

School Choice Amendment Protections Against Government Regulation

Normally, yes, government regulation follows government money. But our School Choice Amendment is different. In drafting the School Choice Amendment, we researched school choice legislation across America and put three layers of protection against government regulation directly into the Oregon constitution. And as a fourth layer of protection, by amending the Oregon constitution, we are further protecting homeschoolers from existing and proposed adverse legislation.

1. We use an education savings account (we call it a School Choice Account) as the funding vehicle. Supreme courts have held that once government money is deposited into the account, it is no longer government money. This is the first layer of protection. Because the money is no longer considered government money, the government will not have the argument that it can regulate the recipient of the money. The parent will have the ability to fund educational services directly from the account. Any funds left in the account roll over year after year, and if a student finishes high school with leftover funds, that money can be used to pay for any college or vocational school in the state of Oregon. What a blessing that would be to many, many families!

2. Next, we put specific language into the Oregon constitution to protect parents and education providers (primarily home schoolers and private schools) from government regulation. The language is the "parent and education providers who receive or use school choice funds to educate the child will not be required to change their creed, education practices, admission policy or curriculum." This is protection that homeschool families and private schools do not currently have. Without this protection, homeschoolers are sitting ducks and at risk year after year that the legislature could propose legislation to regulate them and try to force them to change their creed, curriculum, or education practices. The protection we add to the constitution will be available to those homeschool families and private schools that opt in and choose to use the school choice account. Now is a good time to mention that homeschoolers do not have to opt-in! They can keep doing exactly what they are doing now, with no School Choice Accounts and, unfortunately, no protection from regulatory legislation. Only parents who opt-in will have school choice accounts and the accompanying protective language in the constitution.

3. We put even more specific language into the Oregon constitution to protect parents and education providers from government regulation. The language is the "actions of the parent and education providers will not be deemed to be the actions of the state." This language will also cut off the government's argument that it may regulate the

recipient of the money. Again, this protection will be available to those homeschool families and private schools that opt in and choose to use the School Choice Account.

4. Finally, we are bringing a citizens' initiative to amend Oregon's constitution, the supreme law of Oregon. We are not just bringing a citizens' initiative to amend a statute -- an initiative that the legislature could attempt to overturn in the next legislative session. Once the Amendment passes and becomes law, the constitution, as amended, will supersede existing laws with which it conflicts--the constitution, and our protections, will win out. And, the constitution, as amended, will be a bar to future proposed legislation that attempts to conflict with the protections built into the constitution. Again, the constitution, and our protections, will win out.