

FOR IMMEDIATE RELEASE:

CONTACT: Shira Rawlinson

September 9, 2011

(703) 682-9320

**Douglas County Families Appeal Decision
Striking Down Choice Scholarship Program**

Arlington, Va.—Yesterday afternoon, families from Douglas County, Colo., who received scholarships under the county's Choice Scholarship Program appealed the August 12, 2011 trial court decision that struck down the program. They filed the appeal in the Colorado Court of Appeals in Denver.

"We are confident that the Court of Appeals will correct the trial court's decision, which ignored or attempted to rationalize away existing Colorado and U.S. Supreme Court precedent that clearly authorizes the scholarship program," said Michael Bindas, a senior attorney with the Institute for Justice, which represents the Oakley, Doyle and Anderson families in defending the Choice Scholarship Program.

The Choice Scholarship Program is a local school choice program adopted by the Douglas County Board of Education on March 15, 2011, to "provide greater educational choice for students and parents to meet individualized student needs." The program operates in a simple and straightforward manner, providing 500 scholarships that parents can use to send their child to any private school that participates in the program and that has accepted the child.

On June 21, 2011, the ACLU, Americans United for Separation of Church and State, and several Colorado organizations and taxpayers sued the school board, school district, Colorado Department of Education, and Colorado Board of Education in Denver District Court to stop the program. On August 12, that court enjoined the program, concluding that it violates religion clauses in the Colorado Constitution, as well as Colorado's Public School Finance Act and a provision concerning the Public School Fund.

According to Bindas, however, "Case law is clear that a school choice program like Douglas County's—which is religiously neutral and operates on the private and independent choice of parents—is constitutional."

IJ client Diana Oakley, whose son has Asperger's Syndrome and was not thriving in public school, said, "We shouldn't limit ourselves to a one-size-fits-all educational system. If the public schools work for you and your child, great. But if they don't, you should have the right to select the best school possible for your child to meet his or her individual needs, and you should also be able to direct your share of your child's education funds to the school of your choice."

The Douglas County School District and Board of Education have also filed an appeal of the trial court's decision.