

# THE Center for Education Reform



1001 Connecticut Avenue, NW  
Suite 204 • Washington, DC 20036

Tel: 202-822-9000  
Fax: 202-822-5077

**For Immediate Release**  
**January 5, 2006**

**Contact: Jon Hussey**  
**(202) 822-9000**

## **FLORIDA SUPREME COURT DECISION ON SCHOLARSHIPS FLAWED**

**Washington, DC** – The Florida Supreme Court on Thursday declared that the state’s school choice program violates the constitution’s requirement of a uniform system of free public schools, a move being viewed by many as both political and divisive. The Opportunity Scholarship Program, part of a larger accountability program enacted in 2000 which gave children in failing schools the choice to attend private schools or better performing public schools, was struck down on party-lines in a 5-2 opinion.

“This decision does not mean Florida’s Opportunity Scholarships are not right,” said Jeanne Allen, President of The Center for Education Reform. “It just means that this court, at this time, wasn’t able to justify them under the Constitution.”

In a statement, Allen argued that the decision is an anomaly in Florida, and has no repercussions for other states. The U.S. Supreme Court ruled an Ohio scholarship program constitutional in 2002. Allen also provided data about the positive impact of Opportunity Scholarships on student achievement. Students at schools that had failed two years in a row had significant learning gains, a response to the possibility of schools losing students to the opportunity scholarship program. Scholars have also found dramatic learning gains among the 701 students enrolled in 47 schools through the program.

“This is a blow for the kids of Florida and a challenge for policy makers,” said Allen, “but not one that cannot be overcome.”

###

*CER, the leading national organization for necessary structural change in American education, joined an amicus brief in support of the program.*

**A STATEMENT BY JEANNE ALLEN,  
PRESIDENT, THE CENTER FOR EDUCATION REFORM**

**Washington, DC** – The Florida Supreme Court’s decision to stop the opportunity scholarship program for needy students is enormously flawed. The court’s ruling comes at a time when public bodies should be doing all they can to bolster student achievement. Instead, this decision has the potential to relegate needy students to failing schools, in the name of “uniformity,” the terms for the provision in the constitution that the state’s high court used as justification for striking down the opportunity scholarship program.

Educational choices in Florida have been documented to improve student and school achievement in communities that exercise those choices.

Thankfully the ruling is an anomaly in Florida. The U.S. Supreme Court has held such choice programs constitutional and other states will continue to pursue choice efforts. Quality learning opportunities are a fundamental right of every child. Denying them that right based on a narrow interpretation of what it means to have a uniform system of public education is politically motivated, not judicially justified.

Because the ruling may also impact any reforms that allow for choices outside of the conventional public school system — from scholarships for special needs children to charter schools — we will join the millions of parents and child advocates nationwide who are outraged by this decision in ensuring that a bad court decision does not force any more children to attend bad schools.

# # #

*The Center for Education Reform (CER) creates opportunities for and challenges obstacles to better education for America’s communities. Founded in 1993, CER combines education policy with grassroots advocacy to foster positive and bold education reforms. For more information, visit [www.edreform.com](http://www.edreform.com)*