

# Oklahoma Supreme Court urged to strike down school voucher program

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OKLAHOMA CITY (BNG)—An Oklahoma scholarship program to help children with disabilities attend private schools violates the state's constitution because it uses public funds to support religious instruction, according to a brief filed before the Oklahoma Supreme Court.

The [Baptist Joint Committee for Religious Liberty](#), Americans United for Separation of Church and State, the American Civil Liberties Union and the Interfaith Alliance Foundation asked the court to uphold a district court decision that the [Lindsey Nicole Henry Scholarship Program](#) violates the constitution's strict prohibition of both direct and indirect taxpayer funding of sectarian schools.



Holly Hollman, general counsel of the Baptist Joint Committee. "Oklahoma's 'No Aid' provision is unambiguous," said Holly Hollman, general counsel of the Baptist Joint Committee. "It broadly prohibits the government from directly or indirectly funding

religious schools.”

Twelve Oklahoma taxpayers filed a lawsuit in 2013 challenging a law approved by the legislature in 2010 allowing taxpayer dollars to follow children with disabilities to the school of their parents’ choice.

The Lindsey Nicole Henry Scholarship Program was named for a daughter of former Gov. Brad Henry and his wife, Kim Henry, who died in infancy. Last August, an Oklahoma County District Court judge ruled the law unconstitutional.

Oklahoma’s constitution states: “No public money or property shall ever be appropriated, applied, donated or used, directly or indirectly, for the use, benefit or support of any sect, church, denomination or system of religion, or for the use, benefit or support of any priest, preacher, minister or other religious teacher or dignitary or sectarian institution as such.”

Critics of the constitution’s language claim its historical basis is anti-Catholic bias, but the brief says its intent was to prevent Native Americans from being pressured to educate their children in Christian schools.

Tribes in the Indian Territory, in what today is eastern Oklahoma, came to the state in the 1830s after a forced march known as the Trail of Tears. A government program tried to assimilate them by using schools to convert their children to Christianity, something many adults saw as a threat to Native American culture and traditions.

“Voucher programs like Oklahoma’s are little more than a taxpayer-funded handout for religious schools,” said Barry Lynn, executive director of Americans United. “The Oklahoma constitution is crystal clear when it comes to public support of religious schools: It is not allowed.”

The Disabilities Education Act grants special protections and service for students with disabilities in public schools. The friend-of-the-court brief

says parents have a right to send their children to private religious schools, but not at taxpayer expense.

“The right to choose a religious education does not include taxpayer financing,” Hollman said.