March 9, 2018

The Honorable Rick Scott
Office of the Governor
State of Florida
The Capitol
400 S. Monroe St.
Tallahassee, FL 32399-0001

Re: Veto HB 7055 – Tuition Tax Credits (Vouchers) Are Bad Education Policy

Dear Governor Scott:

On behalf of the Florida chapters, members, and supporters of Americans United for Separation of Church and State, I write to urge you to veto HB 7055. We oppose the sections of this bill (1, 3, 4, and 16) that would create new and expand existing private school voucher programs in Florida. In addition to the fact that voucher programs simply don’t work, these provisions should be rejected because vouchers funnel public funding to private religious schools.

Section 1 would create a new tax credit on commercial rental property that would divert up to $57.5 million from the public treasury into two of Florida’s existing voucher programs, the Florida Tax Credit Scholarship and the Gardiner Scholarship. Section 4 would allow voucher organizations to get contact information for Florida’s taxpayers that paid the most corporate taxes to encourage voucher donations. And Sections 3 and 16 would create a new tuition tax credit (TTC) program, the Hope Scholarship, for students who have been the victim of bullying, harassment, or other altercation. There is no limit on the amount of funds that could go this program, and it would strip away rights from the very students it 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

¹ Leslie Postal, Beth Kassab, and Annie Martin, Schools Without Rules: An Orlando Sentinel Investigation, Orlando Sentinel, Oct. 17, 2017
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.

**The Hope Scholarship 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 have the same legal obligations. Indeed, a bullied student could use the program created by HB 7055 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 voucher 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. HB 7055, 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.

Nearly 80% of Florida’s current voucher students are enrolled in religious schools.\(^5\) These new and expanded voucher programs will even further increase the number of students that

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\(^3\) Kevin Carey, Dismal Voucher Results Surprise Researchers as DeVos Era Begins, *New York Times*, Feb. 23, 2017

\(^4\) Fla. Stat. § 1006.147

\(^5\) *Supra* note 1.
attend religious schools. That religious schools account for such a large percentage of taxpayer funded voucher schools surely harms religious freedom.

**Conclusion**
Public funds should fund public schools. And programs designed to help students who 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 Sections 1, 3, 4 and 16 of HB 7055 and urges you to veto the bill. Thank you for your consideration on this important matter.

Sincerely,

Nikolas Nartowicz
State Legislative Counsel