

## Crs Report for Congress: Education Vouchers: Constitutional Issues and Cases: September 10, 2002 - RL30165



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## **CRS REPORT FOR CONGRESS: EDUCATION VOUCHERS: CONSTITUTIONAL ISSUES AND CASES: SEPTEMBER 10, 2002 - RL30165**



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Bibliogov, United States, 2013. Paperback. Book Condition: New. 246 x 189 mm. Language: English . Brand New Book \*\*\*\*\* Print on Demand \*\*\*\*\*.On June 27, 2002, the Supreme Court in *Zelman v. Simmons-Harris*, by a 5-4 margin, upheld the constitutionality of a school voucher program that gives tuition assistance to poor children in failing public schools in Cleveland to enable them to attend private schools in the city, notwithstanding that most of the schools are religious in nature. In so doing the Court substantially loosened the constraints that apply to voucher programs under the establishment of religion clause. At issue in the case was Ohio's Pilot Scholarship Program, which provides up to \$2250 to poor students in kindergarten through the eighth grade in Cleveland for use at private schools in the city. Eighty percent of those schools are religious, and most of the voucher children (96 %) attend the religious schools. The Court's prior decisions addressing the constitutionality of indirect aid - *Committee for Public Education v. Nyquist*, *Mueller v. Allen*, *Witters v. Washington Department of Social Services for the Blind*, and *Zobrest v. Catalina Foothills Public Schools* - seemed to suggest that a voucher program would pass constitutional muster only if its benefits were made available on a religion-neutral basis and if religious schools did not dominate the choices open to parents and their children. The lower federal courts in *Zelman* found the first test to be met but held the program unconstitutional on the grounds it did not give parents a genuine choice between secular and religious schools. But the Supreme Court held that the choices available to the parents were broader than just the private schools where the vouchers might be redeemed. Chief Justice Rehnquist stated for the Court.



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