

Bond Case Briefs

Municipal Finance Law Since 1971

A Federal Court Ruling Imperils the Charter-School Movement.

The Fourth Circuit holds our school is a ‘state actor,’ even though the law makes its independence clear.

A ruling in a federal court case could spell trouble for the charter-school movement. The case began in 2015 when the American Civil Liberties Union, representing three female students, sued our school.

The plaintiffs in *Peltier v. Charter Day School, Inc.* allege that our uniform policy—which requires girls to wear jumpers, skirts or “skorts” (skirtlike shorts) on most days—violates the girls’ rights under the 14th Amendment’s Equal Protection Clause. After a mixed decision in federal district court, the Fourth U.S. Circuit Court of Appeals ruled in June for the plaintiffs.

By a 10-6 vote, the full court held that CDS is a “state actor,” constitutionally indistinguishable from government-run public schools. That is counter to North Carolina law. CDS is a private nonprofit corporation—a legal requirement for operating a charter school under the state’s Charter School Act. That law specifically empowered charters to set their own rules about comportment, curriculum, appropriate dress and other matters.

[Continue reading.](#)

The Wall Street Journal

By Baker A. Mitchell and Robert P. Spencer

Jan. 3, 2023