



A Publication of the American Association of Christian Schools

The Washington Flyer
April 25, 2014

I long to accomplish a great and noble task, but it is my chief duty to accomplish small tasks as if they were great and noble.

Helen Keller

Kansas Governor Establishes New School Choice Program

Last year, the school choice movement experienced the largest single-year increase in program availability and growth across the country. This week, Kansas became the 19th state to enact a private school choice program. Since 1990, forty states have enacted a variety of school choice programs. Kansas Governor Sam Brownback signed the measure which will create the Corporate Education Tax Credit Scholarship program. The scholarship tuition program will offer a maximum \$10 million in tax credits to companies that give to nonprofit scholarship organizations which will then award funding to eligible parents. While Arizona is the recognized leader in school choice offerings, thirteen states have established tuition tax credit programs which provide approximately \$551 million to provide more educational options to parents. In Kansas, the program is open to children from low-income families and to those with special needs. To read more about the program, [click here](#).

Arizona Legislature Votes to Expand ESA Eligibility

Last week, the Arizona legislature [passed](#) HB 2150 which expands eligibility for the innovative Education Savings Account (ESA) program to children of military members who fall in the line of duty. A bipartisan group of Senators approved the bill which placed it on Governor Jan Brewer's desk. The Education Savings Account program is an innovative school choice option that gives eligible parents a restricted-use debit card which can be used to customize their child's education while freeing the child from a failing school. Unused money in these accounts can be "rolled over" for higher education expenses. Although the program is fiercely opposed by teachers unions and faced with legal challenges, the Arizona Supreme Court upheld a favorable lower court ruling finding the program to be constitutional. Prior to passage of this bill, the program was open to children in foster care, military dependents, kindergarten students, and children assigned to failing public schools. The Arizona Veteran's Caucus, a bipartisan group, strongly supported the measure. Representative Sonny Borrelli (R-Lake Havasu City), a Marine Corps veteran, stated that "Arizona's military members serve our state and our country, we feel strongly that we should reciprocate by serving their children with this legislation. Although we can never make up for the immense sacrifices military families make, we can provide the educational options to help those families." The legislature also approved HB 2139 which extends eligibility to siblings of current ESA recipients and preschool students with special needs.

Oklahoma Marriage Case at Appeals Court

Oklahoma is one of the growing numbers of states that have seen voter-approved marriage amendments overturned by unilateral executive or judicial fiat this year. On April 17, the Denver-based 10th Circuit Court of Appeals [heard](#) the pivotal case that led to the striking down of Oklahoma's marriage amendment. The case involves a county clerk who declined to issue a marriage license to a same-sex couple. The justices heard the

strikingly similar Utah marriage amendment case the week prior to the Oklahoma appeal. Both amendments were approved by overwhelming majorities in 2004. In the Utah case, approximately 1,000 marriage licenses were issued before the ruling was stayed pending appeal. The primary question before the court is whether the voters acted out of *animus* when they passed the measure. Lawyers for Alliance Defending Freedom contend that the cases turn on whether voters can amend the state constitution through ballot initiatives. While the justices appeared partial to the right of voters to define marriage within their state, one judge on the panel likened prohibitions on same-sex marriage to Virginia's ban on interracial marriage which was ruled unconstitutional by the Supreme Court. The judge did concede that since same-sex marriage is "a new concept for courts to address...perhaps it is best to defer to the democratic process unless there is a compelling reason to step in." In both cases, it is expected that the 10th Circuit decision will be appealed to the Supreme Court.

Dr. James Dobson Wins Injunction Against Abortion Pill Mandate

Last week, Alliance Defending Freedom lawyers [won](#) another legal victory against the controversial Health and Human Services (HHS) women's preventive services mandate. Dr. James Dobson, noted Christian psychologist and "Family Talk" host, was granted a preliminary injunction in his organization's case. In August 2011, the HHS issued the Obamacare-related women's health "preventive services" mandate which required the inclusion of all FDA-approved forms of abortifacients, contraception, and sterilization procedures in employer-sponsored health care plans. While a religious exemption was included in the mandate, the language was so narrow that very few religious organizations and institutions actually qualified. Despite the outcry from religious groups that this violates the fundamental principle of religious freedom in our Constitution, the Administration has remained committed to retaining the mandate. There are over [96 cases](#) against the mandate making their way through the legal system. In June, the Supreme Court will issue a related ruling in the Hobby Lobby and Conestoga Wood Specialties cases.

Pro-life Group Fights for First Amendment at Supreme Court

On Tuesday, attorneys [argued](#) a case on the behalf of the [Susan B. Anthony List](#), a prominent pro-life advocacy group. In 2010, the group was sued by disgruntled Ohio congressman, Steve Driehaus, who blamed the group's attempt to place billboard advertisements for his failure to be reelected. Mr. Driehaus sued the group under Ohio's restrictive campaign speech codes. The billboards would have informed voters of Mr. Driehaus's affirmative vote for the Affordable Care Act which the group alleged was an expansion of taxpayer-funded abortion. Although this allegation has been proven to be true*, the Ohio Election Commission initially ruled in favor of the candidate. Subsequent federal appeals were decided in favor of SBA List. The question before the Supreme Court is whether the group can sue the state for infringing upon its right to inform the public about a candidate's voting record. There are serious implications for other 501(c)4 organizations that publish voter guides and conduct media campaigns. To read more about this case, [click here](#).

*The federal prohibition against the taxpayer funding of abortion that applies to all federal funds (the Hyde Amendment) does **not** apply to the health care law. Also research into ACA regulatory edicts has demonstrated that the law has indeed led to a massive expansion in taxpayer-funded abortion through Medicaid payments, congressional staffer health subsidies, and the abortion surcharge included in the exchanges

In Case You Missed It:

[Weekly Market Update](#) provided by Jeff Beach of the [AACSI Investment Team at Merrill Lynch](#)

[Family Research Council: Common Core Standards Position](#)

[Some Schools Teach Creationism and Accept Voucher Students: Why That's Fine.](#)

[The Value of Parental Choice in Education: A Look at the Research](#)

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