

**D. Using public correspondence school allotments to pay most or all of a private educational institution's tuition is almost certainly unconstitutional.**

In contrast to paying for discrete course materials and services, using the student allotments to pay for the tuition of a student being educated full-time at a private institution would be highly unlikely to survive constitutional scrutiny. Spending public funds in this manner would appear to violate the plain language of the constitutional prohibition against using public funds to pay for a direct benefit to a private school. It would also be contrary to the purpose of the constitutional provision, which was to commit the state to a strong system of public education. Likewise, simply placing the public money in another person's hands—such as a parent or guardian in a correspondence school program—so that the person can deliver the money to a private educational institution to pay tuition is irrelevant to the analysis. As the Alaska Supreme Court noted in *Sheldon Jackson*, “merely channeling the funds through an intermediary will not save an otherwise improper expenditure of public monies.”<sup>68</sup> This is also why the Department of Law has consistently advised legislators and agencies that school voucher programs allowing parents to pay for public or private schools are not permitted under the Alaska Constitution—the framers were clearly concerned about where the money ultimately ended up, not the means by which it got there.