Our Views

Taking school choice to court

An unfortunate lawsuit by the teachers union and other groups seeks to have Florida's Tax Credit Scholarship voucher program declared unconstitutional. The suit claims the vouchers divert money from public schools.

The real goal is to strip working-class parents of their ability to choose which school best meets their children's needs and bolster the public school monopoly.

We believe the union, the Florida Education Association, and its fellow plaintiffs, including the NAACP's Florida State Conference, Florida School Board Association and League of Women Voters, are on shaky legal ground — and on even shakier moral ground.

If they prevail, thousands of students doing well in private school will be forced to return to public schools, where they had struggled. How does this help Florida's education system?

The union points to court rulings in 2006 that overruled an earlier state voucher program, holding it violated the state constitution by taking revenue from the public treasury to aid a "church, sect, or religious denomination or in aid of any sectarian institution."

But that voucher program used money directly from the public treasury. The Tax Credit Scholarship Program avoids such diversions.

Under the voluntary program, initiated in 2001, companies get a dollar-for-dollar tax credit from the state for their contributions to private school scholarships.

The scholarships are administered by independent nonprofit Step Up for Student, not the state.

The legal point here is the tax credit is not public money because it has never been under the state's control.

The U.S. Supreme Court in 2011 upheld a similar Arizona program.

As Jason Bedrick, a policy analyst with the Cato Institute's Center for Educational Freedom, told U.S. News and World Report: "Constitutionally, a tax credit is no different than a tax deduction, which someone might make when they make a contribution to their church, or the church itself gets a property tax exemption. Yet we don't say those churches are publicly funded ... Likewise, the tax credit is indistinguishable, and therefore not public funds."

A New Hampshire court last week dismissed a voucher program challenge because the plaintiffs could not demonstrate they had been harmed, and we think it will be hard for those behind the Florida lawsuit to show the vouchers have harmed them or public schools.

Studies have shown the vouchers have not harmed public schools financially or academically.

It is hard to consider the tax credit program a drain on public schools when it pays about $5,000 per student, $2,000 less than the state spends per public school student. It is actually saving tax dollars.

And public school funding was bolstered this year, even as the state also expanded the scholarship program and adopted stronger accountability measures for it.

Claims that vouchers are creating an unequal education system are ludicrous. The program equalizes the education system by giving families of modest means more education choices.

Public schools will remain the best choice for most families, rich or poor. But some children do better in private schools, which can provide more structure and personal attention.

The Rev. Manuel Sykes of St. Petersburg Bethel Community Baptist has seen the benefits of the voucher program at the church's K-12 school.

Sykes, who is president of the St. Petersburg NAACP, told the Tribune's James Rosica, "Ours has never been a competition against public education ... but we do know some of our children do not excel in public school."

So what is wrong with providing a mechanism that allows lower-income families to consider private schools?

The Florida Tax Credit Scholarship Program is no threat to public schools. Some 2.7 million students attend Florida public schools. Vouchers go to less than 70,000 students.

That the teachers union and its supporters won't accept even that small measure of school choice is as illuminating as it is troubling.