

THE STATE OF SOUTH CAROLINA
In the Supreme Court

IN THE ORIGINAL JURISDICTION OF THE SUPREME COURT

Yamilette Albertson, on her own behalf and on behalf of her children, Y., A., and J.; and
Constantine Shulikov, on his own behalf and on behalf of his children, A., E., P., N., and V.
..... Petitioners,

v.

Ellen Weaver, in her official capacity as State Superintendent of Education,Respondent.

**AFFIDAVIT OF DAVID HODGES IN SUPPORT OF PETITIONERS' PETITION FOR
ORIGINAL JURISDICTION AND EXPEDITED CONSIDERATION**

I, David Hodges, submit the following testimony under oath:

1. I am a citizen of the United States over eighteen years of age. I am of sound mind and fully competent to make this affidavit, which I make knowingly and based on my personal knowledge.

2. I am an attorney at the Institute for Justice, and I represent the Petitioners Yamilette Albertson and Constantine Shulikov in this matter, *pro hac vice* admission pending.

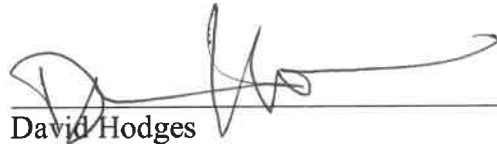
3. I submit this affidavit in support of Petitioners' Petition for Original Jurisdiction and Expedited Consideration.

4. Attached as Exhibit A to this affidavit is a true and correct copy of a webpage that I accessed on November 25, 2024 from the website of the South Carolina Department of Education, at the uniform resource locator <https://ed.sc.gov/newsroom/strategic-engagement/education-scholarship-trust-fund-program/>. I did not alter or amend the webpage in any way.

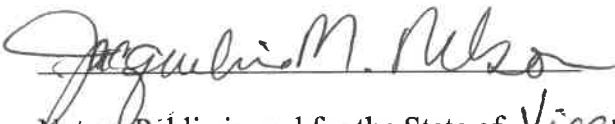
5. Upon accessing the webpage described in paragraph 4 on November 25, 2024, I clicked the "Latest Information" button that appears near the top of the webpage. Attached as Exhibit B to this affidavit is a true and correct copy of the webpage to which I was automatically directed upon clicking the "Latest Information" button. The uniform resource locator for the webpage to which I was automatically directed is <https://www.classwallet.com/programs/southcarolinaestf/>. I did not alter or amend the webpage in any way.

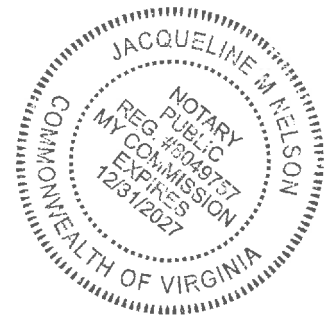
6. This testimony is true and correct to the best of my knowledge.

FURTHER AFFIANT SAYETH NOT.


David Hodges

SWORN to and subscribed before me this 2nd day of December, 2024.


Notary Public in and for the State of Virginia.
My commission expires 12/31/2027.



RECEIVED

Dec 05 2024

S.C. SUPREME COURT

Exhibit A

Affidavit of David Hodges in Support of
Petitioners' Petition for Original Jurisdiction and Expedited Consideration

Education Scholarship Trust Fund Program

The South Carolina Department of Education administers the Education Scholarship Trust Fund and has contracted with ClassWallet for programmatic support and to manage the distribution of scholarship funds to participating families.

[Approved Education Service Providers](#) (Updated 09/13/2024)

Please visit the [Education Scholarship Trust Fund Program](#) for the latest information, to sign up for upcoming webinars, and to link to the application.

LATEST INFORMATION

Background Information

On May 5, 2023, Governor Henry McMaster signed the Education Scholarship Trust Fund Act into law. This new ESA program—modeled after similar programs around the country—allows qualifying South Carolina parents to apply for a scholarship worth \$6,000. These scholarships may be used to create a customized, flexible education for their child, as outlined below.

Am I Eligible?

To be eligible, students must:

- Be a resident of South Carolina; AND
- Have attended a South Carolina public school during the previous school year, OR have not yet attained the age of five on or before September 1 of the previous school year but have attained the age of five on or before September 1 of the current school year, OR have received a scholarship the previous school year; AND
- Have a household income as follows:
 - School Year 2024-2025 – does not exceed 200% of the [federal poverty guidelines](#).
 - School Year 2025-2026 – does not exceed 300% of the [federal poverty guidelines](#).
 - School year 2026-2027 and subsequent school years – does not exceed 400% of the [federal poverty guidelines](#).

Students currently enrolled in a public charter school, home school students (as defined in Sections 59-65-40 [Option 1], 59-65-45 [Option 2], 59-65-47 [Option 3]), and students participating in the Educational Credit for Exceptional Needs Children's Fund program (as defined in Section 12-6-3790) are *not* eligible for this scholarship program.

What types of flexible education expenses are eligible?

- Tuition and fees of an education service provider
- Textbooks, curriculum, or other instructional materials including, but not limited to, any supplemental materials or associated online instruction required by either a curriculum or an education service provider
- Tutoring services approved by the Department of Education
- Computer hardware or other technological devices that are used primarily for a scholarship student's educational needs and approved by the department or a licensed physician
- Tuition and fees for an approved nonpublic online education service provider or course
- Fees for approved:
 - National norm-referenced examinations, advanced placement examinations, or similar assessments,
 - Industry certification exams, or
 - Examinations related to college or university admission
- Educational services for pupils with disabilities from a licensed or accredited practitioner or provider including, but not limited to, occupational, behavioral, physical, and speech-language therapies
- Approved contracted services from a public school district, including individual classes, after school tutoring services, transportation, or fees or costs associated with participation in extracurricular activities
- Contracted teaching services and education classes approved by the Department of Education
- Fees for transportation paid to a fee-for-service transportation provider for the scholarship student to travel to and from an eligible provider as defined in this section, not to exceed \$750 for each school year
- Fees for account management by private financial management firms approved by the department
- Any other educational expense approved by the Department of Education

Contact Information

849 Learning Lane
West Columbia, SC 29172
Email: info@ed.sc.gov

[Agency Staff Directory](#)

Some content may require [Adobe Reader](#)

Accessibility

The South Carolina Department of Education is committed to providing a web presence that enables full public access. As such, the SCDE has established and complies with accessibility standards to meet the needs of users with disabilities. If you require additional assistance with the content on this page please contact info@ed.sc.gov.

How are scholarships funded?

Scholarship accounts are funded through an annual appropriation of the South Carolina General Assembly. They are worth \$6,000 per eligible student, per school year and will be awarded, based upon available funding from the General Assembly, as follows:


- School Year 2024-2025 – up to 5,000 scholarships/year
- School Year 2025-2026 – up to 10,000 scholarships/year
- School Year 2026-2027 and subsequent school years – up to 15,000 scholarships/year






When and how may a parent or legal guardian apply for a scholarship for their student?

Scholarships will first be available for the 2024-2025 school year. The law requires that the scholarship application process open no earlier than January 15, 2024, and close no later than March 15, 2024. The SC Department of Education will create, announce, and publicize a standard application process.

How may education service providers apply to participate in the program?

Education service providers are a person or organization approved by the SC Department of Education to provide educational goods and services to scholarship students. The Department will develop an application process for participation in the program which outlines the criteria and timeline for approval and will certify a list of approved education service providers no later than February 1, 2024. This list will be available on the Department's website.



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Exhibit B

**Affidavit of David Hodges in Support of
Petitioners' Petition for Original Jurisdiction and Expedited Consideration**



South Carolina Department of Education

Education Scholarship Trust Fund Program

IMPORTANT UPDATE

On September 11, 2024, the South Carolina Supreme Court ruled that sections of South Carolina's Education Scholarship Trust Fund (ESTF) program are unconstitutional.


Pursuant to this ruling, and as of September 11, 2024, **ESTF funds may no longer be used for tuition or fee payments to nonpublic schools.**

No parent will be expected to repay any funds that were spent prior to the court ruling **and expenses like tutoring, therapies, and other items remain eligible for purchase.**

Thank you for your interest in participating in the **Education Scholarship Trust Fund (ESTF) Program**. The ESTF program provides \$6,000 scholarships to qualifying South Carolina students. The South Carolina Department of Education administers the ESTF and has contracted with ClassWallet for programmatic support and to manage the distribution of scholarship funds to participating families.

Learn more and get started below!

The 2025-2026 student application will open January 15th, 2025.

 **Notify me when the application period starts**

Learn More



Get Started

Families & Students

Education Service Providers

IMPORTANT

- [Approved Education Service Providers for the 2024-2025 School Year](#)
- Space was limited by law to 5,000 students for the 2024-2025 school year.
- Scholarships were [awarded to students that met the qualifications on a first-come, first-served basis!](#)
- If your student was approved, the first quarterly disbursement was made on July 30, 2024.

Families & Students

Families can use scholarship funds to create a customized, flexible education for their student, including paying for approved expenses like tutoring, educational therapies and out-of-district attendance fees.

Next Steps

- **Step 1: Access scholarship funds on ClassWallet**

Once your student is approved, you will receive a Welcome Email from ClassWallet with next steps on how to access your scholarship funds through the ClassWallet platform.

Accounts have now been funded! If you have questions about accessing your ESTF funds contact [Classwallet Customer Support](#) or reference your Welcome Email.

- **Step 2: Use your student's scholarship**

Make payments and purchases for approved expenses using your student's scholarship account through ClassWallet.

Help & Support

Family & Student Application Questions

FACTS Management has been contracted to support the application administration process.

Call FACTS Management

[\(866\) 539-6359](tel:(866)539-6359)

Monday through Friday from 8 am - 8 pm ET

Email FACTS Management

info@factsmgt.com

General Program Support and Scholarship Account Funding Questions

Call ClassWallet

[\(877\) 313-1299](tel:(877)313-1299)

Monday through Friday from 8 am - 8 pm ET
Saturday from 10 am - 4 pm ET

Email ClassWallet

help@classwallet.com

Contact Outbridge Support

<https://www.outbridge-sc.org>

The 2024-2025 Application is Closed

If you have already submitted an application, click below to log-in and check your application status.

[Student Application](#)

Resources for Families & Students

- Download the [Participant Guide](#)
- 2024-2025 ESTF families! Watch your email for updates.
- [FAQs](#)

Education Service Providers

Thank you for your interest in serving ESTF families & students. "Education Service Providers" are individuals or organizations approved by the South Carolina Department of Education to provide educational goods and services to scholarship students at the direction of their parent or guardian. The Department has developed an application process for participation in the program which outlines the criteria and timeline for approval.

Get Started

- **Step 1:** To submit an application, complete the Education Service Provider application form.

[Education Service Provider Application](#)

- **Step 2:** You will receive notification of the state's decision within 10 business days of your submission.
- **Step 3:** Within 3 business days of your ESP Application approval, you will receive an email from ClassWallet with step-by-step instructions on finalizing your registration and creating your ClassWallet account. This final step will allow you to receive payments from families and students.

Resources For Service Providers

- [FAQs](#)
- [Learn more from other Service Providers](#)
- Download the [Education Service Provider Guide](#)

