

Constitutionality of Voucher Program Challenged

DENVER – Public education supporters today filed a lawsuit in Denver District Court challenging the constitutionality of the school voucher program enacted by the 2003 Colorado General Assembly. The plaintiffs charge that the program violates a number of provisions of the Colorado Constitution.

Lead plaintiff is the Colorado Congress of Parents, Teachers and Students, commonly known as the PTA. Colorado PTA President Mark Townsend said, “On behalf of the children of the state of Colorado, as well as their parents and teachers, we are going to court to defend public education and to prevent the state from implementing this program which is in direct violation of the Constitution of the State of Colorado.”

The complaint charges that the school voucher program violates the State Constitution on a variety of fronts. The school voucher program removes local control from school boards, compels taxpayers and parents to support religion, gives tax dollars to sectarian and private institutions, diverts monies from the Public School Fund, and undermines the thorough and uniform system of free public schools. The sections of the Constitution cited in the lawsuit are at the end of the release.

In addition to Colorado PTA, other organizational plaintiffs are League of United Latin American Citizens (LULAC), The Interfaith Alliance of Colorado, and the Colorado NAACP. The lawsuit is also being filed on behalf of various individuals who are parents, students, taxpayers and others who will be harmed by the implementation of this law. Defendants are Governor Bill Owens and the State of Colorado.

PTA President Townsend expanded on the reasons for filing the lawsuit. “The school voucher program passed by the Legislature and signed by Governor Owens is detrimental to the 750,000 children attending public schools in Colorado. When our state was established in 1876, a number of very specific decisions were made about providing for a uniform system of public schools, financed by public funds and controlled by elected school boards. The voucher program undermines those tenets and harms our children. PTA agrees with Colorado’s founding fathers that tax dollars should be used to support and improve public schools for all of the children.”

Angelina Najjar, state director of LULAC, said, “Nothing is more important than making sure our children get good educations. We must work to strengthen our public schools so that all children, not just a few, have access to quality education. Vouchers take resources, focus and attention away from our neighborhood public schools. We are certain this is not what the framers of the State Constitution had in mind when they established a thorough and uniform system of public schools for all of Colorado’s children.”

Rabbi Joel Schwartzman, president of The Interfaith Alliance of Colorado, stated, “The faith community is very concerned about the voucher program’s violation of three specific sections of the Colorado Constitution. First, Colorado’s Bill of Rights says that no one shall be required to support any religion against his consent. Since the vast majority of non-public schools in Colorado are affiliated with some religion, Coloradans will be forced to support those religions with their tax dollars.

“Even more specific are Article V, Section 34 and Article IX, Section 7,” continued Rabbi Schwartzman. “In two separate places, the Colorado Constitution forbids government

appropriations to sectarian institutions or entities controlled by sectarian denominations. Our founding fathers were very clear. They did not intend for the state or any of its subdivisions to provide financial support to religious schools. This prohibition is not directed at any particular religion; it is meant to keep government out of all religions.”

In addition to charges concerning violations of the establishment and funding of public schools and of support for private and religious or sectarian schools, the lawsuit also alleges that the voucher law violates a constitutional provision prohibiting special laws concerning the management of public schools.

The lawsuit is supported by numerous national organizations with Colorado affiliates and members including the American Civil Liberties Union, American Federation of Teachers, American Jewish Committee, American Jewish Congress, Americans United for Separation of Church and State, League of United Latin American Citizens, National Education Association, the NAACP, National PTA, and People for the American Way Foundation.