

# Educational Choice: The Future of Education and Its Constitutional Foundation

**Presented by**

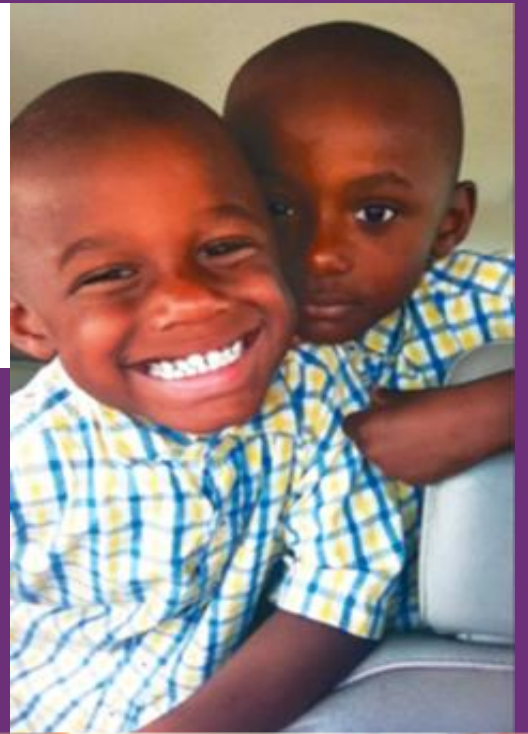
**Leslie Davis Hiner, Attorney at Law**

**Vice President of Legal Affairs**

**Director, Legal Defense & Education Center**



# Their Future Depends on Educational Freedom



- Parents have the primary authority to decide how and where a child is educated.
- “The child is not the mere creature of the state.”
- *Pierce v. Society of the Sisters of the Holy Names of Jesus and Mary*, 268 U.S. 510 (1925)





## → Common Points of Agreement in Court Rulings Align With Dr. Friedman's Vision

### 1955 Modern Voucher Idea of Dr. Milton Friedman, Nobel Laureate Economist:

Parents receive public funds to pay tuition at any school of their choice – including public or private schools, or unforeseen ways to educate in the future.

“Government, preferably local governmental units, would

give each child, ✓

through his parents, ✓

a specified sum ✓

to be used solely in paying for his general education; ✓

the parents would be free to spend this sum at a school of their own choice.” ✓

***The Role of Government in Education***, by Milton Friedman. From *Economics and the Public Interest*, ed. Robert A. Solo, copyright © 1955 by the Trustees of Rutgers College in New Jersey.



# Money Matters

- At the moment when a parent receives public funding directly for the benefit of a child, the “circuit between government and religion” is broken.
- Parent’s choice of school is attributable solely to the parent, not the state
- *Zelman v. Simmons-Harris*, 536 U.S. 639 (2002)



# *Espinoza v. Montana Dept of Revenue*

**“A State need not subsidize private education, [b]ut once a State decides to do so, it cannot disqualify some private schools solely because they are religious.”**



# *Carson v. Makin*

**“[T]he prohibition on status-based discrimination under the Free Exercise Clause is not a permission to engage in use based discrimination.”**



# EDUCATIONAL CHOICE: 32 STATES, plus D.C. & Puerto Rico; 76 PROGRAMS

STATE	VOUCHER	TCS	ESA	TC ESA	TAX C/D
AL		1			1
AZ		4	1		
AR	1	1	1		
FL	2	2	1		
GA	1	1			
IL		1			1
IN	1	1	1		1
IA		1	1		1
KS		1			
LA	2	1			1
ME	1				

STATE	VOUCHER	TCS	ESA	TC ESA	TAX C/D
MD	1				
MN					2
MO				1	
MS	2		1		
MT		1			
NV		1			
NH	1	1	1		
NC	2		1		
OH	5	1			2
OK	1	1			
PA		2			
RI		1			

STATE	VOUCHER	TCS	ESA	TC ESA	TAX C/D
SC		1			1
SD		1			
TN	1		1		
UT	1	1	1		
VT	1				
VA		1			
WI	4				1
WV			1		
DC	1				
PR	1				
<b>TOTAL</b>	<b>29</b>	<b>26</b>	<b>11</b>	<b>1</b>	<b>11</b>

**Litigation DOES NOT INTIMIDATE Those Who Need Choice**

“Voucher” includes Town Tuitioning.

“Tax C/D” includes Refundable Tax Credits.



*Advancing educational freedom  
and choice for all as a pathway  
to successful lives and a stronger society.*



**LDEC**

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