

# 1999 OPPORTUNITY SCHOLARSHIP PROGRAM

*You get to decide if Florida should provide "opportunity scholarships" to students in failing public schools. These scholarships would provide funds for these students to go to a better public school or private school. This program is one part of the Governor Jeb Bush's A+ Education Plan.*

## The **A<sup>+</sup>** Education Plan:

The A+ Education Plan was a proposed set of laws and policies that focused on school assessment and accountability to improve public schools in Florida. The A+ Education Plan was wide-ranging. It covered issues like improving teacher training programs and school safety.

The plan was written and advocated for by Gov. Jeb Bush and Lt. Gov. Frank Brogan. During the 1998 election campaign, Jeb Bush mentioned this plan in most of his campaign speeches. His opponent, Buddy MacCay, the Lt. Governor at that time, was very much against it. They debated the issue several times. Bush won that election and became Florida's Governor in January 1999. He argued that his election showed that Florida citizens were also behind this new plan for schools. Gov. Bush strongly pushed the Legislature to pass all parts of his A+ Education Plan in his first **State of the State address**. The plan included several bills that had to be passed by the State Legislature. The most controversial part of the A+ Education Plan is a bill called the "Opportunity Scholarship Program." *This is the bill you'll be considering!*



State Archives of Florida, Florida Memory,  
<http://floridamemory.com/items/show/19693>

In 1999's legislative session, state legislators had to decide: ***Should Florida's Legislature authorize a new but untested method for improving public schools called Opportunity Scholarship Program?***

*Definition: The **State of the State address** is a speech made once every year by the Governor to the State Legislature. In the speech, the Governor explains the problems the State is facing. The Governor also outlines his/her vision for tackling those issues and asks the Legislature to pass the laws he or she is proposing. (The President of the United States gives a similar speech to Congress called the "State of the Union." Mayors of many large cities also often give a "State of the City" address.)*

1. Do you think the reason Governor Bush gives for saying that the citizens of Florida support his A+ Education Plan is a good argument? Why do you think it is or isn't a good argument?

### A Quick Question & Answer Session:



**Question:** *How do Public Schools operate in Florida?*



**Answer:** *Public school districts are run at the county level. Within each county, different neighborhoods are zoned for different public schools. That means families who live in one part of town and want to attend public school have to attend the school they are zoned for. Students usually are not allowed to switch schools.*

Name: \_\_\_\_\_ Date: \_\_\_\_\_ Period: \_\_\_\_\_

*If this bill is passed by the Legislature, it would make it easier for students to change schools if the school the student is zoned for is a failing school...*

## BACKGROUND HISTORY:

The Opportunity Scholarship program was one of the new school voucher program ideas put forth nationwide. School voucher programs were a new public policy idea to address failing schools and poor test scores. Vouchers allowed students in failing public schools to switch to different schools. The state government would pay for the cost of switching out of the state public education budget. **If Florida passes this bill, it would be the first state in the nation to adopt a statewide school voucher program.**



Students had to be eligible to receive this "opportunity scholarship." To be eligible, their public school had to be rated as failing for two years out of four. If eligible, parents could request a scholarship for their child. It would be worth about \$4,000. Parent could give the scholarship to a better public school or private school, including religious schools. Private schools could choose to accept vouchers. If they did, they would have to accept the voucher as full tuition for these students.

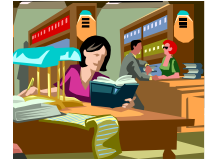
At this time, only four schools in Florida are rated as failing. Roughly 170 schools are close to failing, however, and standards will be raised next year. That means over 150,000 students could be eligible for vouchers next year!

*Definition: Public policy is a method of action taken by the government. Its purpose is to address an issue of public concern.*

1. **What problem is this bill trying to address? How might this program affect you or people in your city who are the same age as you?**
  
  
  
  
  
  
  
  
  
  
2. **Why do you think some people might be worried about Florida adopting a school voucher program?**

## How do legislators decide if this program will be good for Florida?

1. Legislators and their staff research the issue for themselves.

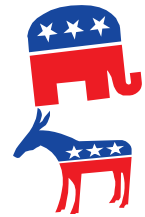


2. They also get input from their **constituents** by email, phone calls, letters, and meetings.

*Definition: For a public official, a **constituent** is a voting member of the public whom the elected official represents.*

3. Additionally, legislators are usually members of a **political party**. Each party takes a stand one way or the other way on an issue. The party leadership often pushes members to vote with the party. Legislators don't have to follow their party's advice. But they often do unless they really believe their party is on the wrong side of the issue.

*Definition: **Political parties** are organizations with a shared vision for how a good government should work. A party tries to influence legislation and government action. They do this by getting their members elected to political office. In the United States, the two major political parties are the Republican Party and the Democratic Party.*



4. Lastly, legislators debate each other in committee meetings and on the floor of the chamber. In the debates, each legislator argues why the law would be wise or unwise for the state. They hope their argument will sway undecided legislators and explain their vote to their constituents.

1. Why do you think it is important for legislators or any public official to seek input from their constituents?

### NEWS FLASH!





The bill is making its way through the Transforming Florida Schools Committee and the Education Appropriations Committee. Both committees need to approve the bill for it to reach the floor.

*Let's take a look to see what the main issues are in passing this bill, so you can make up your own mind!*

# LEGISLATIVE DEBATE

Now you will read a debate about two major issues concerning this bill. Representative Pro will answer these questions by giving the main arguments for supporting the Opportunity Scholarship Program. Representative Con will answer the questions by giving the main arguments against it. The Representatives will argue back and forth as they try to address the question and convince you that their argument is the best argument.

## QUESTION 1: How would this program raise the quality of public education for K-12 schools in the state?

	<b>REPRESENTATIVE PRO</b> 	→	 <b>REPRESENTATIVE CON</b>	Check the box by who you think won each round:
	←			
<b>Round One:</b>	<b>Rep. Pro:</b> This program would improve public education for all of Florida's schoolchildren. This is because under this plan, schools would compete to keep their kids and their funding.	→	<b>Rep. Con:</b> This program would ruin the public school system in Florida. It would take money from failing public schools— schools that really need the money— and give that money to private schools.	<input type="checkbox"/> <b>Pro</b>  <input type="checkbox"/> <b>Con</b>
<b>Round Two:</b>	<b>Rep. Pro:</b> At this time, half of our 4th grade students can't read at grade level. This program would offer students in failing schools a chance to receive a better education, now!	→	<b>Rep. Con:</b> Public schools have to take FCAT tests, but private schools don't have to take the same tests. So, how do we know if these students are even receiving a better education without a uniform way to measure it?	<input type="checkbox"/> <b>Pro</b>  <input type="checkbox"/> <b>Con</b>
<b>Round Three:</b>	<b>Rep. Pro:</b> If failing schools get to keep their students and funding, what will motivate them to improve?	→	<b>Rep. Con:</b> How can failing schools ever improve if they are losing both their money as well as their best students to private schools?	<input type="checkbox"/> <b>Pro</b>  <input type="checkbox"/> <b>Con</b>

1. Overall, who do you think won the argument, Representative Pro or Representative Con?

2. Then underline the argument that convinced you best. Why do you think this argument was the most convincing? Please be as specific as possible.

## QUESTION 2:

*Does this law conflict with the separation of church and state?*

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**HOLD UP!** I thought the judicial branch is the one who decides if a law is constitutional. Why is this question important for a legislator to consider?



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Well, voting for an unconstitutional law would make you look silly...or worse! (If you're a legislator, you ought to know your Constitution, right??!!) Plus, it could waste taxpayer money. So, if you're a legislator, you shouldn't make the courts decide something a student would know is unconstitutional!

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But, sometimes the issue isn't clear one way or the other. In these cases, legislators have to make the best decision they can. If the law is passed, the courts have the final say on whether it's constitutional.

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	<b>REPRESENTATIVE CON</b> 	→ ←	<b>REPRESENTATIVE PRO</b> 	Check the box by who you think won each round:
<b>Round One:</b>	<b>Rep. Con:</b> The U.S. Constitution says that there must be a division between church and state. But under this program the state government will be giving tax dollars to religious organizations. The way I see it, that makes this bill unconstitutional!	→	<b>Rep. Pro:</b> If the law's purpose is to aid the common good, and the help to the religious organization is only incidental, the courts have ruled that laws like these are constitutional. To me, this law fits that description.	<input type="checkbox"/> <b>Pro</b>  <input type="checkbox"/> <b>Con</b>
<b>Round Two:</b>	<b>Rep. Con:</b> Well, this law has to follow the State Constitution, too. That constitution goes even further than the U.S. Constitution. It clearly says that money from the public treasury cannot go to religious organizations, directly or indirectly. It seems to me that this law will violate that part of the State Constitution.	→	<b>Rep. Pro:</b> Also, the "scholarships" do not go directly to the schools. They go to the parents, who sign them over to the school that the parents choose to send their child to. The choice is made by the parents, not the government, so there is no constitutional conflict.	<input type="checkbox"/> <b>Pro</b>  <input type="checkbox"/> <b>Con</b>
<b>Round Three:</b>	<b>Rep. Con:</b> A different voucher program, run by the City of Milwaukee in Wisconsin, has an "opt-out" clause written in the law. It states that no school that accepts a voucher can make a student participate in any religious activity or class there. But the law here in Florida doesn't even have that guarantee.	→	<b>Rep. Pro:</b> Well, it's not exactly the same as Milwaukee's program, but the bill does have similar language. The bill states that the school cannot make a student "profess a specific ideological belief, to pray or to worship." This will make sure a student is not forced to accept a religion that he or she doesn't believe just to get a good education.	<input type="checkbox"/> <b>Pro</b>  <input type="checkbox"/> <b>Con</b>

3. Overall, who do you think won the argument, Representative Pro or Representative Con?

4. Then underline the argument that convinced you best. Why do you think this argument was the most convincing? Please be as specific as possible.



## FOLLOWING THE FLORIDA CONSTITUTION

As a state legislator, you also need to make sure the law follows your State Constitution. State constitutions are more detailed than the U.S. Constitution. They also cover a wider range of rights and public issues. Below are three articles on the state’s role in education from the Florida Constitution. Below that is the “Blaine Amendment” of the Florida Constitution, which also relates to this bill. Analyze the text of each section from the State Constitution. After reading it, think about how it relates to the bill. Then, you will make your own judgment on whether it is constitutional. *Pay specific attention to the underlined portions of text.*

### Education Articles

*Article IX, Section 1a:* “The education of children is a fundamental value of the people of the State of Florida. It is, therefore, a paramount duty of the state to make adequate provision for the education of all children residing within its borders. Adequate provision shall be made by law for a uniform, efficient, safe, secure, and high quality system of free public schools that allows students to obtain a high quality education and for the establishment, maintenance, and operation of institutions of higher learning and other public education programs that the needs of the people may require...”

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*Article IX, Section 4b:* “The School board shall operate, control and supervise all free public schools within the school district and determine the rate of school district taxes within the limits prescribed herein...”

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*Article IX, Section 6:* “The income derived from the state school fund shall, and the principal of the fund may, be appropriated, but only to the support and maintenance of free public schools.”

2. **Directions:** Read the articles’ text. Think about what you know about the Opportunity Scholarship Program from the information above and what you’ve learned already. **Does this proposed law go against what any of these articles or amendments say?** *Use the space provided to explain your answer.*

### “No-Aid” Provision, also known as the Blaine Amendment

*Article 1, Section 3:* “No revenue of the state or any political subdivision or agency thereof shall ever be taken from the public treasury directly or indirectly in aid of any church, sect, or religious denomination or in aid of any sectarian institution.”

3. **Directions:** Read the amendment’s text. Think about what you know about the Opportunity Scholarship Program from the information above and what you’ve learned already. **Does this proposed law go against what any of these articles or amendments say?** *Use the space provided to explain your answer.*