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## Jacques: Schuette, stand for private schools

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If Bill Schuette wants to go bold for school choice, he's got a great opportunity.

The Michigan attorney general and Republican candidate for governor should appeal a decision last month that banned the state from reimbursing nonpublic schools for the costs of state-mandated health and safety measures.

This would win him friends among private school advocates, and it would send a signal that he's willing to think bigger when it comes to education in this state.

So far, Schuette has released two school-related plans but they are narrowly focused — one on boosting reading and the other on preparing students for the workforce. His main GOP opponent, Lt. Gov. Brian Calley, similarly released a plan for improving schools in April, telling me that “education is the key to everything else.”

Calley is right about that. Yet while his proposal touched on reading and workforce training (as Schuette did before him) as well as pre-K and special education, he didn't delve into broader, overarching goals that could lead to more meaningful change.

Opening Michigan to private school options, whether vouchers, tax credits or education savings accounts, would be a game changer for many families. Michigan's restrictive constitution, fiercely defended by teachers unions, effectively bans channeling public dollars to private or religious schools.

It would be refreshing for a leading GOP candidate to champion a change to the state constitution, infamous as the worst in the country for blocking public aid to private schools.

Even if Schuette doesn't want to go that far, he should still follow through with this case.

A little history: In the 2017 and 2018 budgets, GOP lawmakers included \$2.5 million for the mandate reimbursements that would benefit private schools that must follow the state requirements. The nonpublic school community has estimated they'd need \$10 million

(\$100 per each of the 100,000 students in Michigan) to cover the costs, but private school leaders saw this as a hopeful start.

A lawsuit filed last year by public school advocates and the American Civil Liberties Union of Michigan ultimately froze the funding, however, and so far none of the \$5 million set aside has made it to a private school.

Late last month, Court of Claims Judge Cynthia Stephens ruled those previous budgets violated the constitution, and she didn't buy the state's defense that since the funding wasn't for an educational purpose but rather for the health and welfare of the students, it didn't break the law.

That argument has been made successfully in several others states to justify such reimbursements, even in states that also have Blaine Amendments blocking state aid to nonpublic schools.

Michigan's a special case, however.

This is where Schuette could step in and appeal Stephens' decision. Since one of the defendants in the lawsuit is the state of Michigan, he should have full authority to do that.

The House again included the \$2.5 million in its 2019 school aid budget, but lawmakers are waiting to see what Schuette does, says House Education Reform Committee Chair Tim Kelly, R-Saginaw Township. If he files an appeal, expect that funding to stay. Otherwise, there's not much point.

In a letter this month urging Gov. Rick Snyder and Schuette to appeal the decision, the Michigan Catholic Conference and the Michigan Association of Nonpublic Schools called Stephens' ruling a "dangerous precedent" that "overrides the will of the Legislature and the Executive Branch of government, which have the responsibility of appropriating funds essential to the well-being" of all residents.

For Schuette, standing up for the students in these schools should be a no-brainer, and it could set the stage for a more ambitious school agenda.

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