

## Thousands vouch for system

### *Florida Supreme Court justices hear arguments on school program*

By Nancy Cook Lauer

One lawyer calls school choice the "civil rights issue of the 21st century," and the rally of some 2,000 people outside the Florida Supreme Court on Tuesday bore many similarities to those rallies of the past.

There was chanting and clapping and impassioned speeches. Uniformed police ringed the perimeter, and several guarded the courthouse doors. Inside, Supreme Court justices in a packed courtroom listened to an hour of arguments on whether the state's voucher program violates the state constitution.

The case is being watched nationwide because Florida is the only state with a statewide voucher program. While the ruling won't set precedent for other states, it could very well provide the impetus for them to increase or decrease their use of vouchers, attorneys said.

Opponents say using taxpayer money to send children to private schools not only violates constitutional separation of church and state, but also guts the constitution's requirement that the state provide free, uniform, high-quality education of children through a public-school system.

John West, an attorney representing families in the public-school system, said the framers of the Florida Constitution recognized the importance to society of children from all walks of life learning together, rather than being taught separately.

"The free public-school system ... is the cornerstone of our civilization upon which the very future of our form of government may well depend," he said.

Proponents say Gov. Jeb Bush's 1999 A-Plus program offers children a chance to get out of a failing school and has improved the public school system by providing competition. They note that in 1999, the state had 78 schools graded "F" under the Bush program. Now there are just 14.

"At the end of the day, school choice is the civil rights issue of the 21st century," said Clark Neily, attorney for the families currently using vouchers. "There's no other single issue in the country that truly divides the haves and the have-nots about who gets to choose their child's education and who's stuck with what they're given."

The Supreme Court got the case after a circuit court and then the 1st District Court of Appeal found the law unconstitutional.

As is typical, high-court justices peppered attorneys on both sides with questions, leaving lawyers little chance to use their prepared arguments. The court, as is its policy, didn't make an immediate ruling but will release a written ruling sometime in the future.

Chief Justice Barbara Pariente asked voucher proponents where the Legislature gets the authority to "have other forms of education,

other than the public education that is provided for in (the constitution)."

"So when you read Article IX Section 1, doesn't that give, isn't that an expression of the way that the Legislature is to, in fact, educate the children of this state? That is through a system of free public education," Pariente said. Justices grilled both sides fairly evenly, but both sides left the hearing optimistic. Students have been allowed to keep using vouchers while the case wends its way through the legal system. Of some 2.5 million K-12 students in Florida, 719 are using tax-backed Opportunity Scholarships, with 58 percent of them going to religious schools. Combined, the state's three voucher programs have about 25,000 students. In addition, many of the estimated 90,000 to 150,000 students are eligible for the new voluntary pre-kindergarten program will also attend on vouchers.

Voucher opponents include the Florida Congress of Parents and Teachers (Florida PTA), the League of Women Voters of Florida, the American Civil Liberties Union of Florida, the Florida Education Association, People for the American Way and the Florida Chapter of the National Association for the Advancement of Colored People.

Supporters include Gov. Jeb Bush, Attorney General Charlie Crist, the U.S. Department of Justice, the Florida Catholic Conference and a coalition made up of the Black Alliance for Educational Options, Hispanic Council for Reform and Educational Options, Florida State Hispanic Chamber of Commerce, McKay Coalition and the Florida African American Education Alliance.

The 2,000 supporters - many with children in tow - formed a sea of red T-shirts as those who were early enough to get a seat inside the courtroom exited the building. The matching shirts bore the universal symbol for "warning"

and the words "200,000 scholarships at risk" on the back.

The crowd was organized from around the state and came to Tallahassee on 50 buses.

"We're here to say," said Howard Fuller, chairman of the Black Alliance for Educational Options, "that it's un-American for only those with money to choose their education."

