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Texas Baptist Christian Life Commission
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Texas AFT
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Texas State Teachers Association

The Coalition for PUBLIC SCHOOLS



Private School Vouchers: An Experiment Tax Payers Can't Afford

The History of Voucher Legislation in Texas 1993-2007

Vouchers are tax dollars shifted from public education to pay for tuition at private and religious schools. Voucher proponents have been pushing such schemes since at least the mid-1980s in Texas. Each legislative session they file bills and offer amendments that would drain hundreds of millions of dollars from neighborhood public schools to pay for tuition vouchers.

Below is the history of voucher legislation filed in Texas. None of the bills has passed so far. However, critics assert that in August 2008, the commissioner of education created a de-facto voucher program using rule-making authority.

In 2007, the 80th Legislature passed HB 2237, creating several grant programs to support dropout prevention or recovery programs. The bill established the High School Completion and Success Initiative Council, which was charged with adopting a strategic plan for making recommendations to the commissioners of education and higher education about how to allocate the dropout prevention/recovery grant funds. The Council's strategic plan provides that grant funds may be allocated to public or private non-profit providers of dropout prevention and recovery programs. As a result, in August 2008, the commissioner of education allocated grant funding for to four non-profit private schools.

1993 – 73rd Legislature, Regular Session

HB 91 Carona – Status: No action taken in House Public Education Committee

HB 743 Cuellar – Status: Left pending in House Public Education Committee

HB 920 Grusendorf – Status: Left pending in House Public Education Committee

SB 1375 Ratliff – Status: No action taken in Senate Education Committee

HB 91 would have created a system of open enrollment, with some limits, in the state's public schools and would have authorized publicly funded vouchers worth \$3,000 for each child enrolling in a private or parochial school. Private and parochial schools participating in the program were required to offer a course of study in good citizenship and comply with federal nondiscrimination standards. The state was required to have a private entity evaluate the effectiveness of the voucher program annually.

HB 743 would have created an “education tuition grant demonstration program” for students eligible for enrollment in the national school lunch program in 14 Texas public school districts. Each private school voucher would be worth \$4,000. Participating private schools would be required to provide transportation for students to and from school.

HB 920 would have created a voucher (“education scholarship”) program in up to 60 public school districts for educationally disadvantaged students (those enrolled in the national school lunch program). Under the bill, nongovernmental schools accepting vouchers in lieu of tuition would be designated “free schools.”¹ The designation “private school” would apply to those schools that chose not to accept vouchers or any other public funding.

SB 1375 would have created a voucher program for “educationally disadvantaged children” attending “free schools” (the latter defined as in HB 920). The bill required that the program include at least 60 public school districts.

Additionally, Representative Ron Wilson (D-Houston) offered an amendment to a school finance bill, creating a private school voucher program for students eligible for the national school lunch program. The amendment failed on an 80-62 vote.

1995 – 74th Legislature, Regular Session

SB 92 Leedom – Status: Referred to Senate Education Committee

HB 301 Grusendorf – Status: Left pending in House Public Education Committee

HB 1315 Allen – Status: Left pending in House Public Education Committee

SB 92 would have created a private school voucher program for families in which the head of the household had an income that did not exceed three times the federal poverty line.

HB 1315 offered students who had been expelled or were at risk of dropping out of a public school a voucher to attend private school.

¹ Some lawmakers have tried to distinguish between so-called “free schools” (defined as nongovernmental schools that would accept vouchers) and private schools (nongovernmental schools that would not accept vouchers or any other public funding).

Those lawmakers filed bills that limited the schools that could accept vouchers to either public schools or “free schools.” In effect, however, any private or religious school could declare itself a “free school” and begin accepting vouchers.

HB 301 would have created a voucher program for students eligible for the national school lunch program. The program would have been available in 60 public school districts. The bill explicitly relieved schools accepting the vouchers from having to meet the educational regulations and statutes to which all state public schools were subject.

A House-Senate conference committee working on an education overhaul bill refused to include a Senate backed provision creating a voucher program for low income students in 20 public school districts.

1997 – 75th Legislature, Regular Session

HB 318 Cuellar – Status: Signed by the governor on 6/17/1997

HB 656 Wilson – Status: Referred to Revenue & Public Education Funding

HB 1110 Cuellar – Status: Referred to Revenue & Public Education Funding

SB 1206 Bivins, Nelson – Status: Reported favorably as substituted by Education

HB 318 dealt with public education grants allowing students at low-performing public schools to attend a public school in another district. State Representative Ron Wilson (D-Houston) offered an amendment permitting such grants to be used also for attending private schools. A move to table the amendment failed on a 68-68 vote, but Wilson withdrew the amendment as other House members – particularly opponents – arrived on the floor to vote on its passage.

HB 656 called for a voucher program that would allow any student to attend a private school or any public school inside or outside a district. Transportation requirements were the same as under SB 1206. As with HB 656, **HB 1110** would have created a voucher program allowing students at low-performing public schools to attend any other public or private school.

SB 1206, as amended in committee, would have established a pilot voucher program for students not performing at a satisfactory level and assigned to attend low-performing schools. School districts would have been required to provide transportation between home and the assigned public school. The school accepting the voucher would provide transportation to and from the assigned public school. The bill also called for public

education grants that would allow students to transfer from a low-performing school to another public school within the same district. This bill included an elaborate breakdown of eligibility requirements for both students and schools accepting vouchers.

1999 – 76th Legislature, Regular Session

HB 709 Krusee – Status: Left pending in Public Education

SB 10 Bivins – Status: Passed by Education, placed on and then withdrawn from Senate intent calendar

HB 709 called for a “public education scholarship program” that would provide vouchers to educationally disadvantaged students in large urban school districts. Once eligibility was established and a student attended a private school, the student could continue receiving a voucher until his or her graduation from high school or 21st birthday.

SB 10 would have created a “public education scholarship program” for educationally disadvantaged students in counties with populations of at least 575,000.

Legislators also beat back proposed amendments to other bills that would have established voucher programs. Proponents failed in an effort to add vouchers to SB 4, an education bill increasing teacher pay, reducing local school property taxes and devoting money to early childhood and ninth-grade education. In addition, Representative Ron Wilson (D-Houston) was unsuccessful in his attempt to add a voucher scheme to a telecommunications bill (SB 560) on the House floor. The program would have covered students in the third, fifth and eighth grades who failed state assessment in reading and mathematics.

2001 – 77th Legislature, Regular Session

HB 1240 Wilson – Status: Referred to Public Education

HB 2666 Krusee – Status: Referred to Public Education

HB 1240 would have created a pilot private school voucher program for educationally disadvantaged students in the state’s six largest urban school districts. Vouchers would also have been available to students who performed poorly on state assessment tests or who attended a low-performing school.

HB 2666 called for a “public education scholarship program” that provided state-funded vouchers to students who were already using a federally funded voucher or scholarship to attend a private school.

2003 – 78th Legislature, Regular Session

HB 293 Wilson – Status: Referred to Public Education

HB 658 Wilson – Status: Left pending in Public Education Committee

HB 1554 Grusendorf – Status: Defeated on House floor at 2nd reading

HB 2465 Grusendorf – Status: Passed public education; considered in Calendars

HB 3474 Castro – Status: Referred to Public Education

SB 933 Shapiro – Status: Passed Senate; passed House Public Education; referred to House Calendars

SB 1822 Van de Putte – Status: Referred to Education

HB 2465 called for an “education freedom pilot program” that would have provided private school vouchers to students from low-income families in 11 of the state’s largest school districts. Access to the program would have been expanded to all of the more than 1,000 Texas school districts in 2005.

HB 293 and **HB 658** would have established a pilot private school voucher program for educationally disadvantaged students in the state’s six largest public school districts. The bills’ provisions were essentially the same as in **HB 1240** in 2001.

SB 933 and companion **HB 1554** would have created a “virtual charter school” pilot program allowing the University of Texas at Austin and one other state university to educate up to 2,000 home-schooled students. State funds would have been used to pay for student computers, Internet access, online classes, instructional materials and certified teachers who would monitor student progress. Opponents criticized the bills as creating “virtual vouchers” that would drain money from the state’s public schools.

SB 1822 and companion **HB 3474** called for a study of the effectiveness of a privately funded private school voucher program in Edgewood Independent School District in San Antonio. The bills' authors sought to determine the beneficial or harmful results on participating students, students remaining in public schools and on the district's taxpayers. The bills failed to get even a hearing in committee.

Representative Grusendorf (R-Arlington) also filed **HB 1133**, which wasn't a voucher bill but would have required the State Board of Education to provide textbooks to private school students at state expense. The bill was left pending in the House Public Education Committee.

2005 – 79th Legislature, Regular Session

HB 12 Corte – Status: Left pending in Public Education

HB 1263 Harper-Brown – Status: Reported favorably out of Public Education, sent to Calendars

HB 1445 Madden – Status: Placed on General State Calendar

HB 3042 Riddle – Status: Left pending in Public Education

HB 12 would have established pilot voucher programs for educationally disadvantaged students in the state's six largest urban school districts. **HB 3042** called for a statewide private school voucher program open to nearly all students in any school district.

HB 1263 would have created a pilot program in the state's largest school districts. Students would be eligible for a voucher if, among other requirements, they were at risk of dropping out of school, were victims or siblings of victims of school violence, had limited proficiency in English or were in low-income families.

None of the bills received a vote on the floor. The House Public Education Committee incorporated much of **HB 1263**, however, into a bill reauthorizing the Texas Education Agency (**SB 422**). Wealthy voucher proponent James Leininger and House Republican leaders pressured representatives to pass SB 422 as amended. Just days later, however, opponents succeeded in removing the voucher provision in a dramatic series of close votes on the House floor. A 74-70 vote stripped private schools from the bill, permitting vouchers to be used to attend only other public schools. House leaders then killed the bill.

HB 1445 would have created a “virtual school network” to provide education through electronic means to students across the state. Critics warned that the bill would create a “virtual voucher” program by using tax dollars to pay for educating private school and homeschooled students.