

The State argues that “[Plaintiffs] suggest that most spending under the student allotment statutes is unconstitutional by conflating the statute’s wording with the constitution’s.”<sup>102</sup> Essentially the State argues that there is a significant difference between “organization” and “educational institution” and since the statute authorizes the spending of allotment funds on services and materials from a “public, private, or religious organization[s]” not a “religious or other private educational institution” that the statutes are not facially unconstitutional.<sup>103</sup>

In response, Plaintiffs argue that “for the purposes of public funding, the Alaska Constitution establishes just two categories: public and non-public institutions.”<sup>104</sup>