



The Washington Flyer
July 14, 2023

“If we abide by the principles taught in the Bible, our country will go on prospering and to prosper; but if we and our posterity neglect its instructions and authority, no man can tell how sudden a catastrophe may overwhelm us and bury all our glory in profound obscurity.”
Daniel Webster

School Choice Update: Oklahoma and Ohio Enact Universal School Choice

Oklahoma and Ohio have joined the growing number of states which have enacted universal school choice programs in the last two years. Last month, Oklahoma Governor Kevin Stitt [signed into law](#) an education reform bill that creates a tax credit scholarship program that is available to all families in the state. The school choice program will provide student scholarship amounts based on a family’s income, beginning at \$7,500 for households making less than \$75,000 per year, and decreasing scholarship amounts for higher-income households. The program will begin with a funding of \$155 million, with an increase to \$255 million by 2026. The bill is the result of months of negotiations between the governor and the state legislature, and the final version also includes increased funding for public schools and a pay increase for certified teachers. At the bill signing, Governor Stitt [stated](#), “Regardless of zip code, we now have an opportunity for a parent to take their kid to any school they want. You have a refundable tax credit to take your kid to a charter school, to a Christian school, to any private school, wherever you think your kid may be able to thrive. I remind people all the time: School choice should not just be for the rich or those that can afford it. Now, it’s available for every single family in the state of Oklahoma.”

The state of Ohio also passed universal school choice when Governor Mike DeWine signed into law the budget bill for fiscal years 2024-25. The new budget includes an expansion of the state’s current voucher program making it [available to all Ohio families](#). The [EdChoice Scholarship Program](#) previously provided scholarships to students from families with an income at or below 250% of the federal poverty level, but the new criteria will remove the income eligibility limit, making the program universally available. The scholarship amount will be approximately \$6,165 (for grades K-8) and \$8,407 (for grades 9-12), amounts that are considerably less than the average of \$14,500 per pupil spending in the state. Families whose income exceeds 450% of the federal poverty level will be eligible, but with a reduced scholarship amount. Other educational reforms included in the budget bill involve a structuring of the governance for education, requirements to improve reading instruction, increased funding for charter and other public schools, a change in requirements for teacher licensure, and increased funding for career-technical education. Oklahoma and Ohio are the [seventh and eighth states](#) to pass universal school choice in the last two years. Jason Bedrick, a research fellow at the Center for Education Policy at the Heritage Foundation, [reported](#) that with the growth in school choice programs in the last two years, “more than 1 in 5 (more than 10 million) K-12 students are now eligible for education choice nationwide.” Corey DeAngelis, senior fellow for American Federation for Children, [noted](#), “The government school monopoly dominoes are falling one red state at a time. A school choice revolution has ignited and there’s no stopping it.”

Supreme Court Strikes Down Affirmative Action

Last week, the Supreme Court ruled in *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College* that it is unconstitutional for an institution of higher education to consider race during the student admissions process. In its [6-3 decision](#), the Court found that the race-based admissions policies of Harvard College and the University of North Carolina did not meet judicial review and lacked a connection between methods and goals. [Edward Blum](#), the founder and president of Students for Fair Admissions, called the decision “the beginning of the restoration of the colorblind legal covenant that binds together our multi-racial, multi-ethnic nation.” But many supporters of affirmative action fiercely opposed the decision. “The Court cements a superficial rule of colorblindness as a constitutional principle in an endemically segregated society where race has always mattered and continues to matter,” said [Justice Sonia Sotomayor](#) in her dissent. The Court has left the door open for colleges to consider race when it relates to applicants’ experiences. Already, many have called on colleges and universities to consider other ways to institute efforts that allow race to be a consideration in admissions. The NAACP launched its “[Diversity No Matter What](#)” pledge that advocates the elimination of standardized testing as part of student admissions, and a lawsuit against Harvard’s [legacy admissions policy](#) was filed shortly after the Supreme Court struck down affirmative action. But to supporters of the decision, this recent ruling enshrines merit and fairness for future generations of students. As [Chief Justice John Roberts](#) wrote in the majority opinion, “Eliminating racial discrimination means eliminating all of it.”

Supreme Court Rules Against Biden’s Student Loan Forgiveness Plan

In a [6-3 decision](#) for the case *Biden v. Nebraska*, the Supreme Court struck down Biden’s student loan forgiveness plan on the grounds that the administration does not have the legal authority to forgive the loans. The Department of Education (DOE) had pointed to the [Heroes Act](#) (the Higher Education Relief Opportunities for Students Act) as the justification to cancel the loan debt for over 40 million students. First passed in 2001 after September 11, the Heroes Act allows the Secretary of Education “to waive or modify any provision” regarding financial assistance for students who are affected by a military operation, war, or a national disaster. The Supreme Court ruled that the administration [exceeded](#) its authority and referred to the plan as a “novel and fundamentally different loan forgiveness program” from the intent of the original law. The Biden administration quickly reacted by [announcing plans](#) to find an alternate way to grant student loan forgiveness through the Higher Education Act. A [fact sheet](#) published by the DOE provides details for this plan which include efforts to revise federal regulations to allow for student loan forgiveness and also a repayment plan to “protect the most vulnerable borrowers from the worst consequences of missed payments following the payment restart.” While conservatives are [praising](#) the Court’s recognition of the limits to the administration’s power, stakeholders continue to demand accountability for student loan debt—putting colleges squarely in the crosshairs. Secretary of Education Miguel Cardona had [previously promised](#) to hold colleges responsible for “runaway costs and unaffordable debts” and has doubled down on that promise since the Supreme Court’s decision. *Written by AACS summer intern Sarah Butler*

In Case You Missed It:

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

[Practical Legal Help for Christian Schools: ADF Ministry Alliance](#)

[Promise to America’s Children](#)

Jamison Coppola: Government Relations Director

Olivia Summers: Government Relations Assistant

Maureen Van Den Berg: Policy Analyst

Washington Office, 119 C Street SE, Washington, DC 20003