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SCHOOLS - SOUTH CAROLINA

[Wilson ex rel. State v. City of Columbia](#)

Supreme Court of South Carolina - September 2, 2021 - S.E.2d - 2021 WL 3928992

State's Attorney General brought declaratory judgment action against city, seeking declaration that city ordinances mandating use of facemasks in all K-12 public schools within the city due to COVID-19 pandemic violated state legislature's appropriations act and were void.

The Supreme Court held that:

- State legislature's policy determination to leave to parents the decision as to whether students should wear facemasks in schools was within the broad parameters of legislature's constitutional boundaries;
- Provision of appropriations act that prohibited school districts from using appropriated funds to require students and/or employees to wear facemasks at any of school district's education facilities did not violate one-subject rule of the State Constitution; and
- The challenged ordinances were preempted by the appropriations act.

State legislature's policy determination to leave to parents the decision as to whether students should wear facemasks in K-12 public schools was within the broad parameters of legislature's constitutional boundaries, and thus Supreme Court did not have power to impose its own policy judgment on state legislature or city, in state Attorney General's action for declaration that city ordinances requiring use of facemasks in city's public schools during COVID-19 pandemic violated state legislature's appropriations act, which prohibited school districts from using any appropriated funds to require students and/or employees to wear facemasks at education facilities.

Provision of state legislature's appropriations act that prohibited school districts from using state-appropriated funds to require students and/or employees to wear facemasks at any of school district's education facilities did not violate one-subject rule of the State Constitution; provision was reasonably and inherently related to the spending of tax money, provision was included as part of Department of Education's budget, and provision had legitimate and natural association with title of the appropriations act, which included language indicating that the act was "to regulate the expenditure of" appropriated funds.

City ordinances imposing mandate for students and school employees to wear facemasks in K-12 public schools in the city due to COVID-19 pandemic, and requiring school personnel to enforce the mask mandate or face monetary and other legal sanctions, violated provision of state legislature's appropriations act which prohibited school districts from using any state-appropriated funds to require students and/or employees to wear facemasks at education facilities, although city claimed that the city itself would fund and enforce the mandate without the use of any state-appropriated funds; ordinances forced school personnel, who had connection to state-appropriated funds, to choose between violating the appropriations act or city law.

City ordinances imposing mandate for students and school employees to wear facemasks in K-12 public schools in the city due to COVID-19 pandemic, and requiring school personnel to enforce the

mask mandate or face monetary and other legal sanctions, were preempted by state legislature's appropriations act which prohibited school districts from using any state-appropriated funds to require students and/or employees to wear facemasks at education facilities; ordinances expressly conflicted with the appropriations act, such that compliance with both was not possible, and ordinances frustrated the purposes of the relevant provision of the appropriations act.

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