

A P P E N D I X 1 1

Constitutional Issues

*Key Court Decisions on Vouchers
and Tuition Tax Credits*

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Zelman v. Simmons-Harris, 1225 S.Ct. 2460 (2002). The U.S. Supreme Court ruled 5-4 on June 27, 2002, that the Cleveland voucher program is constitutional even though state funds are provided directly to religious schools.

Holmes v. Bush, 2002 WL 1809079 (Fla.Cir.Ct. 2002). A Florida Circuit Court of Appeals ruled that Florida's voucher program violates Article I, Section 3, of the Florida Constitution, since state revenue is spent on sectarian institutions. The decision has been appealed, and the program has been allowed to continue during the appeals process.

Winn v. Killian, 207 F.3d 1011 (9th Cir. 2002). The U.S. Court of Appeals for the Ninth Circuit ruled that taxpayers could maintain a suit challenging the constitutionality of Arizona's tuition tax credit law on Establishment Clause grounds. The Ninth Circuit returned the case to federal district court for further consideration.

Kotterman v. Killian, 972 P.2d 606 (Ariz. 1999). The Arizona Supreme Court upheld the state's tuition tax credit which provides tax relief to parents with children in religious schools. The U.S. Supreme Court denied certiorari in October 1999, 528 U.S. 921 (1999).

Bagley v. Raymond School Department, 728 A.2d 127 (Me.1999). The Maine Supreme Court upheld the state's educational tuition program, which prohibits tuition payments to religious schools. The U.S. Supreme Court denied certiorari in October 1999, 528 U.S. 947 (1999).

Strout v. Albanese, 178 F.3d 57 (1st Cir. 1999). The U.S. Court of Appeals for the First Circuit upheld Maine's educational tuition program's religious school prohibition on Establishment Clause grounds. The U.S. Supreme Court denied certiorari in October 1999, 528 U.S. 931 (1999).

Jackson v. Benson, 578 N.W.2d 602 (1998). The Wisconsin Supreme Court held that the state's Milwaukee Parental Choice Program (voucher program) was constitutional even though state voucher funds were being paid to private religious schools. The U.S. Supreme Court denied certiorari in November 1998, 525 U.S. 997 (1998).