Florida’s education system has failed many of its most vulnerable students. Tragically, only 67 percent of the poorest students graduate from high school, according to the Florida Department of Education. Those who drop out can expect an income that is only 75 percent of that of high school graduates. This is unacceptable.

In an attempt to reverse this trend the 2008 Legislature created the Tax Credit Scholarship. To qualify, students must come from families whose income is no more than $44,123 for a household of four. Currently, there are more than 69,000 students utilizing the scholarship and their average household income is only 4.5 percent above the poverty level. More than two-thirds are African American or Hispanic and more than half live in single-parent homes.

While in public schools, these students were among the lowest academic performers; however, they are now achieving standardized test score gains equal to students of all incomes nationally. According to Evaluation of the Florida Tax Credit Scholarship Program, Participation, Compliance, and Test Scores in 2012-13, the typical student participating in the program gained a year’s worth of learning in a year’s worth of time. It is important to note that these national comparisons compare to all students nationally, and not just low-income students.

Unfortunately, a lawsuit has been filed by the Florida Education Association and the Florida School Boards Association in an attempt to end this opportunity for Florida’s neediest students. The legal theory that has given rise to the lawsuit is hostile to the very concept of parental choice and, as such, should be of concern to all parents. As the author of a scholarship for students with special needs, I am very concerned with this challenge.

The challenge by the FEA and the FSBA attempts to invoke a 19th-century constitutional provision that was intended to assure that schools were equally funded by each county. The suit asserts that in the 21st century that “uniformity” should mean that all schools must be run in exactly the same manner.

As in two prior lawsuits about vouchers and charter schools, opponents of the tax credit scholarship believe that every school should be required to use the same standards, the same types of teachers, the same curriculum and even the same courses. In 2008, their representatives argued that the state has no business directly approving new charter schools. The FEA’s representative stated that the Florida Constitution required that every publicly supported school option “be a part of single county districts that are operated, controlled and supervised by the district school boards.” It appears they believe that education is to be delivered only in schools run by school boards and staffed by union teachers.

The problem with this kind of parochialism is that students need more and parents want more. The education world is constantly changing and many parents are no longer content to enroll their child in the school assigned based on their home address. Parents want — and deserve — a school that best fits their child’s individual needs, whether it be a magnet school, a career academy, an online course, a charter school or a scholarship. In fact nearly 1.5 million pre-K-to-12th-grade Florida students are currently choosing an alternative to the school to which they are zoned.

Multiple evaluations show that the $5,272 Tax Credit Scholarship saves tax money that can be used to enhance traditional public schools, and a Northwestern University study has documented that those public schools most impacted by the scholarship are making laudable gains with their remaining low-income students. These successes should be a source of pride, not conflict. I take the positive view that empowering parents with choices complements traditional public schools and strengthens our commitment to equal opportunities for all.

Lawsuits will not help Florida break the cycle of poverty or provide parents more education options for their children.

The suits appear to be more about protecting one’s own turf and that is a path that leads Floridians back in time to a point where there were few, if any, choices for parents and students. I believe that we should be more concerned with creating a future for students to compete in the 21st century.

John McKay is a Bradenton businessman and was Florida’s Senate president from 2000-2002. The special-needs scholarships he authored are named McKay Scholarships in his honor.