

Fla. Supreme Court hears school voucher challenge

By Michael Peltier

TALLAHASSEE, Fla. (Reuters) - Florida's highest court heard a challenge to Gov. Jeb Bush's school voucher plan on Tuesday in a nationally watched battle over whether taxpayer money can be funneled to private and parochial schools.

The arguments before the Florida Supreme Court involved a six-year legal fight between Bush and critics of a program that provides tax-funded vouchers to students at public schools that fail repeatedly to meet performance standards, the first such statewide program in the United States.

The court did not give a time frame for when it would rule but school officials requested a decision before the new school year starts in August. The case is being watched by other states considering voucher programs and may ultimately be decided by the U.S. Supreme Court.

More than 700 Florida students use the "Opportunity Scholarship Program" vouchers to attend private schools, more than half at church-based schools. Lower courts have twice ruled the program unconstitutional but it has remained in effect during the appeals.

Critics said the program violated the state constitution's separation of church and state and its mandate to provide a free system of high-quality public education.

A provision dating back to 1885 says: "No revenue of the state ... shall ever be taken from the public treasury directly or indirectly in aid of any church, sect or religious

denomination or in aid of any sectarian institution."

"The Florida Constitution means something very specific," John West, an attorney for the voucher opponents, told the justices. "It means no funds -- that first word is quite clear -- no revenues shall be taken from the state, directly or indirectly, in aid of sectarian institutions."

Supporters said vouchers threw struggling students and their parents a lifeline when a public school failed to meet their needs.

They said Florida already provided funds to private organizations with religious ties, such as nonprofit hospitals. As long as the state fulfilled its constitutional duty to provide quality public education, it was free to provide other funds for private and religious programs, they said.

"There is nothing in the constitution that prohibits the Legislature from funding private programs, anymore so than from funding private health programs, environmental programs or anything else the Legislature chooses to do provided that it meets its mandate," said Barry Richard, attorney for the Republican governor.

'WE SHOULD HONOR THAT CHOICE'

Bush, the brother of President Bush, said most people using the vouchers were black and Hispanic students whose parents could not afford to send them to private schools and that their reading scores had improved

significantly under the program he championed.

"Their parents have chosen these schools, and we should honor that choice," Bush said in a statement,

Voucher advocates outside the court building spoke to nearly 2,000 supporters in a sea of red T-shirts and called on the justices to overturn the lower-court rulings against the voucher plan.

The challenge involves the program enacted in 1999 to provide private-school vouchers to students at subpar schools. Many at the rally said they feared it could endanger other voucher programs, such as one providing private-school tuition to about 15,000 disabled students.

Denise Burdette of Jacksonville said her autistic 7-year-old granddaughter was using a voucher to attend a private school that provided the repetition and one-on-one attention she needed.

"She could not survive in public school," Burdette said.

