

FOR IMMEDIATE RELEASE:

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**U.S. Supreme Court Grants Review in Arizona School Choice Case;  
Court to Consider at Later Date IJ's Request for Summary Reversal**

Arlington, Va.—The U.S. Supreme Court today delivered good news to the more than 27,000 children relying on Arizona's Scholarship Tuition Tax Credit program to attend private school. The Court announced this morning that it will review the October 2009 decision by the Ninth U.S. Circuit Court of Appeals in *Arizona Christian School Tuition Organization v. Winn*. In that case, the Ninth Circuit declared the 13-year-old school choice program unconstitutional because taxpayers are allowed to donate money to religiously affiliated scholarship-granting organizations and children may attend religious schools through the program.

“The Supreme Court's decision to review this case is terrific news for the thousands of families who desperately need scholarship assistance in order to send their children to the school of their choice,” declared Tim Keller, executive director of the Institute for Justice Arizona Chapter, which represents the Arizona School Choice Trust (ASCT), a scholarship-granting organization, and two families who receive scholarships from ASCT in the case. “This case is particularly worthy of the Supreme Court's attention because the Ninth Circuit's decision directly conflicts with no less than four of the Court's past precedents upholding other school choice programs.”

There were three petitions for certiorari filed that asked the Supreme Court to take and reverse the Ninth Circuit decision. The Court this morning granted the petitions filed by the state of Arizona (on behalf of the named defendant in the case *Gale Garriott*, the director of Arizona Department of Revenue) and the Alliance Defense Fund, which represents the Arizona Christian School Tuition Organization. The Petition filed by the Institute for Justice on behalf of ASCT was held and will be considered again at a later conference date. The Institute's petition for certiorari is the only petition that not only asked the Supreme Court to hear the case, but to go one step further and forgo any additional briefing or oral argument and immediately reverse the Ninth Circuit decision. The Supreme Court has not yet set a date to reconsider the Institute's petition seeking summary reversal.

“We are delighted that the Supreme Court recognized the importance of this case and we are optimistic that the Court will reverse the Ninth Circuit and uphold Arizona's Scholarship Tax Credit program,” continued Keller. “We will also be watching the Court's calendar as to when it will be reconsidering the Institute for Justice's petition, but at this point in time it is impossible to predict what the Supreme Court intends to do or say with respect to the Institute's petition or our request to summarily reverse the case.”

“Securing genuine school choice for every family in America, which includes empowering parents to choose both public and private schools, is one of the most urgent issues of our time,” said Chip Mellor, the Institute's president and general counsel. “The Institute for Justice will do what it takes to protect school choice from legal attack and to defend programs like Arizona's Scholarship Tax Credit.”

The Institute for Justice successfully defended Arizona's Corporate Scholarship Tax Credit Program in state court last year in *Green v. Garriott* and helped secure the U.S. Supreme Court's 2002 decision in *Zelman v. Simmons-Harris* and the Arizona Supreme Court 1999 decision in *Kotterman v. Killian*, which upheld the individual tax credit at issue in this case.