



**PRESS RELEASE from
LIBERTY JUSTICE CENTER**

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Mother's lawsuit forces South Carolina school district to open in-person learning to all students

CHARLESTON, S.C. (May 25, 2021) — All students in Berkeley County, South Carolina public schools now have access to in-person learning after a mother's lawsuit forced the school district to comply with state law. Brigette Herbst sued the district after two of her children were stuck on a waiting list for in-person school despite an April 2021 law requiring that "every school district in the State must offer five-day, in-person classroom instruction to students no later than April 26, 2021."

After filing the lawsuit, Herbst's attorneys at the Liberty Justice Center, a national public interest law firm that fights for constitutional rights and educational opportunity, heard from other Berkeley families whose children were also blocked from returning to school. At least 126 students requested but were denied in-person learning in the district.

"Today's victory means all Berkeley County students have the opportunity to return to school," said **Daniel Suhr, senior attorney at the Liberty Justice Center**. "Kids and parents have shouldered an unbelievable burden this year. Brigette and other parents are showing that they will fight for their kids' rights and education."

In a letter to Liberty Justice Center attorneys, Berkeley County School District Superintendent Eddie Ingram said the district was now "in compliance with state law and offered all students the opportunity for in-person instruction and to immediately matriculate back into in-person learning."

"This has been a really hard year for my kids, and for all our children. I knew I had to stand up and fight for them to be able to go to school in-person, and not just for them but for other students as well," said **Brigette Herbst, mother of three Berkeley County School District students**. "I'm happy the district is now ensuring that all children can attend school in-person, with their friends and teachers. That's where they need to be."

Herbst and her attorneys have filed to dismiss the lawsuit against Berkeley County School District now that the district is offering in-person learning to every child.

Background: South Carolina Governor Henry McMaster signed S. 704 on April 22, 2021. The day before the signing, the State Superintendent of Education, Molly Spearman, was clear about the bill's meaning: "Every family must be given the option of sending their child to school five days a week face to face..."

Berkeley County School District told parents it was complying with state law because it offered five-day, in-person instruction. However, that option was only available to families who chose it at the beginning of the school year. Families who moved mid-year or initially started in virtual learning were placed on a waitlist if they requested in-person learning.

Brigette Herbst and her children sued the district for denying her children equal protection under the law and equal access to education and continuing to harm her kids by forcing them to stay in virtual learning.

***Herbst v. Berkeley County School District* was filed May 3, 2021, in the Berkeley County Court of Common Pleas. Case filings are available here: <https://libertyjusticecenter.org/south-carolina-school-district-to-open>**

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The Liberty Justice Center is a nonprofit, public-interest litigation center that fights to protect school choice and fundamental constitutional rights. The Liberty Justice Center is best known for its 2018 U.S. Supreme Court victory in *Janus v. AFSCME*. Learn more about the Liberty Justice Center at [LibertyJusticeCenter.org](https://libertyjusticecenter.org).