

June 10, 2015

FSBA Won't Appeal Judge's Dismissal of Voucher Lawsuit

By Allison Nielsen



The Florida School Boards Association, one of the groups heavily invested in the lawsuit over Florida's Tax Credit Scholarship program, decided Wednesday it wouldn't be appealing a Leon County Circuit Court judge's dismissal of the case.

Meeting in Tampa, the group decided by a 21-9 vote that it wouldn't be appealing Judge George Reynolds' ruling to dismiss the case. Reynolds decided last month the Florida Education Association and other plaintiffs did not have standing to pursue the suit.

The student voucher program is the largest in the state, providing scholarships to roughly 70,000 low-income students, many of whom are minorities.

FSBA's decision to forego an appeal could put a dent in the support for the lawsuit for the Florida Education Association, the group which largely spearheaded the lawsuit.

Parent groups backed the FSBA's decision as a step in the right direction for Florida's students.

"I commend the FSBA on its decision," said Howard Coker, attorney for scholarship families named as defendants in the suit. "It is truly in the best interest of not just the scholarship children, but all schoolchildren -- including those in the public schools."

The case was filed last August based on the groups' belief that the program violated Florida's Constitution by redirecting taxpayer money to religious institutions. Florida's Constitution prohibits state aid for religious institutions; a majority of students participating in the program choose to attend religious private schools.

The groups also contended the voucher program was harmful to public schools and funneled much-needed funding away from public schools that need it most.

Reynolds ruling refuted such claims.

Whether any diminution of public school resources resulting from the tax credit program will actually take place is speculative, as is any claim that any such diminution would result in reduced per-pupil spending or in any adverse impact on the quality of education, read the ruling.

The Florida Legislature created the voucher program in 2001 under then-Gov. Jeb Bush. Since then, thousands of students have attended different schools using the voucher money.

The Florida Education Association still hasn't announced whether it will appeal the court's ruling, but it seems likely -- FEA Vice President Joanne McCall has said she would take the case all the way to the Florida Supreme Court if necessary.