

**This question requires you to compare a Supreme Court case you studied in class with one you have not studied in class. A summary of the Supreme Court case you did not study in class is presented below and provides all of the information you need to know about this case to answer the prompts.**

*Zelman v. Simmons-Harris* (2002)

3. In response to low academic performance at public schools in lower-income sections of Cleveland, the Ohio legislature enacted a program that allowed the use of public funds for private school tuition. Parents who showed financial need could obtain vouchers of up to \$2,500 a year for tuition at participating private schools. Both religious and nonreligious private schools could participate in the program, and in the first year, 96 percent of voucher recipients opted to attend religious schools.

A group of Ohio taxpayers, which included Doris Simmons-Harris, filed a lawsuit against the public school system, claiming the use of public funds for religious institutions was unconstitutional. The local federal district court ruled in favor of Simmons-Harris. After the Court of Appeals for the Sixth Circuit upheld the ruling, Sarah Zelman, the Superintendent of Public Instruction in Ohio, appealed the ruling to the Supreme Court.

In a 5–4 vote on the subsequent case of *Zelman v. Simmons-Harris* (2002), the Supreme Court held that the public funding of a school voucher program that includes religious schools was constitutionally permitted. In the majority opinion, Chief Justice William Rehnquist reasoned that the program “. . . provides benefits directly to a wide spectrum of individuals, defined only by financial need and residence in a particular school district. It permits such individuals . . . genuine choice among options public and private, secular and religious.”

- A. Identify the clause in the First Amendment that is common to both *Engel v. Vitale* (1962) and *Zelman v. Simmons-Harris* (2002).
- B. Explain how the facts in *Engel v. Vitale* and *Zelman v. Simmons-Harris* led to different holdings in the two cases.
- C. Explain how the holding in *Zelman* might affect educational policy in states with legislatures that support the ruling.

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**Begin your response to this question at the top of a new page in the separate Free Response booklet and fill in the appropriate circle at the top of each page to indicate the question number.**

4. An important feature of a democratic republic is that it represents the will of the people. Take a position on whether constitutional checks and balances or citizen participation in social movements is more effective in ensuring the people’s will is represented.

Use at least one piece of evidence from one of the following foundational documents:

- Article I of the United States Constitution
- *The Federalist* 10
- “Letter from a Birmingham Jail”

In your response you should do the following:

- ✓ Respond to the prompt with a defensible claim or thesis that establishes a line of reasoning.
- ✓ Support your claim with at least TWO pieces of specific and relevant evidence.
  - One piece of evidence must come from one of the foundational documents listed above.
  - A second piece of evidence can come from any other foundational document not used as your first piece of evidence, or it may be from your knowledge of course concepts.
- ✓ Use reasoning to explain why your evidence supports your claim or thesis.
- ✓ Respond to an opposing or alternate perspective using refutation, concession, or rebuttal.

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**Question 3: SCOTUS Comparison****4 points**

- A.** Identify the clause in the First Amendment that is common to both *Engel v. Vitale* (1962) and *Zelman v. Simmons-Harris* (2002). **1 point**

The establishment clause

- B.** Explain how the facts in *Engel v. Vitale* and *Zelman v. Simmons-Harris* led to different holdings in the two cases.

**Acceptable responses include:**

**One point** for **describing** relevant information (facts or holding) about the required Supreme Court case. **1 point**

- In *Engel*, a group of parents objected to the daily, voluntary recitation of a nondenominational prayer in schools.
- The Court held that the school sponsorship of prayer violated the establishment clause.

**OR**

**OR**

**Two points** for correctly **explaining** how the facts in *Engel* AND *Zelman* led to different holdings in the two cases. **2 points**

- In *Engel*, parents sued to stop a public school from encouraging prayer. In *Zelman*, people sued to stop the state from letting families pay for religious schools with vouchers. While school prayer was a violation of the establishment clause in *Engel* because the government approved a religious practice, school vouchers were not a violation in *Zelman* because families had the freedom to choose.
- In *Engel*, parents sued to stop a public school from encouraging prayer. The Court held that the school sponsorship of prayer violated the establishment clause. In *Zelman*, people sued to stop the state from letting families pay for religious schools with vouchers. The Court held that the program did not violate the establishment clause because families were choosing whether to use the vouchers for religious schools.

- C.** Explain how the holding in *Zelman* might affect educational policy in states with legislatures that support the ruling. **1 point**

**Acceptable explanations include the following:**

States would be more likely to pass laws that allow for public funding of school vouchers.

**Total for question 3 4 points**