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Florida's School Choice Showdown

Charlie Crist dodges as unions attack tax credit scholarships



"There's no partisan politics about kids. It's all about doing what's right, first and foremost." So

declared then Republican Governor Charlie Crist upon signing the nation's largest expansion

of private K-12 scholarships in 2010. Now Mr. Crist is running to get his job back as a Democrat, and his new union friends are suing to block his tax-credit scholarship program. Mr. Crist now says he wants to stop the expansion.

Welcome to the latest battleground as unions try to stop the national movement for school choice. Former GOP Governor Jeb Bush developed the scholarships in 2001 as a way to get around a previous union legal assault on tuition vouchers. The private-school scholarships are financed entirely by charitable contributions, which are offset by tax credits. Never do the private scholarship funds touch state coffers.

Only kids eligible for federal free or reduced school lunches qualify for scholarships, which are capped at \$5,272 this year. About 70% of recipients are minorities, and the average income is about \$25,000 for a family of four. The total of available tax credits is limited to \$357 million, which is less than 2% of state and local education funding. Demand for scholarships is nonetheless soaring—in the last four years, the number of awards has tripled to 70,000—and thanks to the legislation Mr. Crist signed, the pot of tax credits can grow by up to 25% annually.

The new union lawsuit complains that this growth is undercutting the state constitution's requirement for the "adequate provision" of public education. Their beef is that districts lose \$6,944 in state funds for every public-school student who uses a scholarship to attend a private school.

But by this measure parents who send their kids to parochial school absent a scholarship are also violating the law because they're depriving school districts of "public funds." The union further argues that it is "immaterial" that the scholarships

are never "paid into the state treasury." This argument presumes that even private taxpayer money constitutes public funds.

In 2011 the U.S. Supreme Court threw out a similar lawsuit against Arizona's tax-credit scholarships in the landmark *Arizona Christian School Tuition Organization v. Winn*. When Arizona taxpayers choose to contribute to scholarship-granting organizations, "they spend their own money, not money the State has collected," Justice Anthony Kennedy wrote for the 5-4 majority. He added that scholarship tax credits are similar to charitable tax deductions, which undercuts the union charge that scholarships violate the ban on state funding of sectarian institutions.

By the way, Florida per-pupil spending on public schools has increased by more than 40% since 2001. Public-school students have also posted significant gains on standardized tests, perhaps in part because the scholarships and more charter schools are forcing lousy schools to shape up or lose students.

The tax-credit scholarships are also saving taxpayers money—\$58 million in 2012—and recipients have made academic gains equal to their public-school counterparts despite their disadvantaged background. What the union describes as a zero-sum game is really a win-win for taxpayers and students.

Republican Gov. Rick Scott has denounced the lawsuit as an "unconscionable" attack on kids, and the lawsuit's pre-election timing suggests that he is also a target. Mr. Crist last month told the Tampa Bay Times that he is not "comfortable doing anything further with vouchers until we have funded public education at the levels that are necessary." This week he refused to denounce the lawsuit.

In other words, Mr. Crist is signaling to the unions that he's on their side without publicly repudiating the scholarships he once promoted. Mr. Crist ought to say if he thinks the union's attempt to kill the scholarships is "doing what's right" for kids.