

TESTIMONY ON SUBSTITUTE LANGUAGE FOR PLANK 101, THE SCHOOL CHOICE PLANK

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Good afternoon, Chairman and Committee Members.

My name is Jorge Borrego, and I am the K-12 Policy Director at the Texas Public Policy Foundation. I am here strongly advocating in favor of substitute language for Plank 101, the school choice plank.

The substitute language for Plank 101 is as follows.

“Promoting Parental Choice: We support the right of parents to enroll their child in a traditional public school, private school, charter school, or to homeschool as they choose and believe all state funding for K-12 education should follow the child. We oppose any attempt to regulate homeschooling or the curriculum of private or religious schools and support the passage of a constitutional amendment accordingly.”

I would like to begin by stating that I believe that it is every parent’s God-given right to choose how to educate their child. As a child’s first and primary educator, every parent has the right to an educational system that provides transparency, quality, respect, and choice.

I am here to say that educational savings accounts (ESAs) is the best program to provide both parental empowerment and robust legal and privacy protections for its program participants.

Because ESAs can be used for a variety of expenses such as tuition, tutoring, workforce development, and other educational needs, ESA programs have a long track record of success.

Over 25 years of studies have shown that ESAs help both students and their communities thrive. These studies have shown that in the more than 30 states that have enacted some form of school choice program, their students had:

1. Higher reading and math proficiency;
2. accelerated learning;
3. decreased absences, suspensions, and criminal convictions; and
4. increased graduation rates and college attainment.

While the current version of Plank 101 makes specific mention to tax credits and exemptions—a system that has worked in states with an income tax—I believe that this would have the unintended consequence of tying our home school system to a property tax. This would run counter to our shared goal of abolishing property taxes. Moreover, ESAs also provide robust legal protections and data privacy for our religious private schools and homeschoolers. Thus, an ESA program would be a superior system.

ESAs are a completely opt-in program. There is no requirement for families, schools, or tutors to participate in the program if they do not wish to do so. Strong legal protections ensure parents and educators can make the best decisions for children. Examples of these legal protections include:

1. There shall be no legal requirement to modify their creed, practices, admissions policies, curriculum, performance standards, employment policies, or assessments;
2. There shall be no limit on the exercise of religious or institutional values, and no obligation to act contrary to these values can be imposed; and
3. No federal funds can be used for the program, preventing any federal strings from being attached.

Moreover, if a family or school brings forward a legal challenge to any program rule, the burden of proof will fall onto the program administrator and not on the family. The program administrator will have to prove that a program rule does not violate the legal protections or impose an undue burden on a family or school and that the rule is the least restrictive way to operate the program.

Regarding data privacy, ESAs are constructed to keep individuals in control of their data while still ensuring fiscal integrity to minimize program abuse and fraud. We can address reasonable privacy concerns by stating that neither vendors nor the state may provide, trade, or sell personal information about individual participants, and that only aggregated data may be provided in public reports. Protected information would only be released to allow the state to refer individuals who attempted to defraud the system for prosecution.

In conclusion, the substitute language for Plank 101 more closely aligns with our core conservative principles by acknowledging our God-given right to direct our children's education in the broadest terms. I urge you all to support this substitute language for the benefit of Texas families. Thank you.

