

SUPREME COURT OF LOUISIANA

NUMBERS 2013-CA-0120 C/W 2013-CA-0232 C/W 2013-CA-____

LOUISIANA FEDERATION OF TEACHERS ET AL,
PLAINTIFFS/APPELLEES/APPELLANTS

VERSUS

STATE OF LOUISIANA, ET AL,
DEFENDANTS/APPELLANTS/APPELLEES

CONSOLIDATED WITH

LOUISIANA ASSOCIATION OF EDUCATORS, ET AL,
PLAINTIFFS/APPELLEES/APPELLANTS

VERSUS

STATE OF LOUISIANA, ET AL,
DEFENDANTS/APPELLANTS/APPELLEES

CONSOLIDATED WITH

LOUISIANA SCHOOL BOARDS' ASSOCIATION, ET AL,
PLAINTIFFS/APPELLEES/APPELLANTS

VERSUS

STATE OF LOUISIANA, ET AL,
DEFENDANTS/APPELLANTS/APPELLEES

A CIVIL PROCEEDING ON DIRECT APPEAL FROM A JUDGMENT OF THE
19TH JUDICIAL DISTRICT COURT, PARISH OF EAST BATON ROUGE,
STATE OF LOUISIANA, NUMBERS 612,733, 613,142, AND 613,320 OF SECTION 22
THE HONORABLE TIMOTHY E. KELLEY, PRESIDING

**ORIGINAL *AMICUS CURIAE* BRIEF
OF THE NATIONAL SCHOOL BOARDS ASSOCIATION
IN SUPPORT OF PLAINTIFFS/APPELLANTS AND URGING AFFIRMANCE**

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INTEREST OF THE AMICUS

The National School Boards Association ("NSBA") is a nonprofit organization representing state associations of school boards, including the Louisiana School Boards Association, and the Board of Education of the U.S. Virgin Islands. Through its member state associations, NSBA represents over 90,000 school board members who govern approximately 13,800 local school districts serving nearly 50 million public school students. NSBA regularly represents its members' interests before Congress and federal and state courts and has participated as *amicus curiae* in many cases involving the use of public funds to pay for private education. *See, e.g., Niehaus v. Huppenthal*, No. 1 CA-CV 12-0242 (pending Ariz. App. Ct., Div. One) (amicus brief filed Oct. 31, 2012); *Zelman v. Simmons-Harris*, 536 U.S. 639 (2002); *Locke v. Davey*, 540 U.S. 712 (2004); *Arizona Christian Sch. Tuition Org. v. Winn*, 131 S. Ct. 1436 (2011).

NSBA is concerned about the Louisiana Voucher Program, LA. REV. STAT. § 17:4011 *et seq.*, because it undermines public education, depriving it of already scarce resources, with few accountability requirements imposed on the recipient private schools. It imposes these harms without an important educational purpose. Instead, it is part of a nationwide campaign by special interest groups to divert tax dollars away from public education and into private hands under the guise of parental choice. NSBA urges this Court to avoid a ruling that would strengthen these efforts that seek the destruction of one of the most important cornerstones of American democracy.

STATEMENT OF THE CASE

Amicus NSBA adopts the Statement of the Case of the Louisiana School Boards Association.

STATEMENT OF FACTS

Amicus NSBA adopts the Statement of the Facts of the Louisiana School Boards Association.

STATEMENT OF ISSUE

Whether Act 2 of the 2012 Regular Session of the Louisiana Legislature and Senate Concurrent Resolution 99 of the Regular Session of the Louisiana Legislature (officially known as the Student Scholarship for Educational Excellence Program¹ and Course Provider Program, but herein referred to as the “Louisiana Voucher Program”) unconstitutionally divert Minimum Foundation Program funds, which are explicitly mandated to be allocated to public elementary and secondary schools, to nonpublic entities in violation of Article VIII, § 13(B) of the Louisiana Constitution of 1974.

¹ The term “scholarship” is frequently used by the proponents of voucher programs; it is nothing more than a euphemism that suggests an intent to benefit needy children by providing them the choice to receive a quality education not otherwise available to them and disguises the true intent behind these schemes to dismantle public education and to benefit private entities.

ARGUMENT AND LAW

I. The Louisiana Voucher Program Harms Public Education.

A. The Louisiana Voucher Program conflicts with the judiciary’s longstanding commitment to public education as an inherent American value.

Like the American people, American courts have always recognized the critical role that public education plays in American society. The judiciary’s commitment to public education as expressed by the United States Supreme Court in *Brown v. Board of Education* has resonated through the last fifty years of education law:

Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in the armed forces. It is the very foundation of good citizenship. Today it is the principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment.

Brown v. Board of Educ., 347 U.S. 483, 493 (1954). The Court’s emphasis in *Brown* was not on education in general, regardless of source, but on education as a *function of state and local government, i.e.*, as a public responsibility serving the public good.

These same themes are echoed throughout the jurisprudence of school law. For instance, the High Court has concluded that “public school teachers may be regarded as performing a task ‘that [goes] to the heart of representative government’” and that public schools “are an ‘assimilative force’ by which diverse and conflicting elements in our society are brought together on a broad but common ground.” *Ambach v. Norwick*, 441 U.S. 68, 75-76 (1979) (quoting *Sugarman v. Dougall*, 413 U.S. 634, 647 n.6 (1973)); see also, e.g., *Bethel Sch. Dist. No. 403 v.*

Fraser, 478 U.S. 675, 681 (1986) (internal citations omitted) (“[Public] education must prepare pupils for citizenship in the Republic.... It must inculcate the habits and manners of civility as values in themselves conducive to happiness and as indispensable to the practice of self-government in the community and the nation.”); *Plyler v. Doe*, 457 U.S. 202, 221 (1982) (“In sum, education has a fundamental role in maintaining the fabric of our society.”); *San Antonio Indep. Sch. Dist. v. Rodriguez*, 411 U.S. 1, 30 (1973) (“Nothing this Court holds today in any way detracts from our historic dedication to public education.”).

Just as the federal courts have consistently recognized that education is a public function necessary to preserve a democratic society, so, too, have the states. Today, every state constitution contains an education clause that recognizes the provision of a public education as a state function.² In Louisiana, this critical public function is provided in Article VIII of the Louisiana Constitution. Section 13(B) of Article VIII explicitly establishes a funding scheme for *public* elementary and secondary schools to provide a “minimum foundation” of education to Louisiana school children.

Appellate courts in the majority of states have now confirmed the states’ constitutional obligations to provide an adequate public education on an equal basis to all children.³ Time and again the courts have insisted that the states provide for the needs of students in *all* of the public schools and eliminate disparities in educational opportunity. *See, e.g., Horton v. Meskill*, 376

² *See, e.g.,* William Thro, *The Role of Language of the State Education Clauses in School Finance Litigation*, 79 EDUC. L. REP. (West) 19 (1993); Molly McCusick, *The Use of Education Clauses in School Finance Reform Litigation*, 28 HARV. J. ON LEGIS. 307 (1991).

³ *See, e.g.,* DOUGLAS S. REED, ON EQUAL TERMS: THE CONSTITUTIONAL POLITICS OF EDUCATIONAL OPPORTUNITY (Princeton Univ. Press 2003) (addressing the current status of education finance litigation).

A.2d 359 (Conn. 1977) (holding that state must “provide a substantially equal educational opportunity to its youth in its free public elementary and secondary schools”); *Claremont Sch. Dist. v. Governor*, 635 A.2d 1375, 1376 (N.H. 1993) (finding that state constitution “imposes a duty on the State to provide a constitutionally adequate education to every educable child and to guarantee adequate funding”); *Leandro v. State*, 488 S.E.2d 249, 257 (N.C. 1997) (declaring that state constitution “requires that all children have the opportunity for a sound basic education”); *Seattle Sch. Dist. No. 1 v. State*, 585 P.2d 71, 91 (Wash. 1978) (concluding that “the constitution has created a ‘duty’ that is supreme, preeminent or dominant” to provide an adequate education with “sufficient funds”).⁴

This Court has an opportunity to reiterate the value that the American judiciary has placed in public education, by recognizing that the Louisiana Voucher Program moves away from this inherent American value.

B. The Louisiana Voucher Program’s diversion of public dollars away from public schools harms the children of Louisiana.

By diverting funding from the State’s public schools, the Louisiana Voucher Program categorically undermines this country’s longstanding commitment to public education. Public schools, including those in this state, rely on a critical mass of per pupil funding to provide quality education to all their students. By diverting substantial tax revenues to private schools and other private education providers, that could be used in—and are constitutionally directed

⁴ This is only a small sampling of state decisions affirming the duty of the states to provide for public education. The Advocacy Center for Children’s Educational Success With Standards maintains a current and historical database of all state education litigation at <http://www.accessednetwork.org/litigationmain.html>.

to—public schools, the Program constitutes a severe threat to the quality of public education programs. The impact of this diversion in funding is amplified in Louisiana where public schools have been experiencing budget shortfalls for an extended period of time. According to the Louisiana Budget Project (LBP), which monitors and reports on state government spending and how it affects Louisiana’s low- to moderate-income families, the latest “budget leaves base per-pupil funding for K-12 education flat for the fifth year in a row (overall funding is increasing due to enrollment growth).” LBP concludes: “That means local school districts will get tens of millions of dollars less this year than they need to maintain their current programs. And the funding shortfall has been getting worse every year. Had school budgets kept pace with inflation since 2009, districts would be receiving an additional \$560 per student next year than they will get under this budget.”⁵

The impact of this underfunding has led to significant cutbacks or cancellation of tutoring and after school programs, increased class sizes, teacher layoffs and deferred maintenance.⁶ For fiscal year 2011, thirty-six other states provided less funding per student to public K-12 schools than they did in the previous year due to the continuing economic recession.⁷

⁵ Steve Spires, *Executive Budget: Failure to Consider Revenue Means Deep Cuts to Education and Health Care*, Louisiana Budget Project, <http://www.labudget.org/lbp/2013/02/executive-budget-failure-to-consider-revenue-means-deep-cuts-to-education-and-health-care/#more-3839>.

⁶ *Id.*

⁷ See NICHOLAS JOHNSON ET AL., CENTER ON BUDGET AND POLICY PRIORITIES, *An Update on State Budget Cuts* last updated Feb. 9, 2011), <http://www.cbpp.org/files/3-13-08spf.pdf>.

When combined with a diminishing public education budget, the diversion of public dollars into private hands means those students remaining in Louisiana’s public schools—either by choice or because there is no voucher available to them—face the strong likelihood of an intentionally under-resourced education. Ironically, the under-resourced schools must nonetheless perform even when the financial framework that supports them is severely diminished or risk being labeled or remaining a failing school subject to vouchers. The Louisiana voucher scheme, therefore, strategically perpetuates its own survival, ensuring that public schools are set up for failure by draining away the essential lifeblood of scarce resources. Rather than providing additional funding to assist in the improvement of “academically unacceptable schools,” the Louisiana Voucher Program aggravates rather than ameliorates the condition of these schools by depriving them of funds for voucher students enrolled in a private school on October 1, the date official counts of students take place for state funding purposes.

Judge Kelley explicitly recognized that this situation is untenable under Louisiana law:

The MFP was set up to equitably allocate funds to public and secondary schools. This gives public school systems in poorer school districts the ability to receive funds they would not otherwise have. This Court can find no argument that can be put forth that would show that diverting funds away from such a school would be for the good of the hundreds and sometimes thousands, of students who are left behind in those underperforming school systems. The MFP was set up for students attending public elementary and secondary schools and was never meant to be diverted to private educational providers.

Louisiana Federation of Teachers v. State of Louisiana, No. 612,733 (19th Jud. Dist. Ct., Parish of East Baton Rouge, Nov. 30, 2012) Written Reasons for Judgment, at 32.

C. The Louisiana Voucher Program’s lack of accountability harms Louisiana taxpayers.

The State of Louisiana has a constitutional obligation to be a good and proper steward of taxpayer monies. Because public schools are entrusted with fundamental responsibilities, states must use particular care to ensure that funds appropriated for public education further the public interest. Yet the Louisiana Voucher Program, like many voucher programs, contains few protections for taxpayers.

Based on the regulations adopted by the Louisiana Department of Education governing testing of voucher students, participating private schools failing to meet accountability standards may be exempted from the consequences of this failure at the sole discretion of the State Superintendent of Education. La. Admin. Code tit. 28, § 1305 (2012), *available at* <http://www.louisianabelieves.com/docs/school-choice/bulletin-excerpt---student-scholarships-title-28.pdf?sfvrsn=2>. In addition, “[t]he private schools’ performance will be assessed by a measure (the Scholarship Cohort Index) that is essentially the same as the SPS [School Performance Scores] – it measures how highly students score on tests, not whether they improve. The formula will only be applied to the voucher students, not to the private school students who pay normal tuition (who don’t take state tests). . . .The performance requirement only applies if the private schools enroll more than 40 tested voucher students, or more than 10 students per grade.”⁸

⁸ Matthew Di Carlo, *The Louisiana Voucher Accountability Sweepstakes*, The Albert Shanker Institute (Aug. 9, 2012), <http://shankerblog.org/?p=6468> (internal quotes deleted).

Despite this lax oversight, voucher programs funnel millions of dollars in taxpayer funds to private institutions with no assurance that the State or its citizens will get any return on their investment. In contrast, states regulate every aspect of traditional public schools, from curriculum to procurement to assessment, to assure the responsible use of public money and the adequate education of its students. Voucher programs abandon these safeguards and, in so doing, abandon the government's responsibility to assure that the publicly funded education provided by schools receiving vouchers actually meets public needs or those of the students who attend such schools.

The Louisiana Voucher Program poses potentially more harms to those members of our student population with special education needs. To receive a voucher under Act 2, parents are required to waive their rights under the Individuals with Disabilities Education Act (IDEA). *See* LA. REV. STAT. § 17:4016(B). Because the recipient private schools need not comply with the any IDEA requirements, 20 U.S.C. § 1400 *et seq.*, there is no assurance that a parent utilizing a voucher will secure a free appropriate public education (FAPE) for their child with a disability. In fact, private schools are not required even to offer "some educational benefit" to their special needs students as public schools must do under the IDEA. *See Hendrick Hudson Central Sch. Dist. v. Rowley*, 458 U.S. 176 (1982). Well-intentioned parents may unwittingly opt to use a voucher at a private school promising a panacea for their special needs student without recognizing that they are waiving important federal rights such as individualized education programs, certified special education teachers, particularized expertise and a collaborative process for determining their child's educational needs.

This lack of accountability effectively negates any argument that the Louisiana Voucher Program or other similar voucher initiatives provide real, meaningful choice on the ground level where the families of voucher students are selecting a private school for their children based on few, if any, objective measures of educational quality. Because the vast majority of voucher schools are not subject to the same accountability standards as public schools, parents have no way of making informed comparisons about which educational options will best serve their children. For example, unlike all public schools in Louisiana, voucher schools do not receive a letter grade assessing their performance against several objective criteria. Other than personal visits to a school, subjective evaluations from other parents or self-interested promotional information from the schools themselves, families typically would have little data to determine whether the private school they are choosing will, in fact, provide a better education to their children than the public schools. In other words, the Louisiana Voucher Program does not prevent a child who is using a voucher to leave a failing public school from enrolling in an equally, if not more, deficient private school, but about which the parents, taxpayers and the state are unaware because of the lack of accountability measures imposed on these institutions that nonetheless are receiving public money.

In an effort to assuage such concerns, some of the *amici* supporting the Louisiana Voucher Program contend that research overwhelmingly shows that voucher programs across the United States uniformly improve student performance, providing a bright educational future for voucher students. If anything, research on the aggregate effect of voucher programs shows that the majority of students in voucher schools do no better than public school students. In a

synthesis of research on the efficacy of voucher programs, the Center on Education Policy recently concluded that “[a]chievement gains for voucher students are similar to those of their public school peers. . . . While some studies have found limited test score gains for voucher students in certain subject areas or grade levels, these findings are inconsistent among studies, and the gains are either not statistically significant, not clearly caused by vouchers, or not sustained in the long run.”⁹ As to the assertion that voucher programs spur public schools to improve, the CEP report stated that no clear conclusions about cause and effect can be drawn. “In many of the cities or states with voucher programs, a variety of reforms are underway to boost public school achievement, ranging from the strict accountability requirements of the No Child Left Behind Act to the expansion of charter schools. Often the public schools most affected by vouchers are the same ones targeted for intensive interventions due to consistently low performance.”¹⁰ Even if the voucher proponents’ characterization of the research were an accurate portrayal of the aggregate effect of voucher programs in general, it reveals little about the likelihood that the Louisiana Voucher Program will produce a similar positive outcome and even less about the educational benefits that any particular private school in Louisiana will provide to a child who enrolls there using public tax dollars.

⁹ CENTER ON EDUCATION POLICY, KEEPING INFORMED ON SCHOOL VOUCHERS: A REVIEW OF MAJOR DEVELOPMENTS AND RESEARCH 9 (July 2011), available at <http://files.nsba.org/advocacy/CEPvoucherreport072711.pdf>.

¹⁰ *Id.* at 11.

D. The Louisiana Voucher Program threatens the ability of school districts to comply with mandatory desegregation plans.

At a minimum 40 of Louisiana's 69 school districts remain under federal court order to desegregate.¹¹ These orders require Louisiana school districts to take specific actions related to student assignment, facilities, staff assignment, and transportation to remedy the effects of past school segregation and create equal educational opportunities for all students in Louisiana's public schools. Compliance with these orders remains for many Louisiana districts a long, arduous, expensive and complex process impeded by many factors, some of which are beyond the power of school districts to control. One federal district court held in November 2012 that the Louisiana Voucher Program interfered with the ability of the Tangipahoa Parish to comply with a 1965 desegregation order by diverting funding from the public schools, and enjoined the State of Louisiana from implementing the voucher program in that parish. Concerns that the voucher program would facilitate "white flight" that would impede the desegregation order's student assignment remedies also surfaced.¹² The U.S. Court of Appeals for the Fifth Circuit in a 2-1 ruling has stayed the lower court's ruling pending this Court's decision on the constitutionality of the Louisiana Voucher Program. *Moore v. Tangipahoa Parish Sch. Bd.*, No. 12-31218 (5th Cir. Jan. 14, 2013), available at <http://www.ca5.uscourts.gov/opinions/unpub/>

¹¹ Cowen Institute, Parish Desegregation Status Matrix (Tulane University, 2010), available at <http://www.coweninstitute.com/wp-content/uploads/2010/08/Parish-Desegregation-Status-Summary.pdf>.

¹² See Lauren McGaughey, *School voucher desegregation ruling comes ahead of teacher union lawsuit*, THE TIMES PICAYUNE, Nov. 26, 2012, available at http://www.nola.com/politics/index.ssf/2012/11/school_voucher_desegregation_r.html (last visited Mar. 5, 2013).

12/12-31218.0.wpd.pdf. Were this Court to find the voucher scheme constitutional, it could undermine the vital constitutional and public imperative of the desegregation orders extant in 40 Louisiana school districts.

II. The Court Should Not Be Part of a Troubling Wave of a Nationwide Effort by Special Interest Groups To Undermine Public Education by Diverting Scarce Public Tax Dollars to Private Entities.

A. Private hands are, in fact, the true beneficiaries of the Louisiana Voucher Program.

The Louisiana Voucher Program allows parents of kindergartners to use the vouchers despite the fact that the child has never attended a “failing” public school.¹³ These students can continue to receive vouchers for the remainder of their elementary and secondary schooling. This means the Louisiana Program could be used to subsidize a private education for children whose parents never intended to enroll them in public school at all regardless of the quality of the education available there. This provision belies the argument that the law is intended to allow students to escape failing public schools and is in large part the Louisiana reprise of the experience in other states, where between one-third and one-half of students participating in voucher programs were already enrolled in private schools.¹⁴ Even some voucher school administrators have acknowledged this facade. “The make-up of our student body has stayed the

¹³ In the first year of the Louisiana Voucher Program, 22% of voucher students were kindergartners, although kindergartners only comprise 7.7 % of school aged children in Louisiana private schools. See Louisiana Private School Statistics, <http://louisiana.educationbug.org/private-schools/>.

¹⁴ See Zach Schiller, *Cleveland School Vouchers: Where the Students Come From* (Policy Matters Ohio, Sept. 2001); WISCONSIN DEPARTMENT OF PUBLIC INSTRUCTION, *Milwaukee Parental Choice Program Facts and Figures for 1998-99*, and *Number of Choice Students Enrolled by School in 1998-99* (March 2003), available at www.dpi.state.wi.us/sms/geninfo.html.

same. Many of our current choice kids were our students before choice.”¹⁵ In May 2012, *the New York Times* reported that although Georgia’s private school scholarship program was pitched as a way to provide poor students with the same education choices as their more affluent counterparts, donations to state-designated scholarship programs are benefitting students already in those private schools. According to the *Times* article, “In Georgia, a 2011 report by the Southern Education Foundation found that from 2007, the year before the program was enacted, through 2009, private school enrollment increased by only one-third of one percent in the metropolitan counties that included most of the private schools in the scholarship program. The logical conclusion was that most of the students receiving the scholarships had not come from public schools.”¹⁶

B. This Court should not lend credence to the national voucher movement.

At least eight other states have already adopted “scholarship” programs that similarly divert public funds to private schools,¹⁷ most of which have been challenged in court. This Court should eschew a ruling that further enhances the ability of special interest groups to promote the financing of a private school education with public tax dollars in even more states. Among the proponents of voucher initiatives, the American Legislative Exchange Council (ALEC) has

¹⁵ PUBLIC POLICY FORUM, *School Choice In Its Tenth Year* 5, 88 RESEARCH BRIEF NO. 3 (April 5, 2000).

¹⁶ Stephanie Saul, *Public Money Finds Back Door to Private Schools*, N.Y. TIMES, May 21, 2012, <http://www.nytimes.com/2012/05/22/education/scholarship-funds-meant-for-needy-benefit-private-schools.html>.

¹⁷ FLA. STAT. § 1002.395 (2012); GA. CODE ANN. § 20-2A-1 *et seq.* (2012); IND. CODE § 6-3.1-30.5-7 (2012); IOWA CODE § 422.115 (2012); LA. REV. STAT. ANN. § 42: 297.10 (2011); MINN. STAT. § 290.0674 (2012); N.C. GEN. STAT. § 105-151.33 (2012); OKLA. STAT. tit. 69, § 2357.206 (2012).

issued a blueprint for drafting tuition tax credit legislation that will purportedly withstand legal challenge. In April 2007, ALEC, in conjunction with The Institute for Justice, published a guide titled, *School Choice and State Constitutions: A Guide to Designing School Choice Programs* (April 2007), <http://www.alec.org/docs/IJ-ALEC-school-choice.pdf> (last visited Mar. 13, 2013), that provides analysis and recommendations for succeeding in enacting tuition tax credit and voucher laws similar to the Louisiana Voucher Program.

The Louisiana model is similar in purpose to legislation introduced in a number of states. In Colorado, a bill was introduced in the state's General Assembly in 2011 that would have provided a tuition tax credit for enrolling a dependent qualified child in a private school or when the taxpayer awards a scholarship to a qualified child for enrollment in the private school. H.B. 1048, 68th Gen. Assemb., 1st Reg. Sess. (Colo. 2011). Similar bills have been introduced in Maine, H.P. 779, 125th Leg., 1st Reg. Sess. (Me. 2011), Montana, H.B. 379, 62nd Leg., Reg. Sess. (Mont. 2011), Oregon, H.B. 3388, 76th Leg., Reg. Sess. (Ore. 2011), and Wisconsin's House, A.B. 112, 100th Leg., Reg. Sess. (Wis. 2012), and Senate, S.B. 69, 100th Leg., Reg. Sess. (Wis. 2012). But, while legislation continues to be introduced, many state legislatures are defeating proposals designed to erode the financial support of public schools. Five states have defeated voucher/tuition tax credit legislation over the last few years.¹⁸ This Court should not

¹⁸ H.P. 779 was defeated in the Maine House and Senate in 2011; H.B. 849 died in the Mississippi House's Education Committee in 2012; H.B. 379 died in the Montana House's Standing Committee in 2011; H.B. 65, H.B. 166, H.B. 427, and H.B. 510 were postponed indefinitely in the New Mexico House's Taxation and Revenue Committee and Education Committee in 2011; S.B. 31 and S.B. 88 were postponed indefinitely in the New Mexico Senate's Education Committee in 2012; A.B. 112 and S.B. 69 failed to pass in the Wisconsin Legislature pursuant to a joint Senate resolution in 2012.

add Louisiana's voice to the rising tide of national special interests grabbing at the public till for already scarce public school dollars that benefit all of the state's children.

CONCLUSION

For these reasons and those asserted in the Louisiana School Boards Association's brief, *Amicus Curiae* National School Boards Association respectfully urges this Court to affirm the lower court ruling holding the Louisiana Voucher Program unconstitutional.

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