[ TAX CREDIT SCHOLARSHIPS ]

Education Lawsuit Is Misguided

Jacksonville history buffs are thrilled that a 600-square-foot white clapboard building, built in 1889, is slated to be relocated to a park featuring other historical buildings. This particular relic happens to be a one-room schoolhouse built so Catholic nuns could educate the children of freed slaves. The nostalgia surrounding it reminds us how far the process of educating Florida’s young people has evolved.

For example, according to a group called Step Up for Students, 1.48 million — or 42 percent — of Florida’s 3.5 million preK-12 students have veered from the traditional model — that is, attending the neighborhood public school closest to them.

Parochial schools, charter schools, magnet schools, International Baccalaureate programs, career academies, virtual schools, home schooling and other methods have combined to give parents in Polk County and throughout Florida a wide array of educational choices for their children.

And many go that route because lawmakers have not been wedded to typical funding sources. Various types of scholarships and vouchers have allowed qualified parents to tailor their children’s needs to a school they think fits them.

But a subset of that group could see their education disrupted if a recently filed lawsuit challenging one of those initiatives proves successful.

In August the teachers union, the Florida School Boards Association and others joined in suing the state to have the Florida Tax Credit Scholarship declared unconstitutional.

The program provides low-income families access to scholarships of up to $5,272 to pay for private school tuition and expenses. State lawmakers created it in 2001. Since then, according to Step Up, which administers it, 399,000 students have received aid. For this school year, about 69,000 kids will participate, the group says. The program enables 1,836 Polk County students to attend one of 44 different local private schools.

That overall number represents the cap, based on the amount of tax credits allowed by the Legislature, which this fiscal year totals $358 million. Step Up representatives told us they turned away 51,000 families because of the ceiling.

The Florida Education Association, the state’s largest teachers union, maintains the scholarship violates the Florida Constitution by directing state aid to private — specifically religious — schools and by undermining the constitutional guarantee to a quality public education.

Ron Meyer, the union’s lawyer, has said the program is no different from a plan the state Supreme Court struck down in 2006 for violating the prohibition against funneling public tax dollars to religious schools. He also has said the lawsuit was filed after 13 years because the “exponential increase” in funding represented a “tipping point.”

The lawsuit, however, is misguided for a few reasons. First of all, opponents have waited too long, as we see it. The union might think a tipping point has been reached — to Meyer’s point, the tax credit jumped from $286 million to $358 million for 2015 — but foes should not have waited until several hundred thousand kids have gone through the system, with another 69,000 now relying on it.

Secondly, their action is a legal assault on students in Florida who need the most help. If Step Up’s data is to be believed, and it had better be because it will be critical to the defense, the average household income for all beneficiaries is $24,138 a year — $25,276 for those in Polk. Two-thirds of recipients are minorities, and 54 percent of them come from homes headed by a single parent. Those kids tended to be poor performers at their former schools, regardless of how well the schools did.

Thirdly, while the schools might be private, 29 percent of them are secular, meaning this is not a giveaway for faith-based education.

Next is the issue of the money. Unlike the previous initiative that was deemed unconstitutional, financial supporters of the scholarships receive tax credits for their contributions. The money never enters the state treasury. Tied to that, finally, is what plaintiffs would do if they win. Step Up told us the scholarship revenue would end up in the general fund. While it is unlikely lawmakers would not use it for schools, there is no guarantee they will.

Step Up Vice President Jon East told us that the “new normal” in education is to “customize” it for children. It’s hard to disagree. It’s also easy to see that customization serves to undermine the power and influence of the teachers union and the elected school board members. Perhaps that is what this brawl is really about.