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H1

## Court rejects challenge to Fla. school vouchers

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### TALLAHASSEE

An appeals court rejected a challenge to Florida's de facto school-voucher system Tuesday, setting up a potential Supreme Court battle about whether teachers and parents have the right to sue over a program that provides private-school tuition for tens of thousands of

students.

In a 30-page ruling, a three-judge panel of the 1st District Court of Appeal upheld a trial judge's decision throwing out the case because the individual plaintiffs and groups challenging the program do not have "standing," or the legal right to bring suit. The case has been spearheaded by the Florida Education Association, the state's largest teachers' union.

The appeals court rejected arguments that public schools were harmed by the scholarship program, or that the program could be challenged under a doctrine that allows taxpayers to sue if the Legislature's spending decision violates the Florida Constitution.

"At most, [the opponents] quarrel with the Legislature's policy judgments regarding school choice and funding of Florida's public

schools," wrote Judge Lori Rowe for a united court. "This is precisely the type of dispute into which the courts must decline to intervene under the separation of powers doctrine. ... Appellants' (the opponents') remedy is at the polls."

The Florida Education Association said it would decide whether to appeal, but President Joanne McCall slammed the ruling and alluded to a Supreme

Court decision that tossed out a voucher program by former Gov. Jeb Bush.

"The courts ruled a previous voucher scheme unconstitutional," McCall said. "Why won't they let teachers and parents challenge this one?"

But the appeals court said the current program, involving what are known as corporate tax-credit scholarships, is different from the earlier system that funneled

state money directly to private schools, including religiously affiliated schools. Under the current framework, established in 2001, corporations contribute to organizations that provide scholarships to students, and the state provides tax credits in return.

The court said a provision of the Florida Constitution that bars the state from providing financial aid to religious activities applies only to decisions to send taxpayer money to those organizations, not to giving credits to people or businesses that choose to do so.