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### State tax credit scholarship program upheld

By Randall P. Lieberman



Almost half the students at the pictured Sha'arei Bina Torah Academy For Girls, located in North Miami Beach, attend through the Florida Tax Credit Scholarship Program. A major legal victory for the program recently was won in Tallahassee. (Submitted photo)

On May 18, parents of about 70,000 low-income students in Florida won a major legal victory in Tallahassee, the state capital, when a judge sided with them in favor of the nation's largest private school choice program — a program that many local parents use to send their kids to Jewish day schools.

On that day, Leon County Circuit Judge George Reynolds ruled that the Florida teachers union (Florida Education Association), Florida School Boards Association and other plaintiffs did not have standing to proceed in a suit that sought to dismantle the state's 14-year-old Florida Tax Credit Scholarship Program.

Fifteen scholarship parents from around the state intervened in the case to help the defense.

Added Marlene Desdunes, a public school teacher from Miami and parent of two children who benefit from tax credit scholarships: "There was never any doubt. My union had no good reason to sue. Students and parents deserve educational options and all teachers know that students learn in different ways."

Said Dr. Gary Rosenbaum, chairman of Sha'arei Bina Torah Academy For Girls, located in North Miami Beach: "The union has said they will take this all the way to the Florida Supreme Court. I pray they don't, because almost half of our school's students are on the scholarships. If the suit succeeds, it would have a devastating effect on our school."

Commented Bishop C.E. Glover of Fort Lauderdale, senior pastor and CEO of Mount Bethel Ministries of Fort Lauderdale: "This ruling by Judge Reynolds will bring hope to thousands of South Florida parents whose once-struggling children are now thriving in schools they can only attend thanks to tax credit scholarships."

Said Rabbi Boaz Levy of Miami, scholarship parent with his wife, Shoshanit, of five children attending Jewish day schools on the scholarships: "G-d, the ruler of the world, in his infinite wisdom decided to save this scholarship program. Our children are 'A' students and we are grateful they will remain in schools where we know they will continue to excel."

The lawsuit questioned the constitutionality of the tax credit scholarship, and argued that the program is similar to a voucher program that was struck down in 2006 by the Florida Supreme Court.

But Judge Reynolds wrote that, unlike the previous voucher program, the scholarship does not involve a state appropriation. He wrote that the plaintiffs did not prove they are harmed by the scholarship and that any claim of a negative impact on public school budgets is "speculative."

Reynolds' decision follows a similar ruling in December by Leon Circuit Judge Charles Francis, who rejected similar claims of standing in a lawsuit attempting to invalidate a new law that strengthened the Tax Credit Scholarship Program.

Judge Reynolds dismissed the case "with prejudice," which means the plaintiffs, should they continue to pursue the case, will have to appeal to the First District Court of Appeal.

Commented Doug Tuthill, president of Step Up For Students, the nonprofit that helps administer the scholarship: "Judge Reynolds followed the case in Florida and beyond. It's hard to ignore that he found that not a single public school student is harmed by this scholarship, and yet, if the union succeeds, the result is that 70,000 of the state's most vulnerable students would be removed from private schools that are working for them."

The scholarship program is funded by corporate contributions that are donated in return for dollar-for-dollar tax credits.

That key legal distinction of private funding has led the U.S. Supreme Court and state supreme courts in Alabama, Arizona and New Hampshire to dismiss similar lawsuits on similar grounds. No state court has ever ruled against a tax credit scholarship.

The statewide Save Our Scholarships Coalition — which was formed to protect the futures of Florida's poorest students and the rights of their parents to choose the best school for their children — is calling on the plaintiffs to drop this suit.

The Save Our Scholarship Coalition includes representation from the following organizations: The Black Alliance For Educational Options; The Hispanic Council For Reform and Educational Options; The Alliance For School Choice; Agudath Israel of Florida; The Florida Black Ministers Parental Choice Alliance; and The Union of Orthodox Jewish Congregations of America.