

April 27, 2016

## Teachers' lawsuit threatens school choice, Tampa advocate Kirtley says

By Jeff Schweers



John Kirtley

TALLAHASSEE – A lawsuit challenging the state's school voucher program could set back the advances the state has made in school choice by decades, Tampa businessman and school choice advocate John Kirtley told a group of business leaders Tuesday.

Speaking to the Economic Club of Florida at the Florida State University Alumni Center, Kirtley said he was proud of the advances Florida's education system has made in giving parents options for their children's education.

But if the courts rule the Florida Tax Credit Scholarship Program unconstitutional, thousands of low-income students who receive scholarships to go to private schools will be forced back into public schools that haven't served them well, he said.

"Poor parents must be empowered to choose the right school for their kids," said Kirtley, founder of two private equity firms and Step up For Students, the Tampa-based nonprofit agency that funnels millions in state tax credit scholarships to 80,000 low-income students each year.

Returning even half those students to the public schools would cost \$2 billion, he said.

But the money was taken out of the school system in the first place, said Joanne McCall, president of the Florida Education Association, the teacher's union that filed the lawsuit challenging the constitutionality of the tax credit program in 2014.

"At one point those students were all in public schools, so I am not sure what the issue is on that," McCall said.

And the county's 67 school districts have shown they can absorb new students, she said — 36,000 last year and 30,000 the year before that.

The lawsuit is on appeal to the First District Court of Appeal after Leon Circuit Judge George Reynolds ruled the Florida Education Association didn't have standing to file suit. If the higher court rules in the union's favor, the case goes back to the lower court for trial.

"We believe this program is unconstitutional," McCall said.

If the appeals court rules the Florida Education Association does have standing, she said, "then we can actually litigate the case and make our argument to the judge."

If the court rules in its favor, McCall said, the opposition will likely appeal.

"At that point the Florida Department of Education and the Florida Legislature should get their heads together about how to get those children back in schools," McCall said.

The Legislature created the Florida Tax Credit Scholarship program in 2001, giving corporations a way to contribute to scholarship program for tax credits. It accounts for fewer than 3 percent of students in K-12 and uses less than 2 percent of the state's K-12 budget, Kirtley said.

He doesn't want to see the state return to a model where tax dollars are collected and divvied up among school districts, which then decide how to spend the money and assign students.

He said zip codes are the main tool for assigning students — a cookie cutter approach that "worked incredibly well for years. It worked for me as a product of public schools in Iowa and Fort Lauderdale."

But Florida's increasing diversity demands more than one approach as well as innovative ideas, he said. More than 100 languages are spoken in Miami-Dade County, he said. And its economy from Coral Gables to Carroll City is equally diverse.

Florida has been a leader in school choice, he said, raising tax dollars and letting parents decide how to spend those dollars on a variety of educational platforms.

Hillsborough County is a leader when it comes to magnet schools run by the district, he said, noting its outstanding arts and robotics programs. Kirtley also has contributed money to two single-gender prep schools operated by the district.

Hillsborough, he said, also excels in its charter schools — public schools run by private companies that contract with the school district. Kirtley said he has also donated money to Redlands Christian Migrant Association academies, which operates charter schools serving children in migrant farm families.

He applauded Lee County's decade-long experiment with open enrollment, a program the Legislature embraced this session and spread statewide allowing parents to send their children to any public school that has room for them.

Kirtley also praised the Florida Virtual School and the tax dollars that pay for hundreds of courses that are taught online. "You can learn Mandarin effectively through Florida Virtual School," he said.

Florida has 646 charter schools serving nearly 271,000 students in 46 of Florida's 67 counties, according to the Florida Consortium of Public Charter Schools.

Hillsborough County has 41 charter schools open and operating, with five more set to open their doors in the fall, said Amy Fordyce, district resource teacher for the county's charter school office. Another seven schools that

were approved to operate have decided to delay their opening by a year, Fordyce said.

"We now have parents customizing their own children's education to an incredible degree," Kirtley said.

There is no evidence to prove those children are doing better in private school, McCall said, because they don't take the same standardized tests to evaluate public school student progress.

If anything, they return to school farther behind than when they left, she said.

"If we think there are schools that are not up to standard then what about all the students that are left behind," McCall said. "Every student in this state deserves a high quality education and our kids shouldn't be for sale."