

American Association of University Women

American Civil Liberties Union of Texas

American Jewish Committee

American Jewish Congress

Americans for Religious Liberty

Americans United for Separation of Church & State

Association of Texas Professional Educators

Delta Kappa Gamma Texas

Jewish Federation of San Antonio Community Relations Council

League of Women Voters of Texas

National Council of Jewish Women

Parents for Public Schools of Houston

Pastors for Peace

People for the American Way Foundation

Texas Advocacy, Inc.

Texas AFL-CIO

Texas Association for the Gifted and Talented

Texas Association of Community Schools

Texas Association of School Administrators

Texas Association of School Boards

Texas Association of Secondary School Principals

Texas Baptist Christian Life Commission

Texas Classroom Teacher Association

Texas Elementary Principals & Supervisors Association

Texas AFT

Texas Freedom Network

Texas IMPACT

Texas Public School Relations Association

Texas State Teachers Association

The ALITION for PUBLIC SCHOOLS

Private School Vouchers: An Experiment Taxpayers Can't Afford



Texas Constitutional Prohibitions Against Private School Vouchers

In 2002, the U.S. Supreme Court ruled in *Zelman v. Simmons-Harris* that the publicly-funded voucher program in the Cleveland school district does not violate the “separation of church and state” provision in the U.S. Constitution. However, since that case, several courts have ruled voucher programs unconstitutional on state constitutional grounds (see the “Key Court Decisions” fact sheet). Below are the provisions in the Texas Constitution that collectively prohibit the appropriation of state funds for the support of private and/or religious entities.

THE TEXAS CONSTITUTION

ARTICLE 1. BILL OF RIGHTS

Sec. 7. APPROPRIATIONS FOR SECTARIAN PURPOSES. No money shall be appropriated, or drawn from the Treasury for the benefit of any sect, or religious society, theological or religious seminary; nor shall property belonging to the State be appropriated for any such purposes.

ARTICLE 7. EDUCATION

Sec. 1. SUPPORT AND MAINTENANCE OF SYSTEM OF PUBLIC FREE SCHOOLS. A general diffusion of knowledge being essential to the preservation of the liberties and rights of the people, it shall be the duty of the Legislature of the State to establish and make suitable provision for the support and maintenance of an efficient system of public free schools.

Sec. 5 PERMANENT SCHOOL FUND; AVAILABLE SCHOOL FUND; USE OF FUNDS; DISTRIBUTION OF AVAILABLE SCHOOL FUND.

(c) The available school fund shall be applied annually to the support of the public free schools. Except as provided by this section, the legislature may not enact a law appropriating any part of the permanent school fund or available school fund to any other purpose. The permanent school fund and the available school fund may not be appropriated to or used for the support of any sectarian school. The available school fund shall be distributed to the several counties according to their scholastic population and applied in the manner provided by law.