

The Council for Better Education

The Council for Better Education represents 168 of Kentucky's 173 school districts in efforts to ensure full implementation of Kentucky's constitutional commitment to our students and our common schools.

TAXPAYERS, VOTERS, EDUCATORS CHALLENGE

Litigation argues HB 563 violates Kentucky Constitution

FRANKFORT, Kentucky (June 7, 2021) —The Council for Better Education, Inc., the Frankfort Independent School District, and Warren County School District, along with three individual taxpayers and voters, filed suit in Franklin Circuit Court today. The case challenges the constitutionality of HB 563, a school voucher program that — if it goes into effect as scheduled on June 28 — will funnel \$125 million in state revenue to private schools.

Every student, no matter what he looks like or where she lives, deserves access to a high-quality public education. Spending money on voucher programs means denying students the opportunities they deserve in their neighborhood public schools because vouchers steal away scarce funding from public schools and give it to private schools that have no accountability or transparency. The Kentucky constitution demands that public funds be used to improve public schools in Kentucky and prohibits public money being shifted to unaccountable private schools.

As our Supreme Court made clear in its landmark decision in *Rose v. Council for Better Education*, the General Assembly has an unyielding obligation to provide for and oversee an efficient system of common schools and cannot redirect public funds to private schools that serve a select few. The Constitution requires any programs that fund schools other than the common schools be approved by Kentucky voters.

HB 563 violates these constitutional requirements. Worse still, the law allows state revenue to flow to private schools that are not subject to any education standards and are free to discriminate against students for any reason, including race, gender, sexual orientation, disability and religion. Public dollars should never be spent to create an education system that allows, encourages or perpetuates discrimination.

HB 563 conceals its constitutional defects of funding tax handouts to wealthy donors and allowing private management organizations (in exchange for a generous fee) to administer the program rather than public agencies that are accountable to Kentucky voters. But make no mistake: left unchallenged, over the next five years HB 563 will cost the taxpayers of the Commonwealth \$125 million in revenue that should have gone to public education.

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