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## Right to education at center of debate

The Charleston School of Law's symposium on State Constitutional Reform in the New South brought thinkers from across the region and state for two days of panel discussions. Part of today's discussion surrounded access to education in South Carolina.

Staff Report

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The state constitution's guarantee of a "minimally adequate" education came under debate from both sides at a panel discussion Friday morning at the Charleston Museum.

The discussion was part of the State Constitutional Reform in the New South symposium presented by the Charleston School of Law and the Riley Institute at Furman University. Attorneys Stephen Morrison, partner at Nelson Mullins Riley & Scarborough, and Robert Stepp, member at Sowell Gray Stepp & Laffitte, debated the issue.

In 2003, Morrison represented the plaintiffs and Stepp represented the state in Abbeville County School District v. the state of South Carolina in a court battle over inequities in the state's education finance system. At Friday's event, each attorney presented his side of the debate over the oft-contested phrase "minimally adequate" and argued whether the constitution should be amended.

"The educational debate needs to take place in the Legislature," Stepp said. "It is not the role of the constitution."

The constitution shouldn't determine policy, he said, adding that there is danger in "embedding aspirational phrases in the constitution."

Morrison argued that the constitution should be amended.

"The South Carolina Supreme Court can only assess the constitution as it is now," Morrison said. "'Minimally adequate' is not a phrase we're happy with at the moment."

He added that many other states have already added a qualitative aspect to educational rights.

The second part of the panel discussion focused on the recent trend toward banning illegal immigrants from attending state colleges and universities. South Carolina has been aggressive in the bans, and many Southern states are passing similar exclusions. In the summer, the S.C. General Assembly passed a total ban on illegal immigrants attending all

higher education institutions in the state.

“These bans are likely constitutional, but that doesn’t mean they’re right,” said Marcia Yablon-Zug, a law professor at the University of South Carolina School of Law.

But instead of looking at changing the constitution, USC law professor Danielle Holley-Walker said that it would be better to show legislators that these bans are inefficient, create negative economic influences and don’t help create an educated populace in South Carolina.

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