Lawsuit threatens parental choice scholarships

Parent and educational directors explain falsehoods surrounding funding, accountability of Tax Credit Scholarship

JEAN GONZALEZ
of the Florida Catholic

ORLANDO | One hundred seventy-seven schools, 11,363 students, $2.86 million...Add it all up and what does that equal? The benefits of the Florida Tax Credit Scholarship Program, which allows businesses to claim tax credits for donations made to state-approved organizations, which then provide money for eligible students to use toward tuition at private schools. Currently, 68,000 students from low-income families throughout the state receive tuition funds for the program to attend a private school. Within Florida’s Catholic schools, 177 of its 265 elementary, high schools, and special-purpose schools benefit from participation in the program. The 11,363 Catholic school students receive the scholarships based on family income, not on whether the child attends a public school that has been graded as “failing.”

The goal of the program is to give low-income parents the same educational choices as parents who are better off financially. While parents and Catholic educators alike applaud the program, there are critics who find the program — which was created by Florida’s Legislature in 2001 — unconstitutional and filed a lawsuit against the program. (See page Box 84.)

And what would happen if the lawsuit is successful? Those 11,000-plus students would not have the financial means to attend Catholic schools. In enrollment numbers, those would mean 13.5 percent of the collective student body of Florida’s Catholic schools would be gone. And financially, that loss translates to $19.9 million.

ON THE COVER

St. Joseph School in Winter Haven opened its classroom doors for a glimpse of life at the school. Clockwise from top left: Pre-K teacher Stacey Fidbest and students listen as Chase Buss talks about his show and tell object; third-graders from left, David DePasquale, Karina Campbell, Tari Copish and Anna Jaynes stand before heading to class; jogging in a space during a field day, Boston Veix, center, leads his kindergarten classmates including, from left, Isabella Z., Olivia Abrahm and Nicholas Villamil; first-graders Joseph Timpone, left, and Tyler Contreras color in their journals.

But proponents of the program are not giving up on it and believe they have a bevy of reasons why the program is important, does not take money away from the Florida public school system and is not unconstitutional.

PARENTAL PERSPECTIVE

Rudy Diaz, a Palm Beach County resident, has a dual perspective on the scholarship — both as a Catholic father of seven school-age children and as an educator within the public school system. His family applied for scholarships for five of his children to attend St. Juliana School and two to attend Cardinal Newman High School. Accepted into the program, they paid for a portion of tuition for his children and the Diaz family supplemented the rest.

“It takes some paperwork and perseverance to apply. But without these scholarships, our middle class, large Catholic family could afford a Catholic education!” Diaz said. “We’re grateful for the program, and for the schools that accept the scholarships. I thank God for it and hope it continues to help families. And I encourage people to support it and not be unjust and unmerciful attacks.”

As a parent and a teacher, Diaz describes a stark contrast between the Catholic schools his children now attend and the zoned public schools. While he admitted that public schools might have more resources and academics are par with other school choices, it is the important intangibles that put Newman and St. Juliana above their public counterparts. The Catholic school environment inspires students to avoid distractions, stay focused and understand the importance of a good work ethic. Diaz knows that for certain in the case of Cardinal Newman, because he used to be a member of its faculty. He said teaching there versus teaching in a public school level is like “night and day.”

“In any school there are values and virtues that are learned by osmosis, just by the students seeing others living their true,” said Diaz, who added those virtues and values can be negative at public schools but are positive at Catholic schools, especially his children’s schools because “they take their faith seriously.”

When he thinks about the organizations involved in the lawsuit, Diaz said it “infortunes” him that the teacher’s union is involved. “Shame on them. How dare they stop families from having the right to choose the best education for their children. There is no excuse for that,” said Diaz, who added that the public schools do not lose money because of the scholarship program. “In fact, the program allows the burden of educating the 68,000 students across the state to reward the scholarship funds. If they (the plaintiffs of the lawsuit) really care about education of kids, they would understand that competition always helps any industry.”

FACTS ABOUT CORPORATE TAX CREDIT SCHOLARSHIPS

• Florida Tax Credit scholarships currently enable 68,000 students from low-income families throughout the state to attend kindergarten through 12th grade in a participating private school, be it Catholic, religious or not.
• The program was created by the Legislature in 2001 to give low-income parents the same educational choices as parents who are better off financially. It is funded by donations from corporations that in turn receive a dollar-for-dollar tax credit from the state.
• Qualifying students can obtain up to $5,272 annually for private school tuition and fees, or $500 to assist with the cost of transportation to a public school in a different county. The scholarships are based solely on family income, not on whether the child attends a public school that has been graded as “failing.”
• According to the website of Stop Step-Ups (an organization that administers the tax credit scholarships, those offered at Catholic schools), nearly 70 percent of the scholarship students are African-American or Hispanic and 54 percent live with only one parent. They live, on average, 5 percent above the poverty level, with the average family income hovering around $25,000. And they needed among the lowest-performing students in the public schools they left behind.
• Catholic schools in Florida were among the first nonpublic schools to embrace such a Step-Up in order to extend opportunities to families who otherwise might be pushed to the margins of society. Florida’s Catholic bishops have long supported the rights and responsibilities of parents as the primary educators of their children.

FUNDING

Critics say that funds from the scholarships are tax dollars that are lost. But Kruty Swol, director of education for the Venice Diocese, explained that scholarship funds do not come from the county mileage system which provides funding for public schools.

“There is not a lack of funding to the local public system as a result,” said Swol, who added the amount of funding provided by the scholarship program is about half of what the public schools receive per student.

So how does the Florida Tax Credit Scholarship Program work? Each year corporations may receive a dollar-for-dollar credit for up to 100 percent of what they owe under law for taxes ranging from corporate income to gas severance, according to James B. Herweg, associate director for education for the Florida Conference of Catholic Bishops. It is to these companies "freely choose whether to do this or not, and the funds for the program amount to $151 million in scholarships."

"From there, parents select a school for their children from among the hundreds of schools eligible to participate in the program," Herweg said. "When you think about it, these same parents also contribute to the common good of society by supporting public schools among other state obligations."

"There are many different studies that show how the program saves Florida money, including one from Florida’s Revenue 21st Century Big, an official economic forecasting agency of the state. The organization’s study determined that the program saved taxpayers $20 million in 2004."

"An earlier study by the Office of Program Policy Analysis and Government Accountability, a research arm of the Florida Legislature, found that the program saved the state $98.9 million in 2007."

"Every family of students who attend a Catholic school are taxpayers and their students are entitled to the same education. The state has successfully provided a means for..."
SCHOOLS: Scholarships help families who are eager to educate their children in the Church, faith

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educational choice to the families through (the program).

ACCOUNTABILITY
Another critique of the scholarship program is the claim that funds are used for education within schools that have no accountability to state educational standards. But both Swol and Herzog said this is another falsehood.

"There is a lot of misconceptions around the accountability concern with Catholic schools," said Swol, who explained it is required that all non-public students receiving funds participate in a nationally recognized "norm-referenced assessment," which refers to an evaluative test. (The SAT and the GRE are both examples of norm-referenced assessments.) The scores are then submitted to the state for review and reporting.

Swol went on to say that this requirement was not a concern for students benefiting from a Catholic school education because all students take Iowa Assessment, a state-approved standardized test. In addition, all of the state's Catholic schools are accredited through the Florida Conference of Catholic Bishops, which requires an annual review of the schools' standards during a five- to seven-year accreditation cycle.

"From an academic standards perspective, each of the dioceses use researched-based education performance standards for its schools," Swol added.

Through the conference accreditation, Florida's Catholic elementary and special-education schools are accredited by the Florida Association for Academic Nonpublic Schools and the National Council for Private School Accreditation. Herzog added this allows the schools to have "independent, third-party oversight on a regular basis." Secondary schools are accredited by the AdvancED (also known as the Southern Association of Colleges and Schools Council on Accreditation and School Improvement).

"The (conference-accredited) schools meet a baseline for documenting quality in education by way of a variety of standards broken up into the following four domains: mission and Catholic identity; governance and leadership; academic excellence; and operational vitality," Herzog said.

Both Swol and Herzog said the accountability could also be viewed in student achievement in Catholic schools. A 2010 report by the National Catholic Educational Association found that Catholic high schools have a 99 percent graduation rate, and 84 percent of these graduates transition to a college or four-year university. According to test-score analysis through the Nation's Report Card (formerly known as the federal government's National Assessment of Educational Progress), private school students continue to score higher than public school students in both reading and math.

Another factor in accountability comes from families themselves and their dedication to the Catholic school. They serve as volunteers to help maintain the school's mission. Because Catholic school is a financial sacrifice, there are stories of parents working two jobs and finding ways to make ends meet. And for those families who need extra assistance, the Florida Tax Credit Scholarship helps fill the gap.

"Catholic schools actually have considerable accountability when you consider that parents can vote with their feet," Herzog said. "In other words, parents exercise a choice to enroll their children to begin with and only re-enroll them for subsequent years if and when they are satisfied."