

Legislators unlikely to act on Scott's plan to expand vouchers

By [ELAINE SILVESTRINI](#) | The Tampa Tribune

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The program would give parents public education funds for savings accounts that could be used for private schools, private virtual schooling, tutoring or college.

A proposal touted by Gov. Rick Scott to radically expand school vouchers is unlikely to gain any traction in the state Legislature anytime soon, key lawmakers say.

"I'm not here to destroy public schools," said state Stephen Wise, chairman of the Senate Education Committee, when asked about Education Savings Accounts, suggested by Scott's education transition team and endorsed by the governor.

The idea is to divert public education funds to participating parents, who would receive 85 percent of the per-pupil cost of public school. The money would go into the savings accounts that could be used by parents for private school tuition, private virtual schooling, tutoring or college costs.

The transition team's report says the proposal would save the state 15 percent of the cost of public school education and give parents more control.

But the idea has alarmed critics, including Progress Florida, a non-profit organization that promotes progressive values, which has launched a petition drive and started a Facebook page to "Stop Rick Scott's Private Voucher Scheme," describing the plan as "fiscally irresponsible, and potentially unconstitutional."

Scott's office did not respond to requests for comment for this story, but Patricia Levesque, who chaired Scott's education transition team, said in a statement, "It would be a terrible disappointment to millions of working families if this innovative education reform is not pursued."

Levesque, who issued the statement through Jeb Bush's Foundation for Florida's Future, which she chairs, said, "Governor Scott and legislative leaders have been unwavering in their support of expanding school choice. Education savings accounts will take Florida to the next level of educational choice. We are working to secure bill sponsors in the House and Senate."

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Even with solid Republican majorities in the Legislature, Scott is likely to find the Education Savings Accounts a difficult sell.

Wise, a Jacksonville Republican, said he supports the concept of vouchers, and was a prime sponsor of one of the state's existing programs – McKay Scholarships, which provides funding for thousands of disabled students in private school.

But when it comes to the Education Savings Accounts – which have not yet been formally proposed by the governor – Wise said, "I think we're a long way from that now."

House Education Committee Chair Bill Proctor was also leery. "I know it's a hot topic, but it's not something we're really looking at in any detail right now," Proctor said.

Proctor, a St. Augustine Republican, said vouchers may very well be talked about, and possibly expanded this year. "Is it likely that we will look at voucher proposals? Yes. Can I guarantee there will be a bill proposed? No, I can't. I can't guarantee that on vouchers because I can't guarantee how much interest there will be on it."

Wise said he needs more information about details of the plan and oversight of how the money would be spent. "I wonder, do we just open it all up to be the wild, wild West?"

Legislators said they expect their time to be consumed by other issues, primarily teacher merit pay and tenure. "I think we've got more than we can handle right now," Wise said.

Rep. Erik Fresen, a Miami Republican who chairs the competitiveness subcommittee of the House Education Committee, said budget issues will also take up a lot of lawmakers' time. Facing a shortfall that could reach \$4 billion, cuts are expected to hit education, which makes up more than half of the entire state budget.

"It absolutely stands to reason that we're going to have to cut from education, like we're going to have to cut from everything else," said Fresen, who is also vice chair of the education appropriations committee. "As you start observing this session, you'll realize the budget will consume 60 to 70 percent of our time, if not more."

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Lawmakers discussing the Education Savings Account idea also have concerns about the constitutionality of such a proposal and whether forcing a court showdown could threaten the state's two existing voucher programs – McKay Scholarships for disabled students and Florida Tax Credit Scholarships, which provides vouchers for children from poor families.

There are about 21,000 students in the McKay program this year and about 22,000 in the tax credit program, which gives corporations tax credits when they donate to a non-profit that administers the scholarships. Scott has said he wants to eliminate corporate income taxes, raising the question of how he plans to continue funding the tax credit scholarships.

The Florida Supreme Court in 2006 ruled that a voucher plan pushed by Gov. Jeb Bush, the Opportunity Scholarship Program, violated the state constitution's dictate making it a

"paramount duty" for the state to have a "uniform, efficient, safe, secure and high quality system of public schools."

That voucher system, the court said, illegally diverted public dollars into a separate, private system that competed with public schools.

Ron Meyer, an attorney who represented teachers and others who prevailed in the 2006 case, said the McKay and tax credit scholarship programs were created when the Opportunity Scholarship Program case was being fought in the courts. They have never been taken to court, and Meyer said he doesn't think there's any appetite to challenge them.

"Up until this moment in time, the people who litigated the Opportunity Scholarship Program have sort of closed a blind eye toward the other programs because they have been relatively small," Meyer said.

But he said parent groups and the state teacher's union are concerned about the current proposal from the governor. If such a plan were to be passed and challenged in court, the existing programs may be swept into the court battle, Meyer said.

"I think there is an imperiling of existing programs whether they're before the court or not," Meyer said.

One national voucher advocate, Andrew J. Coulson, director of the libertarian Cato Institute Center for Educational Freedom, said he thinks the motivations behind Scott's Education Savings Account program "are entirely noble, and I respect the people advocating it."

And he said the time for vouchers has arrived nationally. "I think this may be viewed as school choice year 2011," Coulson said.

However, he said, pursuing the Education Savings Account idea is risky.

"What's really dangerous about proposing another voucher program in which the state is indirectly paying for private school education by giving funds to parents is it may produce a ruling that is harmful to the existing programs, both of which are incredibly popular and have tremendous support."

State Rep. Will Weatherford, a New Port Richey Republican who sponsored legislation last year that expanded the tax credit voucher program and supported Scott during the campaign, agreed that the Education Savings Accounts will probably not be a priority this year.

"We have to be careful how quickly you push something like that," he said. "We have to make sure we do it in the right way. You can't do something like that overnight... We have to be very cognizant of the fact that that's a pretty big idea."

And Maitland Republican David Simmons, chairman of the budget subcommittee for the Senate education committee, thinks the idea "is something we will have to address with caution. We do not want to run afoul of the Constitution, and we do not want to have something that looks good in theory and doesn't work in practice."

Wise also wants to proceed slowly: "Anything that big takes years to come to the top."

Wise doesn't think the Legislature's hesitation will create friction with Scott. "How many fights can you take on?" he said. "I think the governor will probably back off from that."

esilvestrini@tampatrib.com

(813) 259-7837