March 7, 2012

Representative John E. Bradley, Chair

House Revenue and Finance Committee

Illinois House of Representatives

Springfield, IL 62706

**Re: Oppose HB 5755 – “Education Improvement Tax Credit”**

Dear Chairman Bradley,

On behalf of Illinois’ members of Americans United for Separation of Church and State, we urge you to **oppose HB 5755**, which establishes a tax credit benefit for individuals who contribute funds to qualified student assistance organizations. Americans United is a nonpartisan, national organization committed to preserving the constitutional principles of separation of church and state and religious liberty. We oppose this tax credit scheme because it is nothing more than a back-door voucher system, and has the same constitutional flaws inherent in voucher systems, as they are both subsidized by the state. This bill represents misguided education reform policy, and, in turn, we urge your opposition.

**This Voucher Program Will Cost, Rather than Save, Taxpayer Money**

State funding for private schools harms our public education system by misappropriating funds that could be used to aid our cash-strapped public schools. Such a system simply fails low-income families. This tax credit will not decrease education costs. Rather, tax money that would ordinarily go to public schools would instead pay the tax benefit, thus limiting the capacity of the public schools. Illinois has struggled for years with cuts to its education financing, and a lack of money has prevented Illinois from implementing prior education reform.[[1]](#footnote-1) It is inappropriate to spend $30,000,000, plus additional costs associated with new personnel and considerable administrative burdens to carry out the program, for students to attend private school.

In addition, these backdoor vouchers would use taxpayers’ money to subsidize the education of only a small minority – only families with the money to cover the cost of the rest of the tuition, uniforms, transportation, books, and other supplies at private schools can benefit from this scheme. Instead, Illinois should invest taxpayers’ money in public schools for the benefit of all students.

**Vouchers Do Not Improve Student Achievement**

The fact that public funding of private schools has, in no way, been successful in improving student achievement, provides even less reason for legislators to consider such a program. In short, vouchers do not work. According to multiple studies in the District of Columbia,[[2]](#footnote-2) Milwaukee,[[3]](#footnote-3) and Cleveland[[4]](#footnote-4) school voucher programs, students offered vouchers do not perform better in reading and math than students in public schools. Last August, the Wisconsin Legislative Audit Bureau released a five-year longitudinal study,[[5]](#footnote-5) which concluded that students in Milwaukee using vouchers to attend private and religious schools perform no better on standardized tests than their counterparts in public schools. Against this background, we especially urge you not to instate a back-door voucher program that is costly for Illinois and proven not to work.

**Vouchers Are Unpopular in Illinois**

This is a suspect time to consider such a bill – Illinois voters have recently made known their opposition to vouchers. Last year, when the Senate considered SB 1932, which would have authorized a pilot program for vouchers within the Chicago Public School system, the Illinois State Board of Education, the Illinois Education Association, regional groups such as ED-RED (a suburban school organization), and various labor and community organizations all opposed the bill.[[6]](#footnote-6) Legislators should heed this response, rather than impose their will on Illinois’ education system.

**Vouchers Harm Religious Liberty Rights of Illinois Taxpayers, Students and Parents**

Most private schools, and most schools that will opt to accept students under this scheme, will likely be religious in nature;[[7]](#footnote-7) thus, this backdoor voucher system serves just as a way to divert public money to religious schools. As a result, students could be forced to participate in religious activities, despite the fact that their school expenses are being paid by the state. Moreover, all state taxpayers, regardless of their religious affiliation, will be paying for religious education. These outcomes are anathema to constitutional notions of religious freedom.

Despite the bill’s requirement that schools comply with Title VI of the Civil Rights Act of 1964, this legislation fails on several fronts to ensure the religious liberty rights of parents and students. Participating non-public schools will continue to be exempt from complying with anti-discrimination laws. Title VII of the Civil Rights Act, which prohibits discrimination in employment on the basis of race, national origin, color, religion, or sex, contains exemptions for religious organizations. This is also true for the Americans with Disabilities Act (ADA)’s employment provision. As a result, nothing would prevent a private religious school receiving these government funds from hiring co-religionists only or requiring that employees’ personal conduct conform to the “tenets and teachings” of the schools’ associated faiths. There is also no guarantee that families who take advantage of a scholarship will be notified about the potential for discrimination against their teachers. As drafted, the legislation does not require disclosure to either parents or students regarding the hiring policies or admissions policies, particularly as they pertain to participation in religious activities that may conflict with the faith values of the family. In contrast, public schools must truly operate in an open and non-discriminatory manner.

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Americans United is committed to the protection of public education. However, we strongly believe that the nation’s civil liberties must be upheld even in difficult circumstances. It is wrong to capitalize on the plight of students in failing schools by attempting to push through a divisive and unsound tax credit proposal that would severely undermine a longstanding commitment to public education. If you have any questions about this legislative proposal, please do not hesitate to contact Americans United at (202) 466-3234.

Sincerely,

Matthew Lowry John J. Wesser

President, North Shore Chapter President, Western Suburban Chicago Chapter

Americans United for Americans United for

Separation of Church and State Separation of Church and State

1. *This information is available at:*  <http://www.huffingtonpost.com/2011/07/19/illinois-education-reform_n_903956.html>; *see also* Long, “Education Reforms Underfunded, Illinois School Chief Warns,” *Chicago Tribune*, July 18, 2011 *available at* <http://articles.chicagotribune.com/2011-07-18/news/ct-met-education-reform-funding-20110718_1_evaluations-teacher-performance-education-reforms>; Fangmann, “Illinois Budget Cuts Gouge Education, Social Services,” *available at* <http://wsws.org/articles/2010/jul2010/illi-j09.shtml>. [↑](#footnote-ref-1)
2. U.S. Dep’t of Ed., *Evaluation of the D.C. Scholarship Program: Final Report* (June 2010). [↑](#footnote-ref-2)
3. Witte, Wolf, et al., *MPCP Longitudinal Educational Growth Study Third Year Report* (Apr. 2010); Witte, Wolf, et al., *MPCP Longitudinal Educational Growth Study Second Year Report* (Mar. 2009); Witte, Wolf, et al., *MPCP Longitudinal Educational Growth Study Baseline Report* (Feb. 2008); Witte, *Achievement Effects of Milwaukee Voucher Program* (Feb. 1997); Witte, et al., *Fifth Year Report Milwaukee Parental Choice Program* (Dec. 1995). [↑](#footnote-ref-3)
4. Plucker, et al., *Evaluation of the Cleveland Scholarship and Tutoring Program, Summary Report 1998-2004* (Feb. 2006); *Evaluation of the Cleveland Scholarship and Tutoring Program, Executive Report 1998-2002* (Feb. 2006). [↑](#footnote-ref-4)
5. Legislative Audit Bureau, *Test Score Data for Pupils in the Milwaukee Parental Choice Program (Report 4 of 5)*, 17 (Aug. 2011) (“The project’s five year longitudinal study shows no significant difference in the performance of Choice and similar MPS pupils after four years of participation.”) [↑](#footnote-ref-5)
6. Maidenberg, “Vouchers Bubble Up Again In Springfield,” *available at* <http://progressillinois.com/posts/content/2011/03/14/vouchers-bubble-again-springfield>. [↑](#footnote-ref-6)
7. For example, in *Zelman v. Simmons-Harris,* the Supreme Court found that, of the 3,700 students participating in Ohio’s Pilot Project Scholarship Program in the Cleveland City School District, 96% enrolled in religiously affiliated schools. *See Zelman v. Simmons-Harris,* 536 U.S. 639, 647 (2002). Indeed, approximately 80% of the students participating in the DC voucher program attend religious schools. *See* U.S. Dep’t of Ed., *Evaluation of the D.C. Scholarship Program: Final Report,* 17-18 (June 2010). [↑](#footnote-ref-7)