

# MYTH VS. FACT: VOUCHERS IN NEVADA (It's elementary)

**MYTH**

*If Pell grants can be used at religious universities, then so can vouchers or ESAs.*

**FACT**

Pell Grants and Vouchers are not the same thing. First, Pell grants are needs based; Second, college isn't compulsory like K-12; Third, any public K-12 school, or college/university that accepts public money— must comply with federal civil rights laws or be subject to a loss of federal funds.

Private religious, parochial, or sectarian schools discriminate in their admissions. They reject those who do not belong to their chosen faith, they do not have to accept children with disabilities, and they can choose the gender, or sexual orientation of their students.

**MYTH**

*If Medicaid dollars can be used at religious hospitals, then ESAs can be used at private religious schools.*

**FACT**

Religious hospitals that accept Medicaid dollars must comply with federal civil rights laws or be subject to a loss of federal funds. Any hospital that accepts public money cannot discriminate in their admissions, or require a religious test for admission or they risk losing government funding for healthcare services. Many schools that accept ESA money, however, discriminate in both admissions and employment on the basis of religion.

**MYTH**

*Money used for the Voucher Program is private money, just like a tax return or a check from the government*

**FACT**

The Voucher Program is funded from Nevadan's tax dollars—the money we all pay to fund public education in Nevada whether we have children in the public school system or not. Money used for the Voucher Program is public money and is always controlled by the Nevada government. For example, (1) Money in the program can only be spent on certain approved expenses; (2) participating entities are prohibited from refunding any money back to parents; (3) the government freezes a parent's use of any money in the account during breaks in the school year; (4) accounts are managed by the government, not a parent; (5) the accounts are randomly audited each year; and (6) the State can freeze or dissolve any account that is misused.

The voucher program is nothing like a paycheck. While these funds can be used for purposes loosely related to education, parents who establish these funds are not free to use the funds however, whenever or wherever they see fit.

**MYTH**

*The ACLU opposes parental choice.*

**FACT**

The ACLU supports parent's educational choices for their children; it opposes an unconstitutional use of taxpayer dollars for the build-up of any religion. The voucher program established under SB302 violates the Nevada Constitution, Article 11, Section 10, which states:

“No public funds of any kind or character whatever, State, County or Municipal, shall be used for sectarian purposes.”

Parents are free to send their kids to any school they choose, and may certainly direct the educational needs of their children, just not at the expense of an unconstitutional use of taxpayer funds.

**MYTH**

*SB 302 must be constitutional because the Nevada Legislature voted for it and Governor Sandoval signed it into law.*

**FACT**

A court's authority to review and invalidate unconstitutional laws is bedrock principle of American law. Known as “judicial review,” this authority to review the constitutionality of a statute serves as an essential part of a democracy's checks and balances; it prevents politicians from disregarding the constitution and your rights.

**MYTH**

*Nevada's voucher program must be legal because Arizona Courts found no legal problems with a similar program.*

**FACT**

Arizona and Nevada have very different laws. The Arizona Constitution only prohibits a direct tax or appropriation by the legislature in aid of a church or religious school.<sup>i</sup> Thus, the Arizona Court found the Voucher program acceptable. Nevada's Constitution uses much broader language - prohibiting “public funds **of any kind or character whatever,**” for religious purposes. The language is not limited to a direct appropriation. The Nevada Supreme Court has also broadly interpreted this language of the constitution, finding that it prohibits public money from being used “**directly or indirectly,** for the building up of any sect.”<sup>ii</sup>

**MYTH**

*The United States Supreme Court has found Vouchers to be Constitutional, so the Voucher Program under SB 302 is constitutional.*

**FACT**

The United States Supreme Court has only reviewed voucher programs under the First amendment of the federal constitution, not the Nevada Constitution. Here the program violates the **Nevada** Constitution's “no-aid clause,” which is considerably more protective of the separation of church and state than the 1st Amendment. The Nevada Constitution explicitly forbids the use of tax-payer money for religious purposes.

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<sup>i</sup> Article 9, Section 10 of the Arizona Constitution reads: “No tax shall be laid or appropriation of public money made in aid of any church, or private or sectarian school, or any public service corporation.”

<sup>ii</sup> *State v. Hallock*, 16 Nev. 373, 387 (1882)(emphasis added).