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*“This is all the inheritance I give to my dear family.
The religion of Christ will give them one which will make them rich indeed.”*
Patrick Henry

Nevada Supreme Court Rules on School Choice Program

The Nevada Supreme Court ruled last week that the new school choice program established in 2015 had a technical funding issue which prohibits the program from moving forward this year. While this is a setback for the program, school choice advocates are praising the portions of the ruling which found that the program was indeed constitutional in other areas. Nevada’s Education Savings Account (ESA) is the first universal ESA program created by a state legislature, providing a way for all parents with children enrolled in a public school to choose a different educational path for their children. The parents can access up to \$5,000 each year to be used for educational expenses including curriculum, learning therapies, and tuition at private, religious schools. Once the program was passed, the ACLU immediately filed suit charging the program was unconstitutional because it violated the state’s Blaine Amendment, which prohibits use of government money to fund religious schools. An additional suit was filed by a group of parents on the grounds the program would harm public schools by taking away some funding. The court ruled that neither charge had any merit. Specifically, since the ESA funds were directed to the parents and not directly to any religious school, the court decided the program did not violate the Blaine Amendment and was, therefore, constitutional. The court ruled against the program only for a problem with the funding mechanism, but the ruling also specified that this issue can be fixed through legislative action. The Nevada Policy Research Institute, proponents of the program, issued the following [statement](#): “Although we’re disappointed that the program remains delayed because of the ruling, it is good to see that the justices have affirmed the right for a parent to make their own decisions about their child’s education. The freedom that parents will have, thanks to the nation’s most inclusive educational reform, will be unimaginable. When legislators address the one remaining obstacle to implementing this program, there will be a floodgate of opportunity opened for Nevada’s youth—a new gold rush for educational innovation.” Arizona was the first state to enact an Education Savings Account program, and that program also withstood Blaine Amendment charges when the Arizona courts ruled in 2014 that the program did not violate that part of the state constitution. Education policy experts from the Heritage Foundation, Lindsey Burke and Jonathan Butcher, [noted](#) that this recent Nevada ruling further cements the great merits of education savings accounts in providing true school choice options: “The distinctive policy design of ESAs enables accountholders to finance multiple learning options beyond tuition at a private school. It also makes the accounts well-positioned to withstand Blaine Amendment-based legal challenges. . . . Nevada courts reached the same conclusion.”

Senators Charge Justice Department Needs to Provide More Protection for Religious Liberty

Senators Ted Cruz (TX) and Mike Lee (UT) sent a [letter](#) last week to the US Department of Justice, [charging](#) that the department has not provided needed protection to houses of worship as required by the Freedom of Access to Clinic Entrances Act (FACE). FACE was enacted in 1994 and prohibits the use of threat or force to block entrance to abortion clinics and houses of worship. The Senators’ letter points out that there is record that

the DOJ has pursued over two dozen cases in an effort to protect abortion clinics since 2009; yet no cases involving churches have been pursued, in spite of the fact that there have been instances of violence against churches which have warranted investigation. This is the second letter the Senators have sent to the DOJ on this issue. The first letter was sent on March 16, and the DOJ responded with an explanation that cases involving churches were pursued under a different statute which they believed was broader in scope. However, the Senators' most recent letter points out that the statute to which they refer covers only property destruction because of a "racial or religious animus," while the FACE Act provides a greater scope of protection. The Senators further request detailed answers to several questions regarding the cases the DOJ has decided to pursue. They note the purpose of their letter is "to carry out our duty to conduct oversight of the DOJ, and to determine whether the DOJ is doing everything it can to protect the rights of all American citizens."

Alabama Supreme Court Justice Suspended for Views on Marriage

Last Friday, Alabama Supreme Court Chief Justice Roy Moore was [suspended](#) from the bench for the remainder of his term for ordering probate judges to defy the 2015 Supreme Court ruling in *Obergefell v. Hodges* which legalized gay marriage across the nation. The nine members of the state Court of the Judiciary (COJ) ruled unanimously against Justice Moore on all six of the ethics violations charges brought against him as a result of his stand. Mat Staver, founder and chairman of Liberty Counsel, the group representing Justice Moore, said the COJ's ruling "throws the rule of law out the window" and emphasized that the "rule of law should trump political agendas." He further remarked, "Sadly, today that is not the case. What this decision tells us today is that Montgomery has a long way to go to weed out abuse of political power and restore the rule of law." Justice Moore was previously removed from the office in 2003 when he refused to remove a statue of the Ten Commandments but was reelected by the people of Alabama in 2009. Unfortunately, due to age restrictions, Justice Moore will not be able to run for the office again after the suspension ends. On Wednesday of this week, Liberty Counsel and Justice Moore [filed an appeal](#) of the case with the Alabama Supreme Court, charging the COJ violated its own rules when deciding to suspend Justice Moore. Mr. Staver stated, "We will continue the fight for justice to prevail in this case."

In Case You Missed It:

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

[25,000 March for School Choice in New York City](#)

[Massachusetts Law Could Jail Pastors For Using the Wrong Pronouns](#)

[House Debates Protections for Babies Born Alive After Attempted Abortions](#)

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