

FSBA RESOLUTION IN OPPOSITION TO PROPOSED AMENDMENT 8
Religious Freedom / Repeal of the "No Aid" Provision

WHEREAS, during the 2011 Regular Session of the Florida Legislature, legislators passed HJR 1471 proposing an amendment to the Florida Constitution for consideration by voters, as proposed Amendment 8, on the November 2012 General Election ballot; and

WHEREAS, Amendment 8 would amend the Florida Constitution by deleting a portion of Article I, Section 3 that prohibits the state from subsidizing, directly or indirectly, financial aid of any church, sect or religious denomination and replacing it with a provision that states that neither the government nor any agent of the government may deny to any church, sect, or religious denomination the benefits of any program, funding, or other support on the basis of religious identity or belief; and

WHEREAS, Florida's constitution guarantees religious freedom in a manner consistent with the U.S. Constitution through an "establishment clause" and a "free exercise clause" that state that there shall be no law respecting the establishment of religion or prohibiting or penalizing the free exercise thereof; and

WHEREAS, proposed Amendment 8 does not provide any additional protections or safeguards for either the establishment clause or the free exercise clause in the Florida Constitution and, thus, Amendment 8 does not enhance Florida's constitutional protection of religious freedom; and

WHEREAS, thirty-seven states, including Florida, also have a similar "No Aid" provision that prohibits the state from providing state funds to support any church, sect, or religious denomination; and

WHEREAS, state funding for public programs and services that are provided by, or affiliated with, a church, sect, or religious denomination are not in conflict with the "No Aid" provision so long as the programs and services are delivered in a secular and nondiscriminatory manner; and

WHEREAS, the repeal of the "No Aid" provision does not protect religious freedom, but, instead, would authorize, and in some cases require, public funding for any religious church, sect, or denomination; and

WHEREAS, Florida's "No Aid" provision serves as the basis for court rulings declaring certain voucher programs to be unconstitutional; and

WHEREAS, voucher programs are not subject to stringent state and federal accountability standards, FCAT testing and End of Course exams, or teacher evaluation, certification, and performance pay requirements and voucher programs have not been shown to improve student academic success, improve learning gains, or otherwise improve student achievement; and

WHEREAS, voucher programs would force Floridians to fund two education systems; one private with little to no state accountability, and one public with over-arching and extensive state accountability; and

WHEREAS, vouchers would drain much needed funds from Florida's 2.6 million public school students, as 200,000 additional private school students would now be eligible for state funding;

THEREFORE, BE IT RESOLVED, that the Board of Directors of the Florida School Boards Association is opposed to proposed Amendment 8 because it does nothing to improve or safeguard religious freedom, it would remove an essential portion of the state constitution that serves to protect our citizens - including our children - from state funded religious indoctrination, it would divert financial resources from the vast majority of Florida's PreK-12 students, and it would encourage the proliferation of voucher programs that are not subject to stringent accountability standards and have not been shown to be academically beneficial to students.