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## AACCS Applauds Supreme Court Decision in Arizona School Choice Case

April 8, 2011 – The American Association of Christian Schools applauds the Supreme Court’s ruling in the matter of *Arizona Christian School Tuition Organization v. Kathleen M. Winn*. In a 5 – 4 decision, the Court determined that an Arizona law awarding tax credits to individuals who contribute to private organizations that fund secular and religious private school scholarships was indeed constitutional.

Dr. Keith Wiebe, AACCS president, applauded the decision, stating, “This is a great victory for school choice as it opens the doors for more empowering programs to be enacted across the country. We look forward to the benefits from the decision that will be reaped by parents who are seeking the best educational options for their children.”

Since the late 1990’s, Arizona’s tax credit program has served nearly 29,000 students and was the first tax credit program in the country. Its success has led to similar school choice programs being adopted in other states. The program allows individual taxpayers to receive up to \$500 in “dollar-for-dollar” tax credits if they choose to donate to a School Tuition Organization. Arizona citizens have opted to contribute over 350 million to school tuition organizations. The program is overwhelmingly popular in the state and benefits mostly special needs students and children of low-income families.

Last year, however, a suit was brought before the Ninth Circuit Court of Appeals by the American Civil Liberties Union (ACLU) which argued that the program violated the Establishment Clause. According to the [Institute for Justice \(IJ\)](#), the organization arguing on behalf of the program, “The case was filed 10 years ago by the ACLU, which claims that the tax credit program advances religion because taxpayers—free from any government pressure—have independently decided to give more money to religiously affiliated School Tuition Organizations than to nonreligious organizations. Arizonans are free to give to any of the 54 organizations currently operating in Arizona, including many that are nonreligious.” The Ninth Circuit Court, however, ruled in favor of the ACLU, so the state of Arizona appealed to the U.S. Supreme Court.

The AACCS joined Liberty Counsel in [submitting an amicus brief](#) to the Supreme Court which focused on the true purpose of the Establishment Clause. The brief sought to clarify the Establishment Clause standards which should be used to determine the constitutionality of a case, by pointing out that the standards employed by the Ninth Circuit Court of Appeals in their decision failed to meet these logical standards. The Alliance Defense Fund joined the Institute for Justice in filing the opening brief to the Court. Eighteen other concerned groups also filed amicus briefs, or “friend of the court” briefs, to help expand the Court’s knowledge on legal, fiscal, and social details that may not necessarily be brought up by the party’s opening brief.

On April 4, 2011, the Supreme Court dismissed the case primarily citing the plaintiff's lack of standing to bring the suit. The law was found to have a negligible effect on Arizona's taxpayers since participation in the program is purely voluntary. Furthermore, the Justices found that the tax credit was not tantamount to a direct government expenditure that furthered the advancement of religion. In the majority opinion, Justice Kennedy wrote that "private bank accounts cannot be equated with the Arizona State Treasury."

Dr. Jeff Walton, executive director for AACCS, stated, "The American Association of Christian Schools supports tax credit programs as perhaps the only vehicle allowing a tax incentive for parents who choose Christian schools without entangling the government in those schools. A challenge to the Arizona program threatens all efforts to offer parents genuine choice in education. The Arizona tax credit program has been a wonderful vehicle for allowing parents who are not wealthy to exercise a choice in their children's education that previously only those who were more prosperous could exercise. Single mothers and factory workers in Arizona can now choose a school that best meets the needs of their children, funded by a scholarship from a School Tuition Organization."

Dr. Walton continued, "We believe that such freedom is the most effective and equitable way to improve the quality of K-12 education in America. Individuals and corporations may freely choose the School Tuition Organization to which they contribute. Parents may freely choose the STO and through it the school that a child will attend. The State of Arizona establishes no particular religion but establishes an environment in which individual choice and educational quality can flourish. The AACCS fully supports those core values and applauds the State of Arizona for this remarkable and critical effort to offer educational choice and to foster educational quality."

The AACCS also applauds AACCS-state affiliate Christian Schools of Arizona for its hard work to promote this tax credit program which has benefited many families and children. The AACCS serves over 100,000 students and teachers in approximately 800 member schools throughout the United States.