

Vouchers: The Wrong Choice for Texas

- ★ Mainstream faith traditions value religious freedom as an constitutional right
- ★ Faith leaders were among the originators of the American public school model
- ★ Faith communities in Texas have lived experience of conflict resulting from the use of public funds for sectarian purposes
- ★ Faith communities support accountable, transparent funding for public education

The Texas Legislature has a constitutional duty “to make suitable provision for the support and maintenance of an efficient system of public free schools.” The Texas Constitution is equally clear that public funding is not to support religious schools or the teaching of any particular faith.

Vouchers would sap resources from Texas public schools, while at the same time undercutting religious freedom for Texas’ increasingly diverse population—contradicting two of the state’s foundational principles.

Public education is one of the most important tools available to Texas, or any state, to equip future leaders for American democracy. Faith communities were instrumental in establishing public education in the modern world, and remain among its staunchest advocates.

A voucher is any diversion of public funds—directly or indirectly—to private education. Voucher programs come in different arrangements and schemes including tax credits, savings accounts, rebates, and scholarships. Tax dollars are public funds, and so are “foregone” funds, like the revenue school districts don’t receive when a business that would have owed property tax gets an exemption.

Public education serves the public by preparing students for the workforce; providing a common base of skills like reading and writing; and transmitting core concepts about science and technology that will help students become self-sufficient members of the community. But for Texas’ founders, the underlying purpose of public education is to develop citizens who are equipped to participate in and preserve democracy.

Public education is responsive to democratic processes. The public elects the legislators and school boards who administer the public education system. Thus, the schools are accountable to all the voters, who have a say in curriculum, teaching standards, and other performance measures. Even if you will never have a child attend public school in Texas, as a voter you have a voice in the way our state prepares its future leaders.

“A general diffusion of knowledge being essential to the preservation of the liberties and rights of the people, it shall be the duty of the Legislature of the State to establish and make suitable provision for the support and maintenance of an efficient system of public free schools.”

– Article 7, Section 1, Texas Constitution





Vouchers and Religious Freedom

Vouchers pose an unsolvable conundrum for advocates of religious freedom. Under a voucher program, religious schools are excluded on the basis of faith; including them would be discriminatory. On the flip side, including religious schools in a voucher program also discriminates on the basis of faith because it forces taxpayers to pay for a student to be educated in a faith tradition that may not be theirs. Because of this conundrum, American religious freedom principles require private schools to be privately and voluntarily funded.

The American Experience

At the time of our nation's founding, there was no public education system. Founders like Thomas Jefferson believed public education was essential for the country to succeed, and advocated that states establish public education systems. Unless families could afford the tuition at religious schools or private tutors, their children went unschooled. Some states subsidized private religious schools so more students could attend, but this led to sectarian strife over appropriations, customs, and curriculum.

As the nation expanded westward, missionaries created schools for frontier children. Some states subsidized these schools to increase their capacity, but as each state developed, it would transition to a fully public system because having one public system that served everyone was more efficient and less prone to religious

conflict than funding multiple parochial systems that did not represent all the faiths present in the community.

In many cases, religious institutions gladly worked with their community, and sold their facilities to the new public system. In other cases, religious strife motivated the transition. For example, in New York in 1825, the state legislature created a public education system after three decades of political strife among Presbyterians, Episcopalians, Lutherans, Quakers, Dutch Reformed, and Baptists over which school would get the larger appropriation. In Philadelphia in the 1840s, riots broke out between nativist Protestants and Catholics over which version of the Bible would be read in schools, which prompted ending the practice of mandatory Bible reading.

The Texas Experience


Texas followed these national trends. For instance, in Victoria County in the 1890s, Methodists sparred with Lutherans and Catholics over the sectarian nature of the county's school system. The county would form a contract with the teacher. But the teachers were clergy and nuns who turned over their salaries to the religious institution. The controversy ended five years later when the State Board of Education prohibited the "subterfuge" of "teacher vouchers" under Article 1, Section 7, of the Texas Constitution.

The cultural conflicts of the 19th century resulted in ending public funding of private institutions. However, cultural conflict in the

"Who does not see that the same authority which can establish Christianity, in exclusion of all other Religions, may establish with the same ease any particular sect of Christians, in exclusion of all other Sects? The same authority which can force a citizen to contribute three pence only of his property for the support of any one establishment, may force him to conform to any other establishment."


–James Madison, A Memorial and Remonstrance Against Religious Assessments.

“No money shall be appropriated, or drawn from the Treasury for the benefit of any sect, or religious society, theological or religious seminary; nor shall property belonging to the State be appropriated for any such purposes.” –Article 1, Sec. 7, Texas Constitution



“The permanent school fund and the available school fund may not be appropriated to or used for the support of any sectarian school.”

–Article 7, Section 5(c), Texas Constitution



20th century renewed nostalgia for an old idea. In Texas, after the U.S. Supreme Court’s decision in *Brown v. Board of Education*, Governor Allan Shivers formed the Advisory Committee on Segregation in the Public Schools. The Committee’s recommendations to the 55th Texas Legislature resulted in HB235, a “tuition grant program” intended to appease parents who did not want their children to attend integrated schools. Rep. Virginia Duff, a co-author of HB235 and co-chair of the select committee, represented Mansfield, the scene of violent anti-desegregation riots in 1956. HB 235 failed to pass only because Senator Henry B. Gonzales of San Antonio waged a then-record 35-hour filibuster.

The authors of HB235 were prepared to use tax dollars to advance a racist agenda, but even they stopped short of proposing the use of tax dollars for sectarian purposes. HB 235 would have required its “tax grant” voucher to be used at a nonsectarian private school to comply with Article 1, Section 7 of the Texas Constitution—a consideration that would not constrain today’s Texas Legislature because of recent U.S Supreme Court rulings.

In 2017, in the case of *Trinity Lutheran Church of Columbia v. Comer*, the Supreme Court struck down a Missouri state constitutional provision that protected taxpayers from involuntarily supporting a house of worship. While the court insisted the *Trinity* ruling was narrow, they used that decision as the basis for striking down Montana’s constitutional prohibition against school vouchers three years later in *Espinoza v. Montana*. And in

2022, the Court further expanded their support for vouchers. In *Carson v. Makin*, the Court ruled that states could not limit the use of public funds to nonsectarian purposes. This means that if Texas elects to create a voucher program, it could not prohibit voucher (taxpayer) funds from being used to teach specific religious beliefs in religious schools.

Additional Concerns

Geographically, rural and low-income school districts are disproportionately disadvantaged by vouchers, and so are their residents. Public schools in rural and low-income areas often serve as community centers as well as major employers. The existence of vouchers offers no guarantee of choice: rural communities often do not have private schools, and for low-income students, a voucher rarely covers the entire cost of a private education.





Private education is not accountable to the community. Private schools are not held to the same standards as public schools, in their governance or performance. The community has no say about educational quality, expenditures, or enrollment.

Private schools are under no obligation to accept all students who want to attend. “School choice” means that the private school chooses the child. Under a voucher system, when private schools divert high-performing students from public schools, the public system is left with less funding to educate the remaining students, some of whom have extraordinary needs.

THE WAY FORWARD FOR TEXAS

Reject vouchers and similar programs that use public education funds to subsidize private education.

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