



Making Schools Work Better for all Children

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Florida Judge Rules Program Unconstitutional

Circuit Judge L. Ralph Smith ruled Tuesday that the program authorizing Florida's Opportunity Scholarships is unconstitutional.

The judge's argument against vouchers was based solely on his interpretation that the state's constitution is violated by spending public dollars on private schools and further violates the separation of church and state when vouchers are used for parochial school attendance. Children currently enrolled in the program may finish out the year.

According to the Institute of Justice: the Judge's opinion was almost verbatim from a proposed order submitted by the plaintiffs. "Given that the unions essentially authored this opinion, it is about as bad and as self-serving as it gets," said Clint Bolick, IJ's Litigation Director.

The nation's first state-wide choice program was designed to serve as a money back guarantee to parents whose children are trapped in failing schools. This year students in two Florida schools were eligible and nearly 60 students took advantage of Opportunity Scholarships. Next year it was anticipated that up to 60,000 Florida children would have the option to escape failing schools and elect to go to a school of their choice.

The judge's ruling sparks a number of questions about the fate of more than 8,000 Florida families whose disabled and at-risk children currently attend religious schools at state expense. The ruling appears to threaten their future as well.

This year, the Florida Department of Children and Family Services will spend \$46 million for social work performed by Catholic, Baptist, Jewish, Lutheran and other faith-based organizations. Religious institutions are also funded by the state to administer juvenile justice programs.

The Opportunity Scholarships had already started making waves in Florida and had sparked a number of improvements and created innovations in schools that had previously been rated as "F" or "D."

While a blow to choice activists, it's clear this case is going up the court ladder, and will possibly end up in the U.S. Supreme Court. For more information, check out CER's [School Choice in Florida](#)

and [About School Choice](#) areas or IJ's website at www.ij.org.



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