



**PRESS RELEASE from the
LIBERTY JUSTICE CENTER**

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Liberty Justice Center represents North Carolina General Assembly in fight to protect scholarships for low-income students

RALEIGH, N.C. (Oct 26, 2020) – Attorneys from the Liberty Justice Center are representing the North Carolina General Assembly in a legal fight to protect a scholarship program that provides educational opportunities for thousands of low-income students. Opponents of the program want to see the scholarships ended — which would force thousands of students to leave their current schools and would close the door to education opportunity for countless others. Meanwhile, the tried and tested program has already been upheld by the state’s Supreme Court and even recently expanded by the General Assembly.

The Liberty Justice Center is a national, nonprofit law firm that fights to protect school choice across America. The Center is best known for its 2018 victory in the Supreme Court case *Janus v. AFSCME* and its role in the successful 2020 school choice case *Espinoza v. Montana Department of Revenue*.

"This scholarship program is a lifeline for thousands of low-income students across North Carolina," said **Brian Kelsey, senior attorney at the Liberty Justice Center**. "This lawsuit is a poor attempt to relitigate a program that was already upheld by the state Supreme Court five years ago. The Opportunity Scholarship Program is good law and wholly constitutional. We're proud to stand with the legislature to protect this vital program on behalf of every child in North Carolina, who deserves a world-class education."

Liberty Justice Center filed a Motion to Intervene in *Kelly v. North Carolina* on Oct 26, 2020. The filing documents are available here: <https://libertyjusticecenter.org/media/north-carolina-general-assembly>.

BACKGROUND:

In 2013, the North Carolina General Assembly created the Opportunity Scholarship Program, which provides scholarships of approximately \$4,000 to children from lower-income families in the state. Families use these scholarships to attend a private school that fits their child’s unique learning needs. The Program was challenged in court and then upheld by the state’s Supreme Court in 2015.

Since 2015, this state has successfully operated the North Carolina Opportunity Scholarship Program, which has helped over ten thousand low-income students a year receive the funds they need to attend a private school that fits their needs. Plaintiffs bring yet another challenge to the Program, this time charging that, as applied, the Program is discriminatory and does not further the public purpose because many of the schools where parents direct their scholarship funds to be used are religious.

Seven North Carolina parents, in conjunction with the North Carolina Association of Educators (NCAE) and the National Education Association (NEA) are trying to block the program from continuing.

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The Liberty Justice Center is a nonprofit, nonpartisan public-interest litigation center that represents clients at no charge and was founded to fight against political privilege. The most recent example of the Liberty Justice Center's national success in this arena is its 2018 U.S. Supreme Court victory in *Janus v. AFSCME*. Beyond its work in the *Janus* case, the Liberty Justice Center's team of talented, liberty-minded attorneys also fight to protect economic liberty, private property rights, free speech, school choice and other fundamental rights. The Liberty Justice Center pursues its goals through strategic, precedent-setting litigation to revitalize constitutional restraints on government power and protections for individual rights. Learn more about the Liberty Justice Center at LibertyJusticeCenter.org.