OUR PERSPECTIVE: EDUCATION SCHOLARSHIPS

Tax credit program, thankfully, wins again

The timing was surely coincidental, but the beginning of the new school year seemed the appropriate time for the courts to smack down yet another dubious challenge to a popular and successful scholarship program that benefits Florida’s poorest students.

On Tuesday, the First District Court of Appeals in Tallahassee rejected arguments by the Florida Education Association, the League of Women Voters, the NAACP and others that the Florida Tax Credit Scholarship program is unconstitutional.

The groups, led by the FEA, which is the teachers’ union and the largest labor union in the state, maintain the program wrongfully diverts precious public education dollars to private schools. They liken it to a similar voucher program that shipped state funding directly to parochial schools and was struck down by the Supreme Court a decade ago.

Yet it was the right decision. The scholarship program, first created in 2001, is based on a simple principle. Wealthy benefactors donate money to the Department of Education to fund the scholarships. In return, they receive a tax credit matching the amount of the contribution. Last year, for example, Miami-based Southern Wine & Spirits, which operates in Lakeland, contributed an eye-popping $100 million to the program — enough to cover an estimated 16,500 kids.

The scholarships are available to families whose household income is 185 percent of the federal poverty level — or $45,000 a year for a family of four — or less.

During the 2016 school year, about 78,000 children statewide received aid from the initiative, according to Step Up for Students, the group that administers the program for the state. Of those, 2,004 were from Polk County.

This school year, Step Up expects roughly 90,000 children to receive scholarships, a 15 percent bump. Yet the number from Polk is expected to climb far faster, to 2,759, a 38 percent jump.

The program is so popular — and perhaps reflective of the state of public education for many of Florida’s families — that the wait list is nearly as long as the number of recipients.

On Tuesday, FEA President Joanne McCall bemoaned the latest judicial setback.
"Once again, the merits of this case aren’t being argued. The court says that teachers and parents and other groups aren’t allowed to challenge the constitutionality of the tax credit vouchers,” McCall said in a statement issued by the FEA. “The courts ruled a previous voucher scheme unconstitutional. Why won’t they let teachers and parents challenge this one?”

McCall is incorrect. These are scholarships not vouchers, the merits have been debated, and the courts have determined that this program is a far different animal.

The previous voucher effort sent state money straight to private, religious schools. That’s clearly unconstitutional.

Judges keep kicking the FEA argument to the curb because under the scholarship program, the money, offered voluntarily and not garnered through the force of taxation, never ends up in the state treasury. Thus, lawmakers never decide how it should be spent. Because of that, no one is harmed, in the legal sense.

“The cloudy crystal ball the trial court would be required to gaze into in order to identify a particularized harm to (the FEA and its partners) underscores the speculative nature of their arguments for standing,” the appellate judges declared Tuesday.

The judges also rightly note that over the scholarship program’s 15 years, funding for public schools has not ebbed. In fact, Gov. Rick Scott has pushed for record levels of K-12 education funding in at least the past two state budgets.

On Tuesday Bishop Victor Curry of the New Birth Baptist Church in Miami, and chairman of the Save Our Scholarships Coalition, a group defending the program, noted in a statement, “It’s long past time for all of us who care so passionately about public education to put aside our differences and work together. This sweeping ruling should compel us to focus on the real enemies – despair, hopelessness, and the ravages of generational poverty.”

We agree. Last week FloridaWatchdog.org released a report showing that the FEA collected $24.3 million in union dues and fees from its members and paid 43 of its 113 staffers an annual salary of $100,000 or more. The union should spend the considerable resources extracted from its members more wisely than on repeated, frivolous efforts to undermine a scholarship program that helps families who earn far, far less than McCall and the FEA’s top brass.