

## *The Battle over School Vouchers Continues in States across the Nation*

**A**ccording to the Education Commission of the States, the most contentious topic in public education today is the use of public money in private and parochial schools, usually through a voucher, tax credit or tax deduction.

This year Utah became the first state in the nation to approve a universal school voucher program. Under Utah's voucher program, which was signed into law in February 2007, all students will be eligible for a private school voucher, ranging from \$500 to \$3,000, when the law is fully implemented. In addition to Utah, currently three other states have a statewide voucher program—Arizona, Florida, and Ohio. However, unlike Utah's voucher program, the voucher programs in the other three states are all targeted at either students with disabilities or students attending certain schools that are deemed academically insufficient.

### **UTAH VOTERS TO DECIDE FATE OF THE VOUCHER PROGRAM**

Although the voucher program was approved by both the Utah House and Senate and signed by the Governor, the voters will get to decide whether or not the voucher program is implemented. That is because under Utah law, any bill that is passed by less than a two-thirds majority in the Utah House and Senate can be put on hold and put before the voters as a ballot referendum provided that a certain number of voters sign a petition against it.

Within hours after the voucher program was adopted, Utahns for Public Schools, a grassroots organization comprised of parents, unions, school board members, school administrators, the League of Women Voters, and the NAACP, was formed and began collecting signatures to challenge the law. On April 30, 2007, just two months after the voucher program was signed into law, Utahns for Public Schools submitted 124,218 signatures challenging the law, well above the 92,500 signatures required. According to Utah's Office of Legislative Research and General Counsel, this is the first time in over 33 years that a referendum petition has been successful. As a result, the implementation of the voucher program has been put on hold and the voters will decide the fate of the voucher program on February 5, 2008, the same day as Utah's presidential primary election. An intense battle between pro-public education groups and pro-vouchers groups is expected in the months leading up to the referendum vote in Utah.

## **NEW JERSEY VOUCHER PROPONENTS TRY NEW APPROACH**

Voucher supporters in New Jersey are now turning to the courts to try to enact a school voucher program. A lawsuit, brought by a coalition of pro-voucher groups is seeking to interpret in the New Jersey's state constitution a right to school vouchers for all students in low-performing schools. Ironically, the claims being used in this case are based upon the same successful claims that were made in lawsuits over the state's school funding system.

According to the National Access Network, a network designed to promote meaningful public education opportunities for all children, there are lawsuits in approximately 20 states, including New Jersey, where voucher proponents are drawing upon the success of school funding adequacy lawsuits. The following is from the plaintiff's brief in the New Jersey case:

“Like most state constitutions, New Jersey's constitution guarantees a particular standard of public education—specifically, a “thorough and efficient” education. For 33 years, New Jersey courts have ordered massive funding increases and new programs to redress educational inequities in impoverished school districts. Unfortunately, thousands of children, both in and out of districts that received these court-ordered remedies, remain mired in abysmally poor-performing schools, in which fewer than half of the children demonstrate minimal proficiency in basic educational skills as determined by the state itself. The lawsuit demands two remedies that will provide immediate relief for children in failing schools: elimination of compulsory attendance zones that prevent children from attending better-performing public schools outside of their districts, and provision to the students' families their children's *pro rata* share of state and local educational funding so they may attend a functioning public or private school.”

## **NEW YORK STATE**

In New York State, there have been recent attempts to divert public dollars to private education. In 2006, Governor Pataki in his final year in office, proposed a voucher-like \$500 refundable income tax credit that would be available to families in school districts with one or more under-performing schools and could be used for tuition, tutoring, after-school programs, and other education expenses. The legislature rejected the Governor's proposal and instead adopted a broad-based \$330 child tax credit for all income-eligible families for each child between the ages of 4 and 17.

In his very first Executive Budget proposal, Governor Spitzer proposed a voucher-like \$1,000 per child school tuition tax deduction. The legislature rejected Spitzer's proposal. However, the issue could resurface either later this year or in the years to come.

On March 20, 2007, a bill was introduced in the New York State Senate by Senator Martin Golden (R-Brooklyn) that would establish a \$500 tuition tax credit to income eligible families. The bill is cosponsored by ten other senators. It is similar to legislation sponsored by Senator Golden in previous years.

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