

MAKING THE CASE FOR SCHOOL CHOICE TO THE U.S. SUPREME COURT

The fate of school choice in Ohio — and perhaps nationwide — may rest with the U.S. Supreme Court, which agreed to review the constitutionality of Ohio's Cleveland Scholarship and Tutoring program enacted in 1995. The Center for Education Reform made the following arguments on behalf of 27 civic, education and business groups in an Amicus Brief filed on November 9, 2001.

- When the Scholarship Program began providing direct benefits for school choice to roughly 4,000 children in 1995, Cleveland's school children and their parents had been litigating desegregation and education reform issues for more than a generation. Today the Cleveland City School District represents an "academic emergency."
- Despite 25 years of state and local efforts to reverse failure, only 20 percent of the ninth-graders in Cleveland passed the state's proficiency test, when 69 percent of their ninth-grade classmates statewide can do so;
- Most Cleveland public school students attend schools that are almost all white or almost all minority, and very few attend schools that resemble the racial proportion in the whole community.
- The CER brief argued that the Supreme Court must look at the *context* in which school choice was enacted to accurately judge whether lawmakers acted constitutionally to fulfill their mandate of providing a fair and equitable education to all children.
- Although Cleveland families have available to them a wide range of educational alternatives — from public choices such as magnets and charters to after school tutoring — over 3,000 low income families felt the scholarship program better suited their needs.
- Prior to reaching the U.S. Supreme Court, the case was struck down by federal courts in its infancy simply because a majority of students taking the voucher have chosen to attend religious schools. Yet, by doing so, those courts ignored the plentiful supply of public school options as well as preventing the state from measuring the *educational* effects of the program.
- Oral argument in this case is set for Wednesday, February 20, 2002, at 10:00 a.m.
- The Center for Education Reform, a national, independent, non-profit advocacy organization founded in 1993 to advance substantive reforms in public education, filed a brief in support of the constitutionality and continuation of the Cleveland voucher program. CER was joined in this brief by groups representing more than 100,000 individuals and businesses nationwide with an interest in ensuring excellence in education.

CER was joined in its Amicus Curiae brief by:

The American Legislative Exchange Council
The Arizona School Choice Trust
Associated Industries of Vermont
Beatrice D. Fowler (Florida school board member)
California Parents for Educational Choice
The Center for Equal Opportunity
The Center for Public Justice
Children First: CEO Kansas
Citizens for Educational Freedom
The Coalition for Parental Choice in Education (Massachusetts)
The Commonwealth Foundation of Pennsylvania
The Education Excellence Coalition (Washington)
The Educational Freedom Foundation
Excellent Education for Everyone
Floridians for School Choice
The Hispanic Council for Reform and Educational Options
"I Have A Dream" Foundation of Washington D.C.
The Illinois Coalition for Parental Choice
Kyle Persinger. (Indiana school board member)
The Maine School Choice Coalition
Minnesota Business Partnership
Nevada Manufacturers Association
Pennsylvania Manufacturers Association
The Texas Justice Foundation
The Toussaint Institute Fund
United New Yorkers for Choice in Education
The Urban League of Miami

Briefs were also filed in the Supreme Court by over 20 other groups representing a bi-partisan convergence of governors, mayors, legislators, scholars, civil liberties groups, and the United States Solicitor General. For more information about CER's brief, log on to www.edreform.com/press/2001/amicus2001.htm