



## Big Education sues to defend monopoly

By Tom Jackson  
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Making good on its threat to limit the options of kids from poor families desperate to escape miserable schools — which probably isn't the way they'd put it, but there's no sense hiding the truth — Florida affiliates of Big Education are going to court in hopes of shutting down the state's tax-credit scholarship program.

Not that they don't love kids, mind you. They do. They love them so much, they want to keep every last one in the embrace of schools that specialize in brain-deadening, life-sapping and soul-withering experiences, Big Ed shorthand for "under-performing."

Plaintiffs include the statewide teachers' union, the school boards association and the preternaturally intrusive PTA (the group responsible for the holiday-wrapping fundraiser packet your kid was issued last week), plus the increasingly leftist Florida League of Women Voters and, bizarrely, the NAACP, whose presumed constituents claim the lion's share of nearly 70,000 vouchers.

Misrepresenting, at least, the method in which the scholarships are funded — more about this crucial legal detail below — Florida Education Association Vice President Joanne McCall struck a let-them-eat-cake pose for a Tallahassee radio report: "People have a choice. If they want they can put their kids in private schools. That's their right. But it's not the public's responsibility."

Nothing warms the heart quite like hearing a public union official stick up for keeping tax dollars out of the private sector, even if it shafts families living in poverty. Wonder where McCall stands on Medicaid expansion under Obamacare.

Big Ed complains that schools benefiting from tax-credit scholarships are not held to the same standards as public schools, are not scrutinized by the same battery of standardized tests and don't have to be accountable for the public funds they siphon off.

About that siphoning. An analysis by the nonpartisan Office of Program Policy Analysis and Government Accountability indicates taxpayers saved \$1.49 in education spending for every \$1 lost to the corporate tax credit. The math isn't hard. Scholarships top out at \$5,272, but the state spends, per pupil, nearly \$7,000.

As for the meeting of standards, there is a fair argument to be made about whether we're fairly evaluating our public schools and the teachers who toil in them, but evaluate them

we must, because, for most families, there's little choice but that their youngsters are going to matriculate there. Vouchers allow parents to use their stipends to vote against disappointing schools.

Besides, you can't help but suspect Big Ed practices selective outrage. While expressing alarm about losing funds that would otherwise improve its product, the same cohort is oddly silent about state money supporting voluntary pre-kindergarten programs at private and even — gasp! — religious schools. The Early Learning Coalition of Pasco and Hernando Counties has a list. You could look it up.

Moreover, Florida's Bright Futures scholarships can be used at any private college or university in the state, including those with religious affiliations. And yet, more crickets.

What this amounts to is a desperately transparent attempt to squelch a challenge to Big Ed's K-12 monopoly. And while plaintiffs' attorneys talk a confident game — they won what they'd like you to believe was a similar suit in 2006 — the Legislature's subsequent setup, giving corporations tax credits for contributions to nonprofits that run the program, presents a steeper legal challenge.

As Jason Bedrick, a policy analyst at the Cato Institute's Center for Educational Freedom, explained in his blog after a state tax-credit scholarship program prevailed in New Hampshire last week, the U.S. Supreme Court has ruled tax credits never reach the tax collector. Therefore, they are not public dollars to be argued over in court, any more than a tax deduction taken for a contribution to a church makes a church publicly funded.

A wise attorney would advise his clients about the futility of their claim.

Until then, nothing beats state Sen. John Legg's response to the Florida School Board Association naming him "Legislator of the Year," who, finding himself at least spiritually in the role of defendant, recommended in three exceedingly respectful paragraphs they take their award and stuff it.