

## State's high court hears arguments on vouchers

By Gary Fineout

TALLAHASSEE - A clearly skeptical Florida Supreme Court heard arguments on Tuesday morning on whether or not it should throw out the nation's first statewide voucher program, a cornerstone of education reforms pushed into law six years ago by Gov. Jeb Bush.

A coalition of groups, including the state's teacher union, as well as civil rights groups such as the NAACP, first filed a lawsuit against the program back in 1999 and it is just now reaching the state's highest court.

Both sides expected to spend most of the hour-long session debating whether using vouchers to send children to a religious school violates a provision in the state constitution that bars aid to any church or religious institution. Instead, justices spent most of their time on whether paying to send children to private schools violates the state constitution's requirement of a system of "free public schools."

"Wouldn't you agree that it appears to be the intent of the drafters...that any money appropriated for schools...can only go to the system of free public schools?" Justice Harry Lee Anstead asked lawyers representing Bush.

If the court were to rule against vouchers, it would be a substantial setback for Bush, who campaigned in 1998 promising to use vouchers as a catalyst to improve Florida's public education system.

In 1999, Bush pushed through the Florida Legislature his A+ program that offers financial rewards to high-performing schools and sanctions poor performing ones. Included in that legislation was the opportunity scholarship program, which offers vouchers to students who attend a school that receives a failing grade twice during a four year period.

While it was the first program authorized by lawmakers, the opportunity scholarship program remains the smallest with only about 700 students receiving vouchers statewide. Instead thousands of children receive vouchers through two other programs created since 1999.

The court took testimony at the same time that roughly 2,000 parents and children descended on the steps of the Capitol for a rally to show their support for keeping intact the state's three school choice programs.

Clad in red and yellow shirts that read "Warning" on the front and "200,000 Futures at Risk," the crowd of mainly Hispanic and black parents and children chanted and applauded speakers who vowed to keep the voucher programs alive even if the court eventually ruled against them.

Among those in attendance was Camille Merilus, whose two sons attend a private school in Miami courtesy of one of the three voucher programs.

"It gives me peace of mind," said Merilus, who is blind. "I don't have to worry about them getting involved in drugs and other forms of criminal activity."