An encouraging voucher victory

It is encouraging to see a judge toss a teachers’ union lawsuit against Florida voucher legislation that would be particularly helpful to parents of children with profound special needs.

We hope the legal attacks on the state’s efforts to empower parents continue to be rebuffed.

This week Leon County Circuit Court Judge Charles Francis found the plaintiffs had no standing to contest the lawsuit because they could not show the law would harm them. He dismissed the lawsuit “with prejudice,” which essentially blocks the suit from being refiled unless the ruling is overturned on appeal.

It is easy to understand the judge’s decision. The expansion of the voucher program lawmakers approved last session does not in any way harm public schools.

It simply provides parents more options in choosing the right school for their children.

In addition to expanding eligibility for the Tax Credit Scholarship Program, which offers vouchers to lower-income families, lawmakers created Personal Learning Scholarship Accounts for about 1,800 students with disabilities such as autism or Down syndrome.

These accounts would average about $10,000 a year and could be used for tuition or other needs, such as speech and physical therapies and technological devices that aid students.

But the Florida Education Association objects to all this. As The Associated Press reports, the union filed suit earlier this year on behalf of a teacher and the parents of three public school students.

The judge’s decision focused on the plaintiffs’ standing and did not address the litigation’s contention that legislators violated proper procedures in approving the law.

An appeal is possible, and another lawsuit contends the voucher program violates the state constitution by creating a separate education system and by sending tax dollars to religious institutions.

Thus, the legal issue is not resolved.

But we fail to see how the voucher program threatens public schools or violates the separation of church and state, and we hope the courts ultimately see things that way as well.

Under the Tax Credit Scholarship Program, companies receive a tax credit by contributing to the scholarship fund that parents can use for private schools. Companies voluntarily participate. There is no diversion of tax dollars from public schools.

And parents, not the state, decide whether their child is best served by a religious or secular private school. There is no promotion of religion.

The overwhelming number of Florida families, regardless of income, find public schools the best option. But there are children who do better in private schools, which may offer a more intimate atmosphere or special programs.

The state voucher program offers a way for families who otherwise could not afford private school to consider that option.

The changes lawmakers adopted this year allows families of four making up to $62,010 to be eligible for at least a partial scholarship. The number had been $43,568.

And compare the numbers: The Florida Tax Scholarship Program pays about $5,000 per student while the state spends about $7,000 per public school student. As we have pointed out, it doesn’t drain money from public schools; it limits taxpayers’ costs.

The scholarship program serves about 70,000 students, whose welfare should be the priority in this debate.

Consider the Kurniks of Tampa. They are among the families helping defend the state law. The new assistance program for special-needs children would give their autistic son assess to speech, behavioral and other therapies that they have had trouble obtaining.

If the union prevails, their son and thousands of other children will be the losers.

The scholarship program helps children, a fact that is too often lost amid politics and litigation. Florida should continue its vigorous defense of this critical education program.