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## Court won't hear school voucher case

**BY LESLIE POSTAL**

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The Florida Supreme Court said Wednesday it would not take up the case challenging the state's largest school voucher program, ending the teachers union's three-year battle to have it declared unconstitutional.

The Tax-Credit Scholarship Program provides private school tuition vouchers to low-income students. More than 97,000 Florida students are in it this school year, including more than 19,000 in Central Florida.

The union, when it filed its lawsuit, called the program a "risky experiment" that violated Florida's Constitution by diverting state money to private religious schools, among other issues. Nearly 70 percent of the students who use the vouchers attend religious schools.

The court's ruling is a victory for advocates of school choice — a hot-button issue now in both Tallahassee and Washington, D.C., — and for the many families who have come

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# VOUCHER

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to rely on vouchers.

"Yeah!" said Lorene Walker of Orlando, when told of the court's decision.

Walker has two grandchildren using the program and said the lawsuit challenging the scholarships worried her because her family could not afford private school tuition on their own. With the tax-credit scholarship, she said, they had a way to get her granddaughter out of the public school where she was struggling.

The girl, now in seventh grade, has used the program for the past three years. Her younger brother, who is in first grade, has a scholarship too. Both children attend Lion of Judah Academy in Orlando.

"Thank God for Florida tax credit scholarships," Walker said. "If it was not for them, I don't know where my granddaughter would be. Maybe left behind a couple of times."

But the Florida Education Association, which brought the lawsuit, said it

was frustrated by the top court's unwillingness to hear the case.

"Who is allowed to challenge the constitutionality of the tax credit vouchers?" wrote union president, Joanne McCall, in a statement. "This ruling, and the decisions by the lower court, don't answer that question. We still believe that the tax credit vouchers are unconstitutional, but we haven't had the opportunity to argue our case in court. We're baffled that the courts would deny taxpayers the right to question state expenditures. This decision has ramifications beyond this challenge to a voucher program."

The current case, McCall vs. Rick Scott, ended with Wednesday's decision. But the union will consider whether a lawsuit brought on behalf of other plaintiffs could get the constitutional issues debated in court, said Ron Meyer, an attorney for the union.

Former Gov. Jeb Bush, in office when the tax-credit program started, urged the union to drop its fight.

"It is my hope that opponents of Florida's efforts to

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*Lorene Walker, whose grandchildren use tax-credit scholarships*

help our most vulnerable students will stop impeding successful reforms and join us in ensuring all students have access to excellent educational options," Bush said in a statement.

The tax-credit program was created by the Florida Legislature in 2001 and signed into law by Bush. It is funded by corporate donations given in exchange for credits on state tax bills.

The education association filed its lawsuit in 2014, joined by other advocacy groups.

In the lawsuit, plaintiffs complained the voucher program, one of three in Florida, allowed state support of religious schools, set up a separate system of state-funded campuses despite a mandate for a "uniform" school system and

permitted some students to escape the test-based accountability rules that Florida lawmakers have imposed on public schools.

Those rules require using test scores to help make student promotion and graduation decisions, judging teacher quality and grading schools A-to-F.

But both a circuit court in Tallahassee and the First District Court of Appeal ruled that because the program was not funded by direct appropriations from the Legislature, the union lacked "taxpayer standing" to challenge it.

Those who sued, the appeal court wrote in its opinion, "quarrel with the Leg-

islature's policy judgment regarding school choice and funding of Florida's public schools." Their "remedy is at the polls," the appeals court wrote.

In September, the union appealed that ruling to the state's top court, which Wednesday announced it would not take on the case, allowing the lower court ruling to stand.

Supporters, including many Republicans in the Legislature, cheered the news.

"A big victory for students and parents in FL today!" wrote Rep. Manny Diaz, R-Hialeah, on Twitter. "We will continue to strive to make sure ALL students have a CHOICE."

Diaz, chairman of the House pre-K-12 budget panel, is among the Florida lawmakers pushing this year for more options for parents outside of traditional public schools.

That school choice push has taken center stage in Washington, D.C., this week during confirmation hear-

ings for Betsy DeVos, President-elect Donald Trump's choice for U.S. Secretary of Education. She has advocated for tax-credit scholarships and other choice programs.

Backers of the tax-credit program say it saves the state money, since up to \$5,886 is spent on students in the program compared with an average of about \$7,100 per public school child.

Walker said she is relieved the lawsuit is settled.

The public school her granddaughter attended, Ivey Lane Elementary, has earned a D and F the past two years. In her view, teachers there spent too much time focused on standardized testing and not enough providing individualized help to students.

"Let us make our own choice where we send our kids," she said. "We have a voice too."

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