

## Justices take on voucher argument

By Jim Saunders

TALLAHASSEE -- With hundreds of voucher supporters massed outside, the Florida Supreme Court heard arguments Tuesday in a potentially landmark case about whether the state can spend tax dollars to send children to private schools.

Two lower courts have ruled that a 6-year-old vouchers program, spearheaded by Gov. Jeb Bush, violates part of the state constitution that is designed to prevent tax dollars from going to religious institutions.

But Supreme Court justices also focused heavily Tuesday on whether the program runs afoul of another part of the constitution that requires the state to provide a uniform and "high-quality system of free public schools."

"This is money that is coming dollar for dollar out of the money that would otherwise be for the uniform system of public schools," Justice Charles Wells said.

But Barry Richard, an attorney for Bush, said the state can send money to private schools.

"There's nothing in the constitution that prohibits the Legislature from funding private (education) programs, any more so than it prohibits the Legislature from funding private health programs, environmental programs (or) anything else the Legislature chooses to do," Richard said.

The case stems from the Legislature's approval in 1999 of Bush's so-called "A-plus" education plan, which offers vouchers -- or "opportunity scholarships," as Bush and lawmakers call

them -- to children who attend repeatedly failing public schools.

More than 700 children received the vouchers during the 2004-05 school year, with none in Volusia and Flagler counties. But the Bush plan also helped spawn two similar programs that sent more than 26,000 disabled and low-income students statewide to private schools last year.

The Supreme Court did not indicate Tuesday when it will rule in the case, though justices often take months to issue decisions.

The vouchers issue is one of the most controversial in education, and the case has drawn heavy state and national attention. That was evident Tuesday, as pro-voucher groups organized a rally outside the Supreme Court building, with hundreds of parents, children and educators waving signs and chanting, "We want school choice."

Sharon Dennard, the director of a private school in Tallahassee, was part of the crowd and said voucher programs offer choices to low-income families who otherwise might not be able to afford private education.

"The rich have always had choice -- let's just call it what it is," Dennard said.

A coalition of voucher opponents has fought Bush's program since it became law in 1999, arguing it violates the constitution and strips money from public schools. During the past three years, circuit and appeals courts have sided with those opponents, ruling that the

constitution bars the state from using tax dollars "in aid of " religious institutions.

John West, an attorney for the coalition, said the program sends money to private schools that use it to teach their religions to children.

"The Florida Constitution means something very specific," West said. "It means no funds" shall go to aid religious institutions.

But voucher supporters say a wide range of other programs -- including the state's new prekindergarten program and the Bright

Futures college-scholarship program -- could be jeopardized if the court bars tax dollars from going to religiously affiliated schools.

State Solicitor General Christopher Kise said the program is intended to help children and is not a "clandestine way" to fund religious schools

"The opportunity scholarship program is in aid of Florida's children, period," Kise said.