January 22, 2018

The Honorable Dorothy L. Hulkill  
The Honorable Debbie Mayfield  
Chair  
Vice Chair  
Committee on Education  
Committee on Education  
Florida Senate  
Florida Senate  
404 S. Monroe Street  
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Tallahassee, FL 32399-1100  
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Re: Oppose SB 1172 – Tuition Tax Credits (Vouchers) Are Bad Education Policy

Dear Chair Hulkill and Vice Chair Mayfield:

On behalf of the Florida members and supporters of Americans United for Separation of Church and State, I write to express our opposition to SB 1172. This bill creates a tuition tax credit (TTC) program—also known as a private school voucher—for students who have been the victim of bullying, harassment, or other altercation. In addition to the fact that voucher programs simply don’t work, this bill should be rejected because it would strip away rights from the very students that the bill purports to help.

Voucher Programs Don’t Work
We support the goal of improving educational opportunities for students, but voucher programs are counterproductive. They do not improve education, but instead are often tied to decreased academic achievement and resources. Existing programs in Florida, for example, have led to dismal results, such as declining math and reading skills for students at more than 70 voucher schools.1 Voucher schools in Florida also lack accountability: “Of 2,124 private schools participating in the state’s private school choice programs, only 629—fewer than 30 percent—are accredited.”2 Many other states have experienced these and other problems.3 Please see the enclosed document for a fuller explanation of the many ways in which vouchers do not work.

SB 1172 Strips Bullied Students of Protections Rather than Providing Them
Florida public schools are governed by a robust anti-bullying law, the Jeffrey Johnston Stand Up for All Students Act.4 This law requires public school districts to adopt an official policy prohibiting bullying and harassment of students. Florida’s private schools do not

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1 Leslie Postal, Beth Kassab, and Annie Martin, Schools Without Rules: An Orlando Sentinel Investigation, Orlando Sentinel, Oct. 17, 2017
2 Arianna Prothero, There Is No Oversight: Private-School Vouchers Can Leave Parents on Their Own, Education Week, Nov. 14, 2017
3 Kevin Carey, Dismal Voucher Results Surprise Researchers as DeVos Era Begins, New York Times, Feb. 23, 2017
4 Fla. Stat. § 1006.147
have the same legal obligations. Indeed, a bullied student could use the program created by SB 1172 to transfer to a private school only to find themselves bullied again, this time with no legal remedy.

In addition, bullied students are not guaranteed that they can even find a private school that will accept them. Private schools in Florida that benefit from the SB 1172 program can limit admission based on religion, sexual orientation, disability status, and other criteria—the very same groups of students who are often bullied.

Private schools that benefit from tuition tax credits also do not have to abide by federal civil rights laws that apply to public schools and do not face the same public accountability standards, including those in the Every Student Succeeds Act, and Title IX that all public schools must meet. Students who attend private schools with funds obtained through a tax credit will be stripped of their First Amendment, due process, and other constitutional and statutory rights that would be offered to them and guaranteed in public schools. Unfortunately, many parents and students are not even aware of this when they remove their children from public schools.

If the state is going to direct significant funds to these private schools, it should hold these schools to the same standards as public schools and should provide students using TTCs the same protections against bullying and discrimination as they would receive in public schools.

**Taxpayers Should Not Be Forced to Fund Religious Schools and Education**

One of the cherished principles of religious freedom is that government should not compel any citizen to furnish funds in support of a religion with which he or she disagrees, or even a religion with which he or she does agree. SB 1172, however, would use what are effectively public funds (income the government forgoes by providing tax credits) to reimburse for tuition costs at private and religious schools. This surely harms religious freedom.

**Conclusion**

Public funds should fund public schools. And programs designed to help students that are bullied should actually offer them protections rather than strip them of rights they would otherwise have in public schools. For all of the above reasons, Americans United opposes SB 1172. Thank you for your consideration on this important matter.

Sincerely,

Nikolas Nartowicz
State Legislative Counsel

cc: Members of the Senate Committee on Education