

**Master of Science in Educational Leadership**

**EDU 582**

**Name:** \_\_\_\_\_

**Date :** \_\_\_\_\_ November 30, 2009 \_\_\_\_\_

**Case Study Format**

**Citation:** *Zelman v. Simmons-Harris*, 474 U.S. 481 (1986) See also No. 00-1751 (June 27, 2002)

**Topic:** School Vouchers

**Relief Sought:** School vouchers can be used for private schooling if that is the chosen program sought.

**Main Issue/Question(s):** Does the use of the voucher for private schooling then show that the state is funneling money to religious institutions? Does this violate the Establishment Clause of the First Amendment?

**Facts/Summary:**

- There is a clear separation between church and state.
- Made choice to attend private school; not government mandated.
- Court ruled that private choice “breaks the chain” between church and state.
- Cleveland program was primarily religious; and recipients were attending religious schools

**Plaintiff:**

The United States

**Position:**

The government determines if there is a direct link between church and state and the use of vouchers in the school choice decision. Decision will be precedent.

**Defendant:**

Cleveland School District, (Simmons-Harris), recipient of school voucher.

**Arguing Position:**

Past rulings state that “taxpayer funds could only be given to private, religious institutions as a result of independent, private decisions made by public aid recipients.”

**Trial Court Decision:**

N/A

**Appellate Court Decision:**

N/A

**Final Court Decision:**

At the Supreme Court level, “five of the nine justices joined that majority opinion, the ruling and the reasoning behind it are now binding court precedent. The court sided with the voucher supporters and stated that the program is “of true, private choice”.

**RULE:**

Vouchers can be used for private schools. The choice is a private choice and severs the chain between church and state.

**What is the relationship between this case and learning?**

Students should be given every opportunity to learn and chose where they want to obtain their education. Taxpayers provide the same amount per student for a base for government funding for students public school tuition. Therefore, if a student chooses to go to another school, private or public, that money set aside for that student should be moved with them to the school they will be attending to offset the cost to taxpayers where that student does not reside. A student needs to feel comfortable in their surroundings in order to receive the best education possible. If by allowing students to have vouchers to promote school choice, their education is made better and schools held more accountable, then so be it.