

Florida's education system appears headed for trial

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Florida's education system is a step closer to being put on trial.

Leon County Circuit Judge Jackie L. Fulford has ruled that a potentially far-reaching lawsuit filed in November by parent groups can proceed, though no time line has been set and a potential trial isn't likely until at least next year.

The suit filed by the Orlando-based Fund Education Now and other plaintiffs charges that Florida is violating the state Constitution by not pouring enough money into schools and putting too much emphasis on high-stakes testing. Backed by Mills and other prominent Democrats, the suit blasts away at a sweeping array of education policies put into place by former Gov. Jeb Bush and kept largely intact by Gov. Charlie Crist.

The judge on Friday denied a motion to dismiss the suit that was filed by the defendants, including the state Board of Education and Florida Education Commissioner Eric J. Smith. The plaintiffs were notified of the order Wednesday.

"This means at some point, you'll get to cover one heck of an interesting trial," said Jon Mills, a former Florida House speaker who is part of the legal team representing the plaintiffs.

A spokeswoman for the state attorney general's office - which is representing the defendants - declined comment, as did T. Willard Fair, chair of the state Board of Education. A spokesman for the Department of Education did not have an immediate response.

A similar suit filed in 1996 was initially dismissed by a lower court and ultimately dismissed by the Florida Supreme Court. But in 1998, 71 percent of Florida voters approved a constitutional amendment that says educating children is a "paramount duty" of the state and the state shall make "adequate provision" for a school system that is "uniform, efficient, safe, secure and high quality."

"The Florida Constitution provides judicially discoverable and manageable standards that this Court can apply to resolve the issues of this case," Fulford wrote. She also shot down defense arguments that the plaintiffs don't have standing and that legislative actions regarding education are immune to court review.

The order says the defendants have 20 days to file a response to the complaint