

Editorial

School ruling: You can vouch for it

By

*Bruce Adelstein and Alan Bonsteel,
Los Angeles Daily News,
Sunday June 30, 2002*

On Thursday, the U.S. Supreme Court ruled that school vouchers were constitutional, providing a tremendous victory for schoolchildren and the basis for new voucher legislation throughout the country.

The Supreme Court held that Ohio's voucher plan, passed as part of a package of public school reforms, did not violate the Establishment Clause of the First Amendment. This decision is good law, and vouchers are good public policy.

The voucher plans now working in other states show that competition from vouchers work to improve public schools, and California -- with some of the worst public schools in the country -- should look to vouchers as an important part of school reform.

The First Amendment states that "Congress shall make no law respecting an establishment of religion." Under well-established case law, a government program will violate the Establishment Clause if (1) its purpose is to aid or advance religion, or (2) its primary effect is to aid or advance religion.

No one suggested the purpose of the Cleveland program was to aid religion, but the plan's opponents argued that it had the primary effect of advancing religion because many of the participating schools (46 out of 56) were religious schools.

The Supreme Court disagreed, noting that "where a government aid program is neutral with respect to religion, and provides assistance directly to a broad class of citizens who, in turn, direct government aid to religious schools wholly as a result of their own genuine and independent private choice, the program is not readily subject to challenge under the Establishment Clause."

This result makes sense. Government programs often provide benefits on a neutral basis without regard to whether the beneficiary is religious or secular. The fire department will put out fires at churches, synagogues and mosques, as well as office buildings and grocery stores. This aid is provided on a neutral basis, and no one suggests that it is unconstitutional.

Programs that provide aid to individuals, not to religious organizations, are even more likely to be neutral.

For example, education programs like the GI Bill and subsidized student loans can be used at public, private and religious universities and colleges. These programs -- like the Cleveland program and like vouchers in general -- are aid to the students, not aid to religious schools.

Vouchers are not just constitutional; they also help spur reforms to public schools. While many public schools work well and provide a quality education, many unfortunately do not. The sad reality is that most of these poorly performing schools are in poor neighborhoods in inner cities, serving the students who need a quality education the most.

The problem is not with the students -- good schools, teachers, and administrators can teach these children well, as shown by Jaime Escalante (the teacher who inspired the movie

"Stand and Deliver"), public elementary schools in Inglewood and other places, and many inner city magnet schools and Catholic schools.

The problem is with the public school system itself -- bloated bureaucracies, wasteful spending, huge ineffective districts like the Los Angeles Unified School District, and teachers unions and politicians who promote their own interests ahead of the students' interests.

Schools and school districts are largely funded based on the number of students attending. Now imagine what would happen under a voucher system.

If parents are able to threaten to take a voucher and send their children to a private or religious school, they will be able to make the politicians, unions and public school bureaucrats an offer they cannot refuse: reform the public schools or lose students and funding.

Teachers unions and the politicians they finance fear this more than anything and accordingly vehemently oppose vouchers.

But accountability to the parents and students is real accountability.

This is exactly what is happening in other cities and states. For example, Milwaukee started its voucher system in 1992 and expanded it several times since then.

The threat of competition from private schools caused the school district to pass many needed reforms, like expanded before- and after-school programs, charter schools, and the hiring of private tutors where needed.

Dr. Howard Fuller, the superintendent of the Milwaukee Public Schools from 1990-1995, was initially an opponent of vouchers but after seeing them work now enthusiastically embraces them.

Similarly, Florida provides vouchers to students in failing public schools. After only a handful of students received vouchers, 78 failing public schools launched massive reforms, and 74 of these schools improved so much by the following year that they were taken off the list of failing schools.

Where do we go from here? California has rejected two statewide voucher initiatives in the past 10 years. Both were broad statewide programs, and many voters simply thought they were too risky. But many new types of better and less risky voucher programs are being discussed.

For example, lower-income students could receive higher voucher amounts. There are also various phase-in options, including making the vouchers initially available only to certain schools or school districts, or simply phase them in more slowly.

Also, the voucher program could be included as one component in a public school reform package; other components could include cutting regulation and bureaucracy and strengthening charter schools.

The recent Supreme Court opinion and the success of vouchers in other states make three things clear: Vouchers work well, vouchers are constitutional, and vouchers will be back in California.

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