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Editorial

Save school choice program

Colorado's experimental program to free poor students from unsatisfactory schools came to a grinding halt Wednesday when a Denver judge slapped an injunction on implementation of the law.

The state should file an immediate appeal. Nothing less than the future of thousands of children may be at stake.

Denver District Judge Joseph Meyer ruled that the fledgling program violates the state constitution's local control provision. The program would have provided private school scholarships to poor students in schools deemed "failing" by the state. (It would be required in 11 districts and optional in others.)

"I see no way to interpret the voucher program statute in a way that does not run afoul of the principle of local control," Meyer wrote.

Here's the rub: The state of Colorado has dictated education policies for local school districts for decades—everything from public

school choice to magnet and charter schools to setting standards and required testing.

State lawyers likely will appeal on those grounds.

"In the last 30 years in Colorado there's been a real evolution in the way public schooling is financed, and that's led increasingly to a change in the relationship between state and local districts," says Chip Mellor, president and general counsel of the Washington, D.C.-based Institute for Justice, which has defended school choice nationwide and has worked with the Colorado attorney general on this case.

"Local districts don't exercise anywhere near the autonomy they did. It's been the practice for the state to set education policy and for local districts to implement that policy."

Colorado's voucher program could have helped many kids struggling in public schools—and still will if the state Supreme Court sees fit.

Mellor is confident the state high court will reverse the judge's decision. But if it doesn't, state lawmakers must not let the voucher idea die.

First, we'd like to see some discussion about changing Colorado's constitution. It's one of only six in the country with the seemingly outdated local control provision—a law now honored more in the breach than in practice.

Lawmakers also may want to try funding vouchers solely with state money. The current plan includes a mix of state and local money.

The program was designed to reduce any potential harm to public schools. The law allows districts to keep a portion of voucher students' per pupil funding even though they no longer attend public school, and a private foundation has helped districts defray setup costs.

It's a shame that special-interest opponents continue to work so hard to derail an idea that's worth trying.

After all, our kids should be the only special interest we have.