

THE NEWS-PRESS

School voucher case reaches high court

By Aaron Deslatte

TALLAHASSEE — In a case that could scuttle enrollments for thousands of private school students receiving taxpayer funds, the Florida Supreme Court on Tuesday delved into the six-year fight over vouchers crucial to Gov. Jeb Bush's classroom reforms.

With hundreds of children outside the courtroom clad in T-shirts that read "200,000 futures at risk," the state's high court heard arguments from voucher opponents who maintain Florida's Opportunity Scholarship program created in 1999 improperly blurs the line between the state and private, religious organizations.

Teachers unions and civil rights groups have convinced lower courts that the vouchers are unconstitutional in two ways — that they divert public funds away from the mandated "high quality system of free public schools" and that they improperly aid religious institutions.

But Supreme Court justices spent most of Tuesday's hour-long hearing questioning whether Florida's requirement for "free public schools" means tax dollars can't also send students to private 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.

Chief Justice Barbara Pariente asked Bush attorney Barry Richard whether the voucher program fulfilled state government's educational mandate, even though the voucher law drafted by lawmakers omits the constitution's reference to public schools.

"The only thing left out of (the voucher law) is the constitution provides it should be a high quality system of free public schools," Pariente said.

Richard and other voucher supporters have countered that nothing constitutionally prohibits the state from also funding private education programs.

Bush and voucher supporters have claimed other state-funded programs, from universal pre-kindergarten classes to Medicaid funding, could fall if the court rules vouchers unconstitutional on religious grounds.

The governor said in a statement Tuesday that nearly all the 700 students in the Opportunity Scholarship program were minorities, and that "we want to give every student a chance to succeed, not just those whose parents can afford to send them to private or parochial schools."

More than 25,000 Florida students are enrolled in two separate state-funded voucher programs that also could be affected by the court's decision, which could come later this summer.

Voucher opponents — including the American Civil Liberties Union, the NAACP, the Florida Education Association and other groups — have said the religious separation applies only to groups that make religious indoctrination part of their mission.