

May 10, 2016

## Appeals court to hear arguments in Florida voucher case this afternoon

By Leslie Postal

Florida's teachers union is to argue this afternoon that it should be allowed to challenge the constitutionality of the state's largest school voucher program.

A circuit court judge last year dismissed the lawsuit against Florida's Tax Credit Scholarship Program, saying the program was not funded directly by appropriations from the Florida Legislature, so the union and other plaintiffs lacked "taxpayer standing" to pursue the court case.

The judge also said the plaintiffs -- the Florida Education Association, the League of Women Voters of Florida and the Florida NAACP -- could not show they'd been injured by the program.

Those groups appealed that lower court's ruling a month later, and their appeal is to be heard at 2 p.m. at Florida's First District Court of Appeal. The case is Joanne McCall v. Rick Scott, Governor of Florida. McCall is now president of the education association.

The tax credit program, set up by the Legislature in 2001, provides private-school tuition vouchers to students from low-income families. It is funded by corporations who make the donations and then get credit on their state tax bills. More than 78,000 are taking part this school year, with nearly 82 percent using the funding to attend private, religious schools.

The education association and the other groups challenged the program in 2014. Their lawsuit argued it was unconstitutional because it redirects taxpayer money to religious schools and creates a separate system of state-funded schools.

This afternoon, the attorneys for the union and other plaintiffs hope to convince judges on the appeal court that the lower court judge erred in his ruling last year that dismissed the case.

In their written brief, they argued that the plaintiffs do have standing and the case on the constitutionality of the tax credit program should be able to proceed.

The state attorney general's office, on the other hand, is to argue the lower court correctly decided the case last year. They note the tax credit program is funded by private donations and any harm to the plaintiffs or other taxpayers is purely "speculative."