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School Choice: The Civil Rights Issue of the 21st Century

By Clark Neily

On June 7, the Florida Supreme Court will hear arguments in a case that could decide whether Florida continues to lead the nation in true education reform or joins the ranks of states where “reform” means business as usual.

The question the justices will be asked to decide is whether Florida’s constitution prohibits the state from giving scholarships to parents whose children are stuck in failing public schools so they can transfer those kids to private schools of their choice.

Opponents claim the program results in impermissible “aid” to religion because it allows scholarship recipients to send their children to religious as well as nonreligious private schools.

A major problem with that argument, however -- and one school choice opponents have steadfastly refused to squarely address -- is what implications that argument has for Florida’s three dozen other social and educational aid programs that, just like Opportunity Scholarships, allow participants to freely choose among religious and nonreligious providers.

On the education side alone, more than 200,000 Floridians receive publicly funded scholarships through a variety of state aid programs, all of which permit scholarship recipients to attend religious schools if they choose. This includes more than 100,000 college students using Bright

Futures and other higher education scholarships, nearly 15,000 K-12 students attending private schools through the McKay Program for Students with Disabilities, and 12,000 K-12 students in the Corporate Tax Credit program.

Moreover, starting this fall, anywhere from 90,000 to 150,000 pre-K students are expected to enroll in the new universal pre-kindergarten program, and, like Opportunity Scholarship recipients, they will enjoy a full range of religious and nonreligious options.

Besides educational aid, many state and local agencies contract with organizations such as the Salvation Army to provide a wide range of services including prison counseling services, drug rehabilitation, and aid to the homeless. Likewise, religious hospitals receive public money through the Medicaid program. Does that count as “aid” to the churches that run those hospitals? Fortunately, the answer to that question is no.

Florida has a long history of neutrality when it comes to allowing religious organizations to participate in all manner of social and educational aid programs. Why doesn’t it count as aid to religion when a Bright Futures scholarship recipient decides to attend a school like Hobe Sound Bible College or Florida Christian College? It’s because the “aid” is to the student, not the particular school

he or she happens to attend. Same thing with Medicaid; even though state money ends up in going to a religious institution, the aid is to the patient who chooses that hospital, not the hospital itself or the church that runs the hospital.

The same is true of Opportunity Scholarships. When the state of Florida gives parents an educational lifeline -- when it gives them, for the first time in their lives, a choice of where to send their children to school -- that is aid to those parents and their children. It is not aid to whatever schools they happen to choose.

School choice is *the* civil rights issue of the 21st Century. Nothing more starkly divides the haves and the have-nots in this country than the question of who has the ability to ensure educational excellence for their children by choosing where they go to school, and who must simply take whatever their local public schools have to offer, no matter how clearly inadequate.

Florida is on the right side of that debate and the right side of history. While many states promise all students a high quality public education, only Florida delivers by saying to parents, "If we can't get the job done, we'll give you a scholarship so you can find someone who will."

Now *that* is accountability.

The Opportunity Scholarship program is a true education reform that has already enriched the lives and future prospects of hundreds of children. And, as verified by a new Harvard study, it is also a means of injecting into education a little healthy competition -- something from which public schools have been all but immune until now.

As the Harvard study notes, competition is even motivating the public schools to improve. Nothing in the state constitution forbids the state from continuing this vital

reform. The parents and children of Florida deserve nothing less.

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