding will rise to $50 million in future budget cycles.

“This challenge raises important questions about the use of public funds and our commitment to North Carolina’s students,” said Shearra Miller, president of the NCSBA and a member of the Cleveland County Board of Education. “By diverting funding from the public schools, vouchers have the potential to significantly damage individual school systems, particularly in smaller districts. As a local board member, I am concerned about the impact that will have on our students. In addition, the voucher program does not ensure that private schools that receive public funding will adhere to our constitution’s promise that students will have the opportunity to receive a sound basic education and will not face discrimination. Given all of these issues, the NCSBA Board of Directors felt strongly that the organization should raise these questions in court.”

The complaint asserts that the legislation violates the state constitution by:

* Using public dollars for a non-public purpose—private education opportunities outside of the constitutionally required “general and uniform system of free public schools;”
* Failing to require participating private schools to adhere to any substantive educational standards or practice non-discriminatory admissions;
* Diverting public dollars from the State School Fund, which is to be used “exclusively for establishing and maintaining a uniform system of public schools;” and
* Creating a system of selective secondary educational opportunities that denies students equal opportunities.

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