

# DAILY COMMERCIAL

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## Teachers union pressing fight against private scholarship program

By Livi Stanford

TALLAHASSEE—The Florida Education Association is appealing an Appeals Court ruling denying the association and other groups standing in a lawsuit that challenges the constitutionality of the state’s tax credit voucher program.

Nearly 100,000 Florida students have been awarded tax credit scholarships this fall in two state programs that serve students with financial or special needs. In Lake County, 1,462 students have been awarded such scholarships, up 24 percent from last year.

But a fight has erupted between the Florida Education Association and Step Up for Students, a non-profit managing one of the largest tax credit scholarship programs for low-income students in the United States.

The Florida Education Association originally challenged the constitutionality of the state’s tax credit program, claiming the state is allowing businesses to escape paying taxes which could benefit the state or public school system but instead benefit the scholarship program.

Step Up disagrees, arguing that the program expands opportunities for low-income students and “does not drain money from public schools. In fact, they state it saves taxpayers money. They argue the tax credit program is funded by corporations, which get dollar-for-dollar tax credits in return for contributions.

“The lawsuit filed on Aug. 28, 2014 by the Florida Education Association claims the Florida Tax Credit Scholarship is unconstitutional,” Step Up states. “The FEA describes it as “voucher” because that feeds its legal strategy, not because the term is correct. In 2006, the Florida Supreme Court ruled against a government-issued voucher for students who attended public schools judged as failing. But the Tax Credit Scholarship is not a government-issued voucher, and that difference has special meaning in constitutional case law. To date, three state Supreme Courts and the U.S. Supreme Court have ruled in favor of tax credit scholarships, and none has ruled

against.”

On Aug. 16, The First District Court of Appeal in Tallahassee upheld the lower court ruling, disappointing the FEA and other organizations.

“We’re frustrated that the court will not even allow us to argue the merits of this case,” FEA President Joanne McCall said in a statement. “The lower courts have ruled that teachers and our partners in this lawsuit aren’t allowed to challenge the constitutionality of the tax credit vouchers. It’s the job of the judiciary to act as a check and balance on the legislative and executive branches of government. A decade ago, the courts ruled that a previous voucher scheme was unconstitutional. They should examine this voucher plan as well.”

Joining in the lawsuit are Sen. Geraldine Thompson, Rabbi Merrill Shapiro, the Rev. Harry Parrott Jr., and the Rev. Harold Brockus, who are all affiliated with Americans United for Separation of Church and State, according to the press release.

Bishop Victor Curry, who is pastor of New Birth Baptist Church in Miami and chair of the Save our Scholarships Coalition, said in a statement he was disappointed the union “will continue its effort to evict over 90,000 poor, mostly minority children from schools that are working for them.”

“These children were the worst performers at the public schools they left, and now they are thriving,” he said. “The union’s decision is wrong for the children and wrong for our public schools.”

If the Florida Supreme Court were to rule in favor of the FEA, 1,462 students in Lake County would end up back in the public school system.

With growth occurring in Lake County at a fast pace, several School Board members previously expressed concern about how they would find room for such a large number of students.