

Your Question

You asked for information about court cases related to school choice.

Our Response

The 2011 report [Keeping Informed about School Vouchers: A Review of Major Developments and Research](#) from the Center on Education Policy (CEP) provides a brief overview of three significant court cases related to vouchers, plus some major state ballot initiatives related to voucher programs (pages 19-21).

As the CEP resource is somewhat dated and specific to voucher programs, below is information about other court cases around school choice options. **Please note that this is not a comprehensive list.**

Alabama

In 2015, the state Supreme Court [upheld two tax credit programs](#) facing a legal challenge. The court decided that the programs did not violate the state constitution because the money goes to parents, not schools.

Colorado

Colorado's Douglas County School District attempted to create a voucher program in 2011. The [state Supreme Court found the program unconstitutional in 2015](#), deciding that the programs violated the state's Blaine amendment prohibiting government aid to religious schools. The school district revised the program to exclude religiously-affiliated schools, but the revised program was [struck down by a federal judge in 2016](#). The case was appealed to the U.S. Supreme Court, but it is unclear if the case will be heard.

Nevada

In 2016, [the state Supreme Court ruled](#) that the state's universal ESA program – crated by legislation in 2015 – was constitutional, but the funding mechanism was not. Thus, the program is suspended. The Nevada legislature is currently in session and legislators [introduced legislation](#) that would rework the funding mechanism in accordance with the legal ruling. However, the status of this legislation is currently unknown.

North Carolina

The North Carolina Supreme Court [upheld one of the state's voucher programs in 2015](#), which had been found unconstitutional in 2014. The program provides vouchers for income-eligible students.

Ohio

A 2002 ruling by the U.S. Supreme Court [upheld Ohio's voucher program for students living in Cleveland](#). The Court upheld the program on grounds of "nonpreference," meaning the government does not give preference to religious students because parents make the decision about where to use voucher funds. (For more information, see page 2 of the CEEP report "[Mapping the Growth of Statewide Voucher Programs in the United States](#).")

Additional Resources

ECS Resources

- ✓ [School Choice Glossary](#)
- ✓ [50-State Comparison: Vouchers](#)
- ✓ [Education Savings Accounts: Key provisions and state variations](#)

NCSL Resources

- ✓ [Interactive Guide to School Choice](#)

Other Resources

- ✓ [Mapping the Growth of Statewide Voucher Programs in the United States](#) (Center for Evaluation and Education Policy, 2015)

Washington

Charter schools in Washington have gone through multiple legal challenges. The state's charter school law was [ruled unconstitutional by the Washington State Supreme Court in 2015](#), which found that the funding mechanism violated the constitution. The legislature reworked the state's charter school law and the [revised law went into effect in 2016](#), but was again challenged in court. The updated law, which funds charter schools through lottery monies, was [upheld by a county judge in February 2017](#). It isn't clear if the ruling will be appealed.