

# THE Center for Education Reform



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## COURT RULES CLEVELAND SCHOOL CHOICE PROGRAM CONSTITUTIONAL

The Franklin County, Ohio Court of Common Pleas yesterday ruled that the Cleveland school voucher plan violated neither the Ohio State nor the U.S. Constitution, clearing the way for the program to begin this fall.

"This is great," said Jeanne Allen, President of the Center for Education Reform. "To have the constitutionality of school vouchers upheld by Judge Sadler is a huge step forward in bringing change to Cleveland's schools and to school districts, particularly urban districts, across the country.

"Finally, 1,500 children in Cleveland will have the chance they need for getting the education they deserve in the schools that their parents want," Allen continued. "And for children in places like Milwaukee and other cities where vouchers are being tried or contemplated, the Ohio decision couldn't be better news."

The Cleveland school voucher program, which would provide publicly-funded scholarships to allow low income parents to send their children to the private, including parochial, schools of their choice, was challenged in court by teachers unions, led by the AFT, and the American Civil Liberties Union (ACLU) which argued that the pilot program violated constitutional provisions on the separation of church and state. But in her ruling on the case, Judge Lisa L. Sadler said that because it was parents who were choosing the schools, and not the state, no such violation existed.

"It's what we have argued all along," said Allen. "That providing parents with an opportunity to make a choice in their children's lives is not anti-democratic, or anti-public education, or anti-constitutional. It is simply pro-parent, pro-child, and pro-improved education. I am thrilled that the court agreed."

The legal defense of the Cleveland program was led by the Institute for Justice, (IJ); CER filed an amicus brief in support of the program. IJ attorneys say it is likely the Ohio ruling will be appealed to a higher court, and lawyers for the teachers unions say that, in fact, such appeals are planned, as are legal maneuvers to keep the program from beginning this fall while the question is under appeal.

"The union's and the ACLU's stated intentions to try to further delay the implementation of the program show where their concerns and loyalties truly lie," Allen said. "If they really cared about the needs of Cleveland's children, they'd fold their tent and go home. Or would at least let these poor kids get on with their schooling. But all they seem to care about is how it might affect their next contract, their next collective bargaining agreement, their next salary negotiation."

For more information about the Cleveland case, or school choice in general, call Attorney Clint Bolick, at the Institute for Justice, 202-955-1300 or the Center for Education Reform, 202-822-9000.