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Ron DeSantis and GOP poised to redefine Florida public education

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With a few words to a small crowd in Orlando last month, Gov. Ron DeSantis laid out a vision that, if realized, could rock the foundations of Florida's public education system.

"For me, if the taxpayer is paying for the education, it's public education," the new governor said.

It doesn't matter if the money goes to a public or private school — or even to homeschooling, he added. "To me, that is all the public's commitment to make sure our kids have the best education."

What he proposes is a major departure from the way the state has funded public schools for generations. DeSantis wants to greatly expand state-sponsored "scholarship" programs that he says would give Florida families a wider array of schooling options.

To accomplish that, hundreds of millions of dollars that now go to public schools would be diverted to private schools — an idea that Jeb Bush championed when he was governor, only to have it stall in the courts.

But with a much more conservative state Supreme Court and a Legislature dominated by fellow Republicans, there is little to stop DeSantis from completing Bush's mission.

"What's happening is real. There is an agenda, and this agenda is going to be rapidly pushed to completion in the next two years," said Kathleen Oropeza, whose grassroots non-partisan group seeks more money for public education. "We really all have to be vigilant. Is this the world we want?"

While state leaders have steered public money into private and charter schools for years, they are more aggressively trying to expand that flow of dollars this year.

The debate is consequential for Florida. The state spends nearly 40 percent of its budget on public schooling, which is mandated as a "paramount duty" in the Constitution.

Both DeSantis' proposal and one pushed by Senate Republicans would fund a new category of private school vouchers with a pot of money typically reserved for public schools.

That's a striking contrast to how existing voucher-like scholarships for low-income students are funded — with private tax-deductible donations.

Both proposals sparked a backlash among some Democrats. Sen. Perry Thurston wrote in an op-ed that the GOP appears “hellbent on sending its public schools into K-12 purgatory.” Sen. Gary Farmer called it “the beginning of the final stage of a decades-long plan to privatize public education in Florida.”

Many Democrats have long argued sending more public money to private schools only compounds problems in public schools by draining resources and students.

Miami-Dade School Board member Marta Perez, a vocal critic of Tallahassee, said these new proposals are a “cause for concern.”

“The system of public education is what has made the American system work. It’s the equalizer,” Perez said, adding that Miami-Dade is home to a diverse immigrant population. She worries about how charter and private schools have the power to turn away students.

The idea to use taxpayer funds for scholarships is sure to be challenged in court, just as almost every other major school choice bill has been in recent years.

And that is almost surely by design, as the new policy will be set on a collision course for the Florida Supreme Court’s decade-old precedent that outlawed using public state dollars for private school tuition.

This push began with Jeb Bush, who came to the Florida governor’s mansion in 1999.

He helped create a charter school in 1996 for the impoverished who resided mostly in Miami-Dade’s black Liberty City community. He saw the state’s regularly low national academic rankings as a blight.

Thus the school choice movement was born. Its backers said increased private and charter options would force public schools to be more competitive. It was a marketplace solution that Bush and other conservatives said would help resolve the “civil rights issue of our time.”

Yet after 20 years, Florida’s high school graduation rate remains among the lowest in the nation, despite logging in bigger gains than most states. Its average SAT score lags behind the national average. Critics contend that such statistics show the Bush model hasn’t worked.

In the 1990s, he set to work immediately, creating the nation’s first statewide voucher program — called Opportunity Scholarships — within a year.

The state also created vouchers for students with disabilities to attend private schools, and tax-credit scholarships for low-income kids — now, two of the largest school choice programs in the nation.

The Florida Education Association, the statewide teachers’ union, pushed back — its one-time president Ruth Holmes was the namesake of the 2006 court ruling that made vouchers that directly used public money illegal in Florida. But even before the Bush vs. Holmes suit, it was apparent the fight would be drawn out.

“It’s back to what (Bush Foundation CEO) Patricia (Levesque) said early on — ‘We have time and money on our side,’” said Jeff Wright, the long-time public policy director for the union. “They’ve eased it in here a little dose every year.”

Year after year, lawmakers have rolled out new ideas creating a web of new educational options. But that steady advance has created choices that are “separate and unequal,” Oropeza, the grassroots group leader, said.

Private schools that accept state scholarships are not held to the same standards as public schools in curriculum, teacher credentials, outcomes or other key areas. Charter schools take state funds directly, yet avoid much of the bureaucratic red tape public schools grapple with.

“There’s no accountability for schools that take vouchers,” Oropeza said. “It’s all done on the backs of parents who can be left to make uninformed decisions.”

The rise in alternatives have helped prime a populace to accept school choice in all its different forms. More than 30 percent of public school students don’t even attend their zoned school anymore. About 100,000 children — the size of the Pinellas County school system — use scholarships to attend private schools.

“Over time, peoples’ mindset changes because the world didn’t come to an end. It actually got better because of parental choice,” Bush said in an interview. “The debate in 1999 was very different than it is today.”

Take Bush’s agenda to its logical conclusion and it would transform public education as we know it. It would empower all families to choose any public or private school — or even homeschooling — and be subsidized by taxpayer money.

This “universal voucher” idea would have the state dole out its education dollars to families to pay for whichever type of school they pick, rather than funnel taxpayer money to districts based on enrollment. No other state has attempted this.

“(Bush) made it very clear early on that what he was looking for was the universal voucher. ... Write the check to the parent and the state is out of it,” Wright recalled.

Fast forward to 2019, and school choice advocates like John Kirtley, who founded the state’s largest tax-credit scholarship organization Step Up For Students, say now is the time to take that next step.

“They give a parent the ability to customize a child’s education to a greater degree,” Kirtley said.

Additionally, Americans for Prosperity, a libertarian advocacy group affiliated with billionaire Charles Koch, is set to launch a TV ad Monday aimed at convincing lawmakers in Tallahassee to pass universal vouchers this session.

Although both DeSantis’ and the Senate’s plans fall far short of advocating for universal vouchers, their suggestion that money from the state’s general revenue be used for a new category of vouchers opens the door, legally and politically, for that to be in Florida’s future.

If lawmakers pass it this session, the next question will be whether Bush vs. Holmes will hold.

Clark Neily, a lawyer for Florida in 2006’s Bush vs. Holmes, is among the many conservatives who see the ruling as ripe for reconsideration.

Neily, who now works for the libertarian Cato Institute, called the 13-year-old decision “very bad” and “unpersuasive.” No other states have used it as a meaningful precedent, he said.

He pointed to the state's voluntary prekindergarten, and McKay and Gardiner scholarships for students with disabilities — all taxpayer funded and used in private schools — as key examples of programs that have come out since the 2006 decision.

“That tends to suggest there's a way to provide school choice in a way that does not run afoul of Holmes,” Neily said. Wright, the former teachers' union lobbyist, said the ball is now squarely in the Republicans' court.

Florida's Supreme Court, bolstered by three conservative justices appointed by DeSantis, is “absolutely as conservative as you're going to find,” Wright said. “All the pieces are in place for them to do whatever they want to dismantle the public schools in Florida.”

If the court is on Republicans' side, then the questions become: How far will GOP lawmakers go? And how fast?

Despite their strong position, some key Republicans said caution is critical.

“I see a world where I think that parents are the best judge of where their kids go to school and what's best for them,” said prominent school choice advocate Sen. Manny Diaz, R-Hialeah.

He added that he agrees with DeSantis that the first step should be solving the problem of low-income students “languishing on a waitlist.” Next steps can come once that is deemed successful.

And at a time when education has become an increasingly partisan issue in the Florida Legislature, there are still those in the GOP, like Senate President Bill Galvano, who told the Times/Herald that universal vouchers are not his goal.

“We're not guinea pigs. This is not a test lab,” he said. “I want a more balanced approach.”

For his part, the man who started the ball rolling two decades ago said he wants state leaders to seize the moment.

“I hope the Legislature is big and bold,” Bush said, “and sends to the governor meaningful legislation that provides more choices for parents.”