

Chairman Buckley ([01:09:19](#)):

Chair lays out SB 2 by Creighton as the companion to HB 3 relating to the establishment of the education savings account program, which was previously heard and left pending. The chair offers a committee substitute. Members of the committee, substitute for Senate Bill 2 contains the same ESA program structure outlined in House Bill 3 that we heard on March 11th for more than 21 hours. The committee substitute contains the following changes. The substitute establishes a \$1 billion statutory expenditure cap on the ESA program for the first biennium, mirroring the \$1 billion appropriation limit in the state budget. It limits the ESA funding for students eligible in Tier 4 to 20% of the program's total budget and prioritize the students that were previously enrolled in public school over those already enrolled in private schools. This provision expires after the 26-27 school year. The substitute clarifies that students enrolled in private school must be tested in third grade and above.

Chairman Buckley ([01:10:22](#)):

The bill requires that a child may not participate in the program unless the child's parent establishes that the child is a citizen or national of the United States or was lawfully admitted into the United States. If an ESA student chooses to return to a public school during the school year, that student shall be excluded from the accountability system and the receiving school district will be entitled to additional 10% of state funding for the remainder of the school year. The committee substitute makes explicit that a participant cannot receive withdraw cash or reimbursement and that a certified education assistance organization cannot charge a fee. Lastly, the bill clarifies that the amount appropriated for purposes of the program must be established by the legislative appropriations process and it makes various changes suggested by the Comptroller for program implementation. Okay, members with that are there any questions? Lemme move to the next article. Representative Talarico.

Rep. Talarico ([01:11:36](#)):

Thank you Mr. Chairman. I think it's actually very helpful to have these two bills side by side because we just talked about the dire straits that our schools are in. We've got campuses closing all over the state, including in my district in Dallas and San Antonio and El Paso. Communities all over the state are closing campuses. We have teachers who are making less than they did 10 years ago. When you adjust for inflation, we have teachers in my district who are driving Ubers at night to make extra money and local property taxes are through the roof because the state government has not done its fair share of school funding. We are taking a step to fix that—a step. We're not catching up to 2019 funding levels, but it is progress. But now we're considering a bill that's going to send a billion dollars in the first year and perhaps \$7 billion in the second biennium to kids who are in private school or kids who are homeschooled, kids who are not even in our public schools currently. And I do not know how we justify this decision until our schools are fully funded. Until we are out of this full funding emergency. I don't think we should even be entertaining this bill, but since we are, I do have questions. So in terms of changes since our last hearing on the bill, we established that while the cost of this program starts at \$1 billion in the first biennium LBB forecast that it will balloon to 7 billion in the second biennium. Is that correct?

Chairman Buckley

That's the LBB in this one.

Rep. Talarico ([01:13:16](#)):

And LBB is what you earlier called the gold standard.

Chairman Buckley ([01:13:23](#)):

It is the metric we use in this body.

Rep. Talarico ([01:13:24](#)):

Right. So the gold standard, the Legislative Budget Board, the gold standard says that this bill will grow to \$7 billion in the second biennium. Is there anything in this bill that limits that growth?

Chairman Buckley ([01:13:38](#)):

The bill limits the appropriation during the first biennium to a billion dollars and then the second by is literally up to the Legislature.

Rep. Talarico ([01:13:48](#)):

Are you in this new version of the bill mandating that the Comptroller's office, who we've charged with administration of this program, is mandated to request from the Legislature in the second biennium that we cover every child on the wait list and all of their siblings?

Chairman Buckley ([01:14:04](#)):

That is their request. It does not have to be granted.

Rep. Talarico ([01:14:07](#)):

But we are mandating that they request that.

Chairman Buckley ([01:14:10](#)):

Yes, that gives 'em the guidance of what they are to come to the appropriate process with that ask if you will.

Rep. Talarico ([01:14:19](#)):

In 2011, in the 2011 legislative session, right before I started teaching in San Antonio ISD, Texas was recovering from the great recession and cut \$5.4 billion from our public schools. I saw firsthand the impacts of those cuts. I saw kids fall through the cracks in front of my eyes because of the decision that people made in this building. Is there anything in this bill that if we face a recession that this money that we're sending to wealthy families that are extending their kids to private school will be cut first before we ever touch our public schools?

Chairman Buckley ([01:14:53](#)):

The appropriation process is in the hands of the Legislature just as it is every session, Representative Talarico.

Rep. Talarico ([01:15:00](#)):

This is coming from general revenue.

Chairman Buckley ([01:15:04](#)):

Yes.

Rep. Talarico ([01:15:05](#)):

And we can use general revenue funds to give to our public schools.

Chairman Buckley ([01:15:12](#)):

We can use general revenue for whatever purpose the legislature feels is needed

Rep. Talarico ([01:15:17](#)):

Including public schools.

Chairman Buckley ([01:15:18](#)):

Absolutely.

Rep. Talarico ([01:15:19](#)):

So it's the same pot of money?

Chairman Buckley ([01:15:22](#))

No, it's not, there's not a dollar of property tax money that goes into the ESA program. It is all money that's in the general revenue.

Rep. Talarico ([01:15:34](#)):

It's all money that's in general revenue. So it's all money in the same pot?

Chairman Buckley ([01:15:40](#)):

Yeah, but the school fund, permanent school fund and all, and I'm not asking available school fund, but available school fund is not part of general revenue.

Rep. Talarico ([01:15:47](#)):

But we can use general revenue funds for public schools.

Chairman Buckley ([01:15:51](#)):

We can use general revenue funds for anything. And if you look in the current state budget, we're using it for about 10,000 things.

Rep. Talarico ([01:15:57](#)):

Could we spend the \$1 billion appropriated for this, for subsidizing private school tuition for kids in private school or the 7 billion that it's forecasted to grow to in the second? Could we use that money to help our public schools?

Chairman Buckley ([01:16:14](#)):

If the legislature appropriates it and the governor signs it, we can. That is what this body is for.

Rep. Talarico ([01:16:20](#)):

Okay. You in our conversations, you mentioned the concern that was brought up multiple times in the hearing on this bill that the money will go to wealthier families in the state. We talked about how in every state that's tried vouchers, the money is disproportionately helping wealthier families rather than low income families because wealthier families already have their kids in private school and so they cleared that first big hurdle and there is no limit on who's eligible. We don't limit this to low income families. We don't limit this to middle class families. It is literally open to anyone. And to get the funds you have to be admitted to the private school. So because of those structural barriers, these programs when implemented in other states tend to help wealthier families. You heard that and I appreciated that. And you put a 20% limit on the rich parents who could get these funds. Is that correct?

Chairman Buckley ([01:17:17](#)):

Yes. That is in the committee substitute, which is before the committee today.

Rep. Talarico ([01:17:20](#)):

And that 20% limit expires after the first year?

Chairman Buckley ([01:17:25](#)):

That is correct

Rep. Talarico ([01:17:25](#)):

So after the first year, there will be no limit on how many wealthy parents can access these funds?

Chairman Buckley ([01:17:33](#)):

Well, it would be limited by the amount of money the legislature chooses to appropriate for the program. That would limit everyone, by the way.

Rep. Talarico ([01:17:40](#)):

So millionaire households, even billionaire households, could apply for these funds and would be eligible for these funds.

Chairman Buckley ([01:17:52](#)):

Anyone can apply in the first class, if you will, of students that could receive it. If you earn greater, if you're a regular education student and you earn, your family earns more than \$160,000 a year, the total appropriation in there is limited. The total participants are limited to 20% of the appropriation.

Rep. Talarico ([01:18:19](#)):

In the first year?

Chairman Buckley ([01:18:21](#)):

Yes. Well, in the first biennium.

Rep. Talarico ([01:18:22](#)):

You've seen that Elon Musk has tweeted his support for this bill? He tweeted out that he wants the Texas legislature to pass this bill. Elon Musk is a Texas resident. So would he theoretically be eligible to apply for these funds?

Chairman Buckley ([01:18:45](#)):

Yes. I am guessing he's probably priority number four.

Rep. Talarico ([01:18:49](#)):

But he would be eligible.

Chairman Buckley ([01:18:50](#)):

Yes.

Rep. Talarico ([01:18:51](#)):

It was just announced that Elon has fathered his 14th child. I looked into this. Eight of them are under school age.

Chairman Buckley ([01:18:59](#)):

Elon Musk is not in the committee substitute, but you can keep asking.

Rep. Talarico ([01:19:03](#)):

So I just want to use this as a thought experiment. So let's say he gets a voucher for each of those eight children. That's over \$80,000 a year in taxpayer funds more than what most teachers make. And so if he sent them to a private school from pre-K to senior year, that's a total of \$1.2 million in taxpayer funds for Elon Musk theoretically.

Chairman Buckley ([01:19:29](#)):

Or it's \$15,000 to a working family in Killeen, Texas at Oak Creek or struggling to keep their kids there who have special needs. I mean anyone's eligible we can use and with all respect, we can use extremes and Elon Musk is an easy punching bag for lots of reasons. But the reality is that in all seriousness, there are many families that either have kids in public school or those struggling with kids in private school right now that would benefit from this.

Rep. Talarico ([01:20:02](#)):

Mr. Chairman, I'm being deadly serious. If we wanted to help that family in Killeen, we could limit this program to that family to working class parents across the state. Could we not?

Chairman Buckley ([01:20:16](#)):

Yes, the legislature can do what we want to do.

Rep. Talarico ([01:20:19](#)):

Sir, you're the author of this bill. You could limit it to middle class and working class families if you wanted to, but you are allowing, I know Elon Musk is a somewhat humorous example, but wealthy parents, whether they're as much as, whether they're the richest man in the world or whether they're

just a family making over \$500,000 a year, they have access to this program. So it is not limited to that family that you just mentioned working class family in Killeen.

Chairman Buckley ([01:20:47](#)):

Elon Musk could send his kids to public school as well, as many millionaires and billionaires do.

Rep. Talarico ([01:20:52](#)):

Right. And we all pay for our public schools so they can be free to everyone and they're accountable to the taxpayer and the families.

Chairman Buckley ([01:20:59](#)):

Mr. Talarico, the families at Talarico, the corporal in the Army and a mother who works fast food are paying their property taxes like everybody else paying for public schools but found that a private setting was a better setting for their children. And so the argument to me just falls flat that that only people with kids in school are paying for public schools. And somehow, if you're not, we all do that and we all do it with the good in mind of that my kids all went to public school, and I continue to pay my property taxes with no kids in school.

Rep. Talarico ([01:21:33](#)):

We all pay for our public highways. Correct?

Chairman Buckley ([01:21:37](#)):

Absolutely.

Rep. Talarico ([01:21:38](#)):

Can I take from the TXDOT budget to repaid my driveway?

Chairman Buckley ([01:21:45](#)):

No, I don't think so. You're not authorized by law to do so.

Rep. Talarico ([01:21:48](#)):

Right. The point is some things we do together and some things we do on our own, no one is preventing a family from sending their kids to private school.

Chairman Buckley ([01:21:55](#)):

Yes, there are individual circumstance does sometimes Mr. Talarico.

Rep. Talarico ([01:21:59](#)):

But no one here—

Chairman Buckley ([01:21:59](#)):

Is making their circumstance, their circumstance, their financial circumstance. Actually their address does that— address where they can live Mr. Talarico.

Rep. Talarico ([01:22:09](#)):

Mr. Chairman can anyone here making it illegal for a family to send their child to a private school? Is anyone here trying to make it illegal to send or a family to send their child to a private school?

Chairman Buckley ([01:22:20](#)):

No, but what we're trying to do is to give parents more tools in their toolbox because raising kids and educating kids is difficult. It's very complicated. And what it looks like for me, it may not look like the same way for you. It might look not the same way for Mr. Cunningham. I mean this body cannot contemplate the circumstance that some children are placed. And this is just another option for parents.

Rep. Talarico ([01:22:44](#)):

But Mr. Chairman respectfully, if our goal was to help the families you just mentioned that are limited by income, we could do that in this bill. We could limit it to families who need extra help, but we're not doing that. And so then my concern is when you look at Florida, 70% of the users of their voucher program were people who already their kids in private school and Arkansas was 95%. And so my concern is that if this plays out, as I think it will, you're actually going to be taking the tax dollars of plumbers and nurses and working people and you're going to be subsidizing the tuition of wealthy families who already have their kids at St. John's. St. Mark's. St. Stephen's. So that is a transfer of wealth from the bottom to the top. I know the rhetoric around this bill is around helping working class people or helping poor kids, but your bill does not match the rhetoric.

Rep. Talarico ([01:23:39](#)):

Your bill is opening the door to some of the wealthiest people in the state taking taxpayer funds to do something they're paying for anyway. And so, I just in good conscience of course, can't support that kind of policy and I think it would be a wise decision by this committee and by the Texas House to limit this to the students that you say you want to help. And if that is true, then you can do that in your bill and you've made a decision not to, and in fact you've made a decision to remove that limit in the first biennium.

Chairman Buckley ([01:24:15](#)):

Mr. Talarico, I don't presume to be the one that ought to be judge and jury on other people's children. [Do you believe that's what I'm saying, Mr. Chairman? I do not. No, I do not know. Okay, let's not.]

No, I'm just saying I don't know the circumstance of every family and I don't know their tax returns and I don't know the particular challenges a child is having. But what I do know is that when you put choice in the hands of parents, they will make the right call. And I think that the circumstance in which they will make that will look different from family to family. And I know that's what this bill does.

Rep. Talarico ([01:24:49](#)):

And currently in Texas, a parent can choose between their neighborhood school, a public charter school, magnet school, early college, high school career and technical school academies. There is school choice in Texas and all of those options that I mentioned are accountable to the taxpayer. That's why they get taxpayer funds: taxation with representation. We fought a revolution over this. And so my point is that to then open this up to private schools that are unaccountable to the taxpayer, they don't have to follow any of the same rules. They don't have to accept the same students. They don't have to take the same test to open it up to unaccountable private schools that aren't accountable to the taxpayer doesn't

protect all of us who pay for public schools. We want parents to have options. You know that I have been a big proponent of more options for parents.

Rep. Talarico ([01:25:38](#)):

We have a program currently that allows if your child is in a school that's struggling academically to transfer to a different public school, we have that in law and I'm for even more options if this committee wants to get together and figure out more options for parents, I'm all here. What I want to caution us against is taking away tax dollars from those real choice options and giving it to an unaccountable system that is going to primarily serve the wealthy few. That is the problem here. And so I resent the effort to use parents or use choice to pass a bill that will help the wealthiest families in the state at the expense of working class kids all over Texas.

Chairman Buckley ([01:26:17](#)):

Well, I resent the fact that your address should dictate the quality of education.

Rep. Talarico ([01:26:21](#)):

I do too, Mr. Chairman. That's why.

Chairman Buckley ([01:26:23](#)):

Well then you saying then that's not real choice Mr. Talarico

Rep. Talarico ([01:26:25](#)):

So how does—

Chairman Buckley ([01:26:26](#)):

It's a really good choice for tough—

Okay, I apologize. No, go ahead. No, and what I'm telling you is this is we know when we look at the outcomes that we see in our school districts across Texas, it's not difficult to know which districts are going to do well. But there are struggling parents in those districts. There are struggling parents in districts and from families that are certainly not as fortunate as you or I are in terms of our economic status. And all this does is it doesn't make anybody do anything. It simply provides a choice. Nobody if it were to be there could be zero applicants for this. But if a parent believes that this is the best opportunity for their child to receive what they need and with three very unique children and have faced those moments before, I wholeheartedly understand that type of decision a parent needs to make or that they have to make. And this is simply an option for them to do so.

Rep. Talarico ([01:27:30](#)):

And you know that I taught in one of the poorest zip codes in the state in a struggling public school that didn't have enough desks for all the kids in my classroom and instead of giving a billion dollars, \$7 billion in the second to that school to help kids who need help urgently, we're going to be allowing the wealthy families in the state to use this precious taxpayer money. So of course I think there are too many inequalities, too many disparities in our system. That's why I'm here in the legislature. That's why I'm on this committee to solve that. I work with the other members of this committee to address that. My problem is that this bill is going to make those problems worse, not better. It's taking money that could

be going to those struggling public schools that desperately need the funds and it's going to be shipping that money off to families who don't need it, who are already paying for their private school tuition.

Rep. Talarico ([01:28:26](#)):

And I just think that is a deeply, deeply immoral decision and I urge this body and this committee to make a different choice and to use these precious taxpayer dollars to help our neighborhood public schools that need it because every budget decision is a choice. I know some of us want to say we can do both. We have limited funds in this state and every dollar that we send to a family who's already got their kid in private school is a dollar that's not going to our public schools and the bill we just heard, although it makes good progress, doesn't even catch our schools up to 2019 funding levels. Thank you Mr. Chairman

Chairman Buckley ([01:29:03](#)):

Members. Any more questions? Representative Hinojosa?

Rep. Hinojosa ([01:29:12](#)):

I don't know why we're, I don't know why we've wasted so much time on this issue. When 5.5 million school kids in the state have a right to public schools attend public schools and it is the only option for all Texas students. Our focus should be on investing in what is the right of every student in the state of Texas and not creating this lifeboat for people to leave the system just a certain few, just a chosen few when there's so much work to do. In our ISDs, we heard from even the witnesses who were here in support of the voucher of no statewide program or a taxpayer funded voucher where achievement improved. In fact, not for a statewide voucher unless they could discriminate against the students who they accepted, which just should not be an option with public dollars. In fact, we heard that all of the studies show and we heard from an expert here who used to be a proponent about jurors who said all of the studies show learning loss, catastrophic learning loss associated with vouchers on par with covid. It's historic learning loss.

Rep. Hinojosa ([01:30:48](#)):

This bill increases the demands on the taxpayer because they have to fund a whole new lane of schools and in fact, we are saying that after this next year cap expires, they could be on the hook for the private school tuition of every child currently in private school. And really it's those kids who are most likely to get the voucher because a first hurdle to overcome to get into the taxpayer funded voucher program is to be accepted to the private school so you can prioritize all you want if a kid can't get in because they can't pay the rest of the tuition because they have a disciplinary record because they just are not the right fit, because they're not the right religion because they are disabled. Because this bill expands the opportunity to discriminate against our kids who need a special education and who are disabled.

Chairman Buckley ([01:31:54](#)):

Please address the committee substitute.

Rep. Hinojosa ([01:31:55](#)):

Okay, well this is all in the committee substitute. It increases recapture on my district and I don't see a way we pass this bill and not make TRS actuarially unsound. And I will say we asked to question Mr. Guthrie from the TRS about this bill. We have not been given that opportunity. We have serious

concerns and questions with the impact that this has on TRS at a time when we struggle to attract and retain quality teachers in our classroom. This scares me that this is going to make matters worse. And there's something in particular about this bill that I just think adds insult to injury and it's on page 22, on page 22, line 19. This says, right, because we know that what this fiscal note says this voucher will be 11,000—A student who gets this voucher will get \$11,693 because that is 85% of the estimated statewide average, which is on page 21.

Rep. Hinojosa ([01:33:11](#)):

By 2030 it will be 12,282 if we increase student funding for ISDs and charters via this session. It will be more than that by the way. Right? Because this is based on current funding. This number is based on current funding, but this estimated statewide average includes the amount the state is required to contribute to the teacher retirement system of Texas. So it creates this never ending loop, right? We grow the program that subtracts from TRS teachers paying into the program and then we have to factor in the part that the state has to put back into the system to make it sound and then that grows the program. It is never ending loop. That is nuts. I think it makes no sense. I want to bring our attention to some other just real basic problems in this bill even for people who might be supporters of this policy. On page 23, on page 23, there is a provision line 21 and on line 21, and this is supposed to be the hold harmless for school districts that if a child comes back from a voucher program comes back from the private school that the school district gets made whole.

Rep. Hinojosa ([01:34:53](#)):

My understanding is, and we've talked about this, I want to bring it up here so that we remember to work on this because all this says is that if a student goes back, the district is entitled to an allotment of the basic allotment multiplied 0.1. And this is not withstanding any other law. So that comes out to I think \$622, which is a decrease—

Chairman Buckley ([01:35:21](#)):

Plus the basic allotment.

Rep. Hinojosa ([01:35:22](#)):

Okay, I appreciate that. That's your intent.

Chairman Buckley ([01:35:27](#)):

When HB 2 is in effect, it would be what be \$7,300, \$7,400 plus whatever weighted funding the student receives given their circumstance.

Rep. Hinojosa ([01:35:35](#)):

I appreciate that. That's your intent. I don't see where it says that in the bill and so I would ask that that be addressed. I want to say one more thing about the hold harmless, the hold harmless tells school districts that that child is not subject to their accountability rating scores for the first year after the child ceases participation in the program. I think that needs to be at least two years to undo the harm that will be done by catastrophic learning loss. I will say I'm disappointed that still we will be using these taxpayer dollars to market a program that is competition against our ISDs. We don't use state dollars to market for our public schools. I wish we did. I wish we had a San Antonio style "go public" campaign for Texas public schools. That would be pretty awesome and I think that money would be better spent there.

Rep. Hinojosa ([01:36:40](#)):

So I regret that that is still in there. And on page 13, it deals with assessment. I want to talk about this too because this is an issue that is close to the heart of many parents and me in particular because in the name of accountability, my child is subject to the STAAR test because his education is paid for with taxpayer dollars. These kids who are probably most of 'em already in private school won't have to be subject to the accountability. My son is subject to a system that I have spoken about before that when my son was in second grade tried to run away from the school because they were doing STAAR test practice and it was too much for him. We will never get this test off the backs of our public school students if we have a test for the haves and the test for the have-nots. And so I take great offense to the fact that we would not require the exact same test of these students who use taxpayer dollars for their education. I want to say one more thing about that. We just received word that the lawsuit that so many school districts brought against TEA on the accountability system has been ruled in TEA's favor by a court that is appointed entirely by Greg Abbott.

Chairman Buckley ([01:38:28](#)):

Stay on the bill please.

Rep. Hinojosa ([01:38:30](#)):

The system feels rigged and we shouldn't be contributing to that. So I would ask that we look at how that is equitable for our students and do a better job there. There's another issue that I don't understand and it seems like the bill is in contradiction of itself. On page 31 it says the state agency may not [unintelligible] or take other action related to the program that limits an educational service provider, a vendor or program participant—the program participant is the student as defined by this bill—from freely determining methods or curriculum. So here we say the state agency cannot get involved with what curriculum and what methods students use with this taxpayer funded voucher. Earlier in the bill though for homeschoolers, we say earlier in the bill we have TEA has to approve all this stuff and the Comptroller too. So I would ask that we look at that.

Rep. Hinojosa ([01:40:09](#)):

I know it's a big concern of the homeschoolers of which I have many in my district by the way, that there would be these kinds of strings attached. So, I think that's inconsistent—I don't think that's true in the bill, if the other part of the bill remains. And look, I ran for office, I ran for the Texas House also because of school funding, I was on the school board and figured out, oh, guess what? Those money decisions is not having enough money get made here. That's why my son's school is threatened for closure. We had a meeting in our school district last week talking about more school closures and when you look at a bill that is projected to take billions and billions of more billions that we could use on our public school students and billions more in the future when our schools are so, so far behind and school districts are having to make tough decisions of closing schools. This just makes no sense.

Chairman Buckley ([01:41:23](#)):

Thank you representative. I think you summed up in one of your first sentences what I believe about this bill, you described it as a lifeboat. I've never seen anyone jump off of a perfectly good boat, especially for their kids. And so I am not trying to put words in your mouth, but that's the way that I look at this.

Rep. Hinojosa ([01:41:43](#)):

Except the ship is sinking that has all the other kids in it. That is the problem vote.

Chairman Buckley ([01:41:48](#)):

Thank you. Representative Leo Wilson.

Rep. Leo Wilson ([01:41:55](#)):

I just wanted to ask a couple questions. I remember TRS was here and I remember that Brian Guthrie corrected the record that had been out there and the papers and even corrected it in the Texas Tribune stating that school choice will not harm TRS and that the portion that they were looking at was the teacher pay increase and that in the future that could be a problem if we didn't look at that as a legislature maybe in the future for stabilizing and making it actuary.

Chairman Buckley ([01:42:38](#)):

That is correct. There was no significant actuarial impact from the bill before the committee on the teacher retirement system.

Rep. Leo Wilson ([01:42:47](#)):

Okay—

Chairman Buckley ([01:42:47](#)):

Any other—

Rep. Leo Wilson ([01:42:48](#)):

And then one question—

Chairman Buckley ([01:42:51](#)):

I'm sorry. Do you have more questions?

Rep. Leo Wilson ([01:42:53](#)):

And then one other thing that I wanted to make sure that we're looking at is we have an advantage in looking at the 32 other states that have school choice. And so when we're looking at that, I think it's important, Mr. Chairman, that we don't just look at programs for that first year program expansion and look at the income levels that are in that first year level expansion. Because wouldn't you say that clearly parents that are already using some form of school choice have that information and as that information spreads, it's important to look at the whole picture, not just a little narrow in the program for first year expansion.

Rep. Leo Wilson ([01:43:46](#)):

And the reason I'm saying that is when you look at the whole scope of it, 82% of the Arizona ESA participants have an income less than 150,000 per year. So every year that those programs have grown in other states, that takes in more and more of those low income students as they become more informed that there are options. Same thing with Indiana, 75% of those have families with less than 150. So I think it's important to look at the whole scope and not just a couple of programs on what happened during that first year of expansion. Don't you?

Chairman Buckley ([01:44:30](#)):

Again, yes, I think the bill speaks to that. That is the data as we have it across the country. I do want every member to keep the commentary towards the committee sub this before this is a formal meeting about this bill, so let's keep it all directed towards that. Any more questions?

Rep. Leo Wilson ([01:44:46](#)):

I do have.

Chairman Buckley ([01:44:47](#)):

Okay. About the committee sub?

Rep. Leo Wilson ([01:44:53](#)):

Well the committee sub and when we're talking about appropriations and how much does this increase? I know we spend \$96 billion overall on pub ed. How much of a portion of this increase would this bill be for pub ed? I'm sorry.

Chairman Buckley ([01:45:19](#)):

The bill spends \$1 billion.

Rep. Leo Wilson ([01:45:22](#)):

Okay. Okay. So I guess what I'm frustrated with is when we look at the general fund as Mr. Talarico was pointing out, we are appropriators. We have to look at the whole balance of things. So just when I'm looking at that, every time you take something away from the grid, it takes away from maybe general fund dollars that you could spend in public ed. Every time you spend on something else on TXDOT, you're taking money away from something you could spend on the grid. So I guess I get frustrated that this is somehow taking money away because it's not taking anything away from the permanent school fund.

Chairman Buckley ([01:46:18](#)):

That is correct. \$1 billion in general revenue.

Rep. Leo Wilson ([01:46:22](#)):

Okay, thank you.

Chairman Buckley ([01:46:27](#)):

Chair recognizes Dr. Allen for a question.

Rep. Allen ([01:46:34](#)):

Thank you. This bill, this voucher bill, we will eventually destroy public schools. I give it 10 years, five sessions from now. Once you open that a box, many of these will pop up and it will eventually destroy public schools. There are not enough private schools to absorb all the children that are in the public school system. They're not public schools out there with seats that are waiting for public schools children to come to occupy. So that simply means all of the children will not have an opportunity to go to a private school, but private schools do not have to take all of the children. Public schools must take everybody who comes to the door, you must take them in and you must do the best you can to educate them. And so with public schools right now out there in the private schools, you'll see pop-up schools

coming and they are waiting on this voucher bill to pass. You're going to see all kinds of popup schools, mom and pop schools, schools under the tree, schools everywhere.

Chairman Buckley ([01:47:54](#)):

Dr. Allen, the bill requires that the schools be accredited and that's a process. It's in the bill that it will not be popup schools, popup accredited schools.

Rep. Allen ([01:48:07](#)):

Okay, let's go to those that are accredited. Now if they're not pop up under the tree, but if we go to, and I don't want to say that schools that have tuition under a thousand dollars are now raising their tuition in anticipation of this bill passing so that they can solve the whole \$10,000 that's happening. Alright? And so that's another avenue for money coming out of public schools. Private schools are not accountable in terms of—you heard that already and I was trying not to say anything more. Same thing that Gina said or that anyone else has said already. I'm just pointing out some things that really are going to harm public schools.

Rep. Allen ([01:49:06](#)):

With that in mind, nobody who is in public schools and you don't have transportation to get there into the public schools, you're not going to be able to go across town. You have two or three kids. You can't take them to different schools everywhere. And I know you're going to tell me about to take a taxi bill and take an Uber and all of that kind of stuff, but there's no transportation for these kids. So it makes it really difficult. In other words, you see that this is really not for all children and if we are going to help the kids who are in schools that are not servicing them well, we need to invest in public schools too. Just like we are investing in vouchers for children to go everywhere. When vouchers come, we kill neighborhood schools. Schools are closing down right now. Programs are being eliminated in schools.

Rep. Allen ([01:50:06](#)):

This is going to be a detriment to all public schools. And so with that in mind, I don't know anything you can do to fix the bill that convinces me to vote for vouchers that's going to destroy the schools of the future will destroy my children, my grandchildren, my great-grandchildren. So I have to think long-range before I vote for something that's going to take that out of it. I grew up in a segregated time where we went to, my mother taught in a one room schoolhouse and she taught all the kids in the neighborhood and I remember desks that had carvings in 'em and I remember schools, books that had a student's name already. I remember not having a bus to take us to the school and so somebody had to, it was a gentleman in the neighborhood who had a truck and they just put a bed on it and that's how we got to school. So when I had finished high school, there was nowhere for us to go. So I remember those times that we on our way back there to not educating kids. So with that in mind, I would not be voting for the voucher bill.

Chairman Buckley ([01:51:21](#)):

Chairman Frank.

Rep. Frank ([01:51:23](#)):

Thank you Chairman. Just to add a quick clarification and question. First, I love the committee substitute. I appreciate in the initial bill there was prioritization, clear prioritization based on income so that literally those who have less will be first come first or will be first served. Also appreciate the

addition in the committee sub of the cap to make sure that really we will do everything we can to make sure that those who want access to this can get it. And so that's just a comment. Another second comment, and I promise I will have a question. We talked about the professor and what the professor said from Michigan that came down that was against, they are not vouchers. This is not a voucher bill, it's an ESA. But he said here several times that the studies all show that public school improvement, academic performance improves.

Rep. Frank ([01:52:21](#)):

Then he went at length talking about, well it's not huge, I said, but it does improve. So the academic performance, that's what he said and he was the one that was testifying against it. So the idea that things are going to completely fall apart, I understand if people don't like the bill, but the idea that this is going to destroy public schools is to me fearmongering. The question I have is does this, your bill and the committee sub, does it give parents in the rare cases where a public school is not serving their needs and honestly the very best of public schools sometimes don't fit one or 2% of kids for whatever reason, sometimes it's the kid's fault. Does this give them options that don't currently exist?

Chairman Buckley ([01:53:01](#)):

Absolutely.

Rep. Frank ([01:53:02](#)):

Is it prioritized based on income?

Chairman Buckley ([01:53:04](#)):

Yes.

Rep. Frank ([01:53:05](#)):

Thank you

Chairman Buckley ([01:53:08](#)):

Chairman.

Rep. Dutton ([01:53:11](#)):

Thank you Mr. Chairman. I ask this question for several reasons, but when a child from public school gets a voucher to go to a private school, do they become private school students or public school students?

Chairman Buckley ([01:53:33](#)):

They are private school students with certain, I would say requirements that they have to be part of the program. A selection process. Eligibility process for those students.

Rep. Dutton ([01:53:45](#)):

So they're no longer, their status is no longer a public school student. They're no longer enrolled in a Texas public school. Well, you determine enrolled and I guess I was trying to figure out from a legal status, because we make several references in the public schools code to public school students, and I'm

wondering to what extent if any, does that change your legal status when they get a voucher and change them from a public school student to a private school student?

Chairman Buckley ([01:54:28](#)):

I'm not sure I understand the question completely, but I believe it only changes really the location of where they received their education from.

Rep. Dutton ([01:54:41](#)):

And well, I am just trying to be sure that the way we attribute certain rights to private to public school students, will they be extended to those students who get a voucher and is their status changed to private school students simply because they got the voucher, but since the voucher is with the public money, how does that affect their status, their legal status?

Chairman Buckley ([01:55:17](#)):

Well, they're afforded the same rights that every American is in terms of their personal liberties and rights. I would say that one of the concerns against folks that are, let's say not for this bill, is that the IDEA protections or that status that we have at public schools because of all the federal regulation, the bill clearly states that the parent is made aware of that. But then that parent makes that decision when they join that private school that they are not in a public school. But that is not mutually exclusive of the delivery of great services for those students. It is simply done in a different setting where in the public setting it's sort of a partnership between school and federal government and state government and the parent where when really at the private school level, I believe you have the school and the parent that are primarily involved in, of course the student.

Rep. Dutton ([01:56:24](#)):

Right? Well, it's from a legal standpoint, I was just trying to balance whether or not to what extent that has changed. But let me ask you another question and it's in response to Chairman Frank, is a designation based on money, based on how much the family makes in terms of the availability of [unintelligible]. Why do we do that?

Chairman Buckley ([01:56:57](#)):

Why do we do that? Well, [we try to set up a priority schedule that provides opportunities to children that we know have typically struggled more with their academic outcomes. And we arrange those in a way that I think people agree that if we put people in line for the program, that is basically the way we line them up.

Rep. Dutton ([01:57:20](#)):

And so we recognize though, by doing that, family income levels play a part in access to the voucher.

Chairman Buckley ([01:57:32](#)):

Yeah, they are. The lower income basically is a different spot in the line than upper income. However, we prioritize an income level and special needs students before children with special needs, excuse me, without special needs based on their income.

Rep. Dutton ([01:57:53](#)):

So the lower income, so this is really designed for primarily for lower income students.

Chairman Buckley ([01:58:05](#)):

Yeah, income level is special education students with a certain income level than regular ed kids have a certain income level. Then it progresses up in higher level as we go up the chain of prioritization. Yes sir. It is prioritized in a way that we believe will match the needs of families, but it also doesn't assume that other families don't have significant concerns with their children as well.

Rep. Dutton ([01:58:31](#)):

And finally, Mr. Chairman, one of the things that has bothered me about this, and we do this almost at every hearing we have, and I don't care what committee it is, we generally have try to listen to all the stakeholders. And the one stakeholder missing from this hearing were the private schools themselves. We did have a person testifying on behalf of the association and all that, but I'm thinking of the private schools themselves and I would love to, and I think all of this would've benefited from hearing directly from them.

Chairman Buckley ([01:59:13](#)):

And we did, I mean we had testimony from the Catholic schools and from the private school association, but also a superintendent of a private school from San Marcus was here as well as some other folks that were here that actually worked working in private schools as we speak today.

Rep. Dutton ([01:59:35](#)):

Well, I guess I was thinking of some of the private schools that I particularly know in Harris County for example. It would've been great to hear how they're going to respond to this and whether or not they're going to be acknowledging our priority list, for example, and whether they'll even pay attention to it or whether they won't and whether or not we're actually offering the kind of resource that they would be looking at in terms of getting some of these students. I fear that what we are designing is not what they're looking at. And I'd like for us to have known that before we make the choice on how we do this because, and I know I recognize that the votes are there to perhaps do this, but I think our commitment is we ought to make sure that it's done properly.

Chairman Buckley ([02:00:44](#)):

Well, yeah, Mr. Chairman, I think from Catholic School Association, the Bishops that were here, I recall you working the room a little bit to try to get some old schools reopened in your district. Well, I don't know if you were successful or not. I hadn't seen the flyer yet.

Rep. Dutton ([02:01:08](#)):

When I asked to be chairman about if I voted for this bill, will they reopen the two schools in my district?

Chairman Buckley ([02:01:15](#)):

Sir, I will not ever put words in your mouth. I'm not sure that's what you asked.

Rep. Dutton ([02:01:22](#)):

I asked. And I think we all heard their answer too, I think.

Chairman Buckley ([02:01:30](#)):

Thank you, Chairman.

Chairman Buckley ([02:01:31](#)):

The Chair recognizes representative Bryant.

Rep. Bryant ([02:01:38](#)):

Thank you, Mr. Chairman. Mr. Chairman, how many students will leave public schools for private schools if we pass HB 3?

Chairman Buckley ([02:01:52](#)):

I don't think we know. I mean, I think because nobody has to.

Rep. Bryant ([02:02:00](#)):

You have a look at the larger states that have done this?

Chairman Buckley ([02:02:02](#)):

I've looked at most states, if you look at mature programs over time, you would have possibly in Florida, maybe it's, I dunno, seven, 8% of the total. I mean that's after 20 something years of having school choice. But I think you kind of see a consistency across the country. But I think in Texas remains, that remains to be seen because parents will ultimately decide and parents will make all kinds of decisions.

Rep. Bryant ([02:02:29](#)):

How many students will leave public skills for home schooling?

Chairman Buckley ([02:02:36](#)):

I don't know how many. Again, that's a decision the parent will make.

Rep. Bryant ([02:02:40](#)):

Well, if you don't have any real idea about it, then the question occurs: where did you come up with the amount of money in the bill?

Chairman Buckley ([02:02:54](#)):

Well, the amount is the decision of the legislature to start a program to give access, to give enough access to try to meet the needs of students. We anticipate that there are needs and there are students that will leave some leave public schools, some will become private or me homeschool students and we will have to see what that is.

Rep. Bryant ([02:03:18](#)):

Well, you're the author of the bill and presumably when you put a large sum of money in a bill like this is based upon recognition of a certain need based on people who have expressed a desire to leave public school and go to private schools and are based upon the experience in other states and you don't have an estimate?

Chairman Buckley ([02:03:42](#)):

Well, I think, I mean there's an estimate that you will have. This program could probably fund in the end, I guess technically a hundred thousand kids, maybe 80,000 depending on which children they are and which children choose. What I do know as the author of the bill, that what informed me about the need was something very personal and very much at home. And that was children that I know that had struggled with special needs and they had moved from public school to private school or in the process of doing it or struggling in public schools. And that's where I became what informed me about my decisions on this issue overall.

Rep. Bryant ([02:04:32](#)):

Well, that may inform your decision about the issue overall, but I'm asking about where you came up with an estimate of how many people will utilize this process and therefore how much money we need to put into it. And I'm hearing you say, well, you don't really know or really have any idea how many people would want to utilize this.

Chairman Buckley ([02:04:54](#)):

Well, we do know that with the money that it will not exceed the amount of money appropriated.

Rep. Bryant ([02:05:00](#)):

But that's not an answer to my question. I can do the math. I can divide 10,000 into a billion and come up with a hundred thousand. I'm asking, did you do any calculation with regard to how many students need this program before you?

Chairman Buckley ([02:05:17](#)):

Maybe one to 1.5% would be an uptake rate to start, I think.

Rep. Bryant ([02:05:24](#)):

What's that based on? Is it some experience or—

Chairman Buckley ([02:05:27](#)):

No, it is based on looking at programs across the country. Everybody's implements in a different way and so that changes it. But that's sort of the overall—

Rep. Bryant ([02:05:35](#)):

Okay. In 2023 you introduced a similar bill, but it was only \$500 million. It wasn't a billion. So what happened that caused you to increase it from 500 million to a billion?

Chairman Buckley ([02:05:46](#)):

That was the appropriation that is in the budget and that's what has been designated by the legislature. That would be before the Texas House here next week.

Rep. Bryant ([02:05:55](#)):

You're the author of the bill and you designated the amount of money in the bill and in 2023 you designated \$500 million and two years later you designated a billion dollars. Did your study indicate that twice as many kids wanted to access this as in 2023?

Chairman Buckley ([02:06:16](#)):

I believe it reflects what we believe will be the demand for the opportunity that we will not know for certain until we see the program stood up and begin to function.

Rep. Bryant ([02:06:32](#)):

So it's really not based upon any kind of calculation, just a need. It's just a figure, right? It's not based upon the fact that you studied or had somebody else study other districts, other states to see what happened or something unique about our state to be able to estimate how many kids need this in order to move from public schools to private schools.

Chairman Buckley ([02:06:56](#)):

I think you have seen historically what has happened in other states as percentages. And I think that you will likely see Texas parents sort of operate under that same level of participation or they may not.

Rep. Bryant ([02:07:17](#)):

Are you aware that the legislative budget board has indicated that 65% of all the students that leave public schools, I'm sorry, that access the voucher will be people who are already in private schools. Are you aware of that Legislative Budget Board? [That is their information they provide. So you are aware of that? Yeah. Okay.]

So this bill is going to pay for the education in private school of if your estimate is right. Well, let's just take their estimate. This bill then is going to pay for kids who are already in private school to continue in private school. It's going to subsidize their tuition. And in fact, two thirds of them are already in private school. Is that correct?

Chairman Buckley ([02:08:14](#)):

It is. It will depend on who applies. LBB has their estimate, but it is an estimate. Do you agree with their estimate? I am not certain. I know that there are folks at Oak Creek Academy and Killeen will apply. I mean, I know that. And folks at St. Joseph's in Killen Catholic school.

Rep. Bryant ([02:08:39](#)):

If I proposed a billion dollars for public schools in an amendment to one of your bills, wouldn't you ask me to justify that figure and explain why it is needed? You would ask me to justify that and I'm asking you to justify this figure in your bill today.

Chairman Buckley ([02:09:02](#)):

Yeah, because this bill creates an opportunity, as was said, from this dais, a lifeboat and we don't know how many are going to jump on the lifeboat. And for those families, some of those have made that decision to be in private school already and others may be in public school, others may choose homeschool. We will see, and we have an amount of funding that is derived, so we know the amount that a child will generally get depending on their special needs status or not. And that will guide, that

sort of guides our view of how many kids could be in the program, but in the end of the day, we will have to see how many children choose to participate.

Rep. Bryant ([02:09:44](#)):

What proportion of these children that choose to participate are the parents? The parents choose? Yes, they'll choose. But what proportion of the children that benefit from your proposal would be private schoolers and what percentage would be homeschoolers?

Chairman Buckley ([02:10:03](#)):

I think LBB has some determination on that, what they think, but I don't think we know for sure what that mix of students will be.

Rep. Bryant ([02:10:12](#)):

Do you acknowledge the teacher retirement systems consultant estimate that for every 10 children they leave the public schools one teacher or other educational professional will also leave?

Chairman Buckley ([02:10:30](#)):

I saw that. I don't believe TRS agreed with that assessment.

Rep. Bryant ([02:10:34](#)):

Well, TRS testified to that in front of the pensions committee. I was present.

Chairman Buckley ([02:10:41](#)):

Well TRS indicated that there would be no significant impact from this bill on the TRS system. They have more concerns about other bills than they on the TRS system than this.

Rep. Bryant ([02:10:53](#)):

And TRS's consultant already stated—this is called, their name is GRS—their outside consultant stated in their letter of February 3rd that the teacher retirement system is already not in compliance with normal actuarial standards. It is in compliance with an artificial state standard of 31 years of amortization, but it's not in compliance with actuarial standards. Any change in the number of people that are contributing to the teacher retirement system will make it further out of compliance with actuarial standards. Isn't that logical?

Chairman Buckley ([02:11:36](#)):

It's also logical that increasing teacher pay will make them further out of compliance. Both of those things are true.

Rep. Bryant ([02:11:43](#)):

I don't understand how that could be because of their contribution would go up if you raise their pay.

Chairman Buckley ([02:11:46](#)):

Well also their benefits go up and that's a larger percent impact on actuarial soundness or years a number of years than the bill before us today.

Rep. Bryant ([02:11:58](#)):

Well, let's suppose no homeschoolers got involved in it because they're getting about \$2,000, I believe, and it is only a hundred thousand private schools. In other words, we divide \$10,000 into 10 billion and that comes out to a hundred thousand people that utilize the \$10,000 voucher and a hundred thousand students leave the public school system and go to private schools. That would mean that 10,000 teachers or other education professionals also left the system, wouldn't it?

Chairman Buckley ([02:12:32](#)):

That's a hypothetical. It has not been borne out in any other state that 100% of the students were that left public schools to go to a private school. I have more faith in our public schools than that. The parents that parents would choose to leave.

Rep. Bryant ([02:12:49](#)):

Well then the figure of a billion dollars is too high, isn't it?

Chairman Buckley ([02:12:52](#)):

I'm sorry?

Rep. Bryant ([02:12:52](#)):

You put a billion dollars in here and you've offered a \$10,000 voucher, that means a hundred thousand kids.

Chairman Buckley ([02:13:00](#)):

Well, not necessarily because you have special needs kids that can generate up to 30,000 and that can impact it. And we don't know their individual needs or what they will need or what that exact amount will be. So there'll be a number of students, a mixed first class, those that initially receive it, that will be some from public school, some currently in private and some families from home schools.

Rep. Bryant ([02:13:26](#)):

And you don't have any idea how it's going to come out.

Chairman Buckley ([02:13:30](#)):

All I know is we not spend more than a billion dollars. That is absolutely a cap. That's just in the first, isn't that correct? That is the first. And then after that, this legislature can appropriate a billion dollars again or they can appropriate \$0. It is in the hands of the legislature. Every biennial.

Rep. Bryant ([02:13:52](#)):

Well, since no doubt we all want to protect the teacher retirement system, would you accept an amendment that would hold the teacher retirement system harmless from the effects of this bill? That is to say if we lose contributors to the teacher retirement system, that the legislature will put more money into it in order to protect the teacher retirement system from being out of seat.

Chairman Buckley ([02:14:18](#)):

That is a question for maybe the other committee you serve on.

Rep. Bryant ([02:14:23](#)):

No, it would be an amendment to this bill to provide that the teacher retirement system cannot be made actuarially unsound by giving a billion dollars away to private school students.

Chairman Buckley ([02:14:35](#)):

There will be ample opportunity to offer amendments on this bill as this bill moves forward.

Rep. Bryant ([02:14:39](#)):

Would you accept that kind of an amendment?

Chairman Buckley ([02:14:41](#)):

I will look at all amendments, but I do not know the impact. From my visits with TRS in my office and their association and their people showed a level of concern for this bill that was not significant regardless of GRC or whoever. That was not what was communicated to me because I asked them directly and they were more concerned about teacher pay raises and the impact than they were about this bill.

Rep. Bryant ([02:15:16](#)):

Well, I'll just say that we all, we have to work with objective data and the consultant, the TRS told us that for every 10 children that leave the public schools and go to private schools, we lose one teacher or other educational professional, which means we lose one teacher or educational professional who is contributing to the teacher retirement system. And if you have a hundred thousand people sign up for this bill and you surely are expecting that or you wouldn't put a billion dollars in here, we're going to lose 10,000 teachers or other educational professionals that will no longer be contributing to the retirement system. No actuary would ever say he would not be concerned about that.

Chairman Buckley ([02:16:06](#)):

Well, that was exactly what was given to me by TRS. Thank you. Chair recognizes Chairman Ashby.

Rep. Ashby ([02:16:20](#)):

Thank you Mr. Chairman. First off, I want to public thank you for working with myself and I'm sure other committee members in drafting a committee substitute in particular, there's two or three things there that as you know we've talked about. And anyway, I appreciate you putting those in there. I think it strengthens the bill. However, as you know, I also think that there are some, what I would consider common sense measures that could be incorporated in this bill, should it move forward today that do things like generally speaking, improve accountability, further strengthen taxpayer protections through this program, address the imbalance as you heard my superintendent testify for in terms of the imbalance between our public school and our private school, the ESA participants. And I appreciate the work you're doing and I know what you're doing to address that specifically with normal reference tests in replacing STAAR.

Rep. Ashby ([02:17:31](#)):

And so I'm cautiously optimistic on what you're doing on that front. But I do think that's something that as Representative Hinojosa spoke to earlier, I do think that's something that we need to be mindful of. And then lastly, personally, I think that with a program like this and looking at the taxpayer

commitment, I do think that it would stand a reason that we look at a review process, a formal review process or a sunset review process in four, six years by future legislature to really look at the impact of this program across the spectrum in our private schools or public schools. Look at the effectiveness and really, I know you love to talk about what is the impact on kids. And so I guess my question, which is a very simple one, is just like you did on the [prior bill, I just would like to hear you publicly express your continued interest in working with myself and other committee members as we, if this process does move forward today as we get towards the floor and looking at amendments or perfecting amendment by the bill author that you will continue to work with us to improve this bill and strengthen it.

Chairman Buckley ([02:18:51](#)):

Absolutely. I mean this is obviously, I would say a more contentious bill than the last one. There's disagreements on here and there are things that I believe that this policy that some on this dais would never vote for and I respect that. But I'll always, I believe this position requires someone to always listen to ideas. There are things in the committee sub today that, or things that you and I talked about. There are things that Mr. Talarico and I talked about and there's some things that Chairman Frank and I talked about. So that part does and it will continue to work and you have my commitment to continue to work on this issue.

Rep. Ashby ([02:19:30](#)):

Thank you. And I just said I appreciate you saying, because we've heard a lot of discussion about this state and I didn't want that to get lost in this discussion that you're still open to strengthening and improving this bill. And I look forward to working with you on some of those areas that you already know about that I believe can strengthen this bill. So thank you for that, Mr. Chairman.

Chairman Buckley ([02:19:52](#)):

Alright, chair recognizes Vice Chair Bernal.

Vice-Chair Bernal ([02:19:56](#)):

Thank you Chairman. As you can imagine, this part for me is a little bit uncomfortable. It's not often a vice chair disagrees with the chair publicly. But one, I feel about the bill, but also I actually think it's really important that we model for the body, especially some of our colleagues who are not in here, how we can disagree and then have to keep working together on other things. There's, there's an expectations sometimes that we obliterate each other and I don't think that that's necessarily healthy. That being said, I really appreciate the last line of questioning by Chairman Ashby because I do think that's important almost in an uncomfortable way in the last, but we talked about how even though some things need to get better, that even though some things aren't perfect, that there's enough faith and respect amongst us that we can take the time between now and the floor to make things better, that things are not fully baked.

Vice-Chair Bernal ([02:20:55](#)):

And while that has to be true for school finance, I think it's my expectation everyone else's, we just heard your commitment, which I appreciate that. That's also the case here and I want to make sort of my pitch there. I understand people's feelings about opportunity. I understand what people are saying about helping families. We can all come up with an example of some one way or the other that should or shouldn't benefit, but I can't help but think about our own philosophies, our own ideologies that we use in this building all the time. And does anyone know what a cranial remolding orthosis is? I do now.

Right? It's a baby helmet, right? It's a baby helmet. And for about eight years I've been trying to, I promise this relates to the bill. About eight years have been trying to pass. I think we're way off that track by now.

Vice-Chair Bernal ([02:21:55](#)):

For eight years I've been trying to pass a bill that would have Medicaid cover the cost of baby helmets. And for all those eight years I've been told no. And the reason I've been told is this fear that somehow some black-market cottage industry will be created where these things are overprescribed and kids who don't get it, who don't need it will get it. That somehow there'll be too many baby helmets. The kids who need it, not just for the brain development but for cosmetic purposes will get it and they're not the ones who deserve it. So for eight years the answer has been no. The fiscal note on that bill is a million dollars, a million dollars a "no" worth a million dollars for baby helmet because we're worried that kids, babies who don't need it will get it. That is the justification for the "nos."

Vice-Chair Bernal ([02:23:04](#)):

And yet here I understand the 20% piece and I understand what it's attempting to do, but in light of that, what I hear it saying is not that it's limited to 20% of those students, but that it's reserved for them. That 20% of the bill is reserved for people that we already know don't need it. And the possibility of that group can grow. I'm not saying that's the spirit of the chairman, but in light of all the "nos" that some of us have endured over time, whether it comes to baby helmets or foster care or the uninsured, it is hard to stomach and swallow because we've been told "no" for a variety of reasons. For people who are certainly more deserving at a cost that's far less than this is in its first year, its second or the remainder. And so I'd like for us to keep that in mind.

Vice-Chair Bernal ([02:24:05](#)):

There's two ways that those of us who are in the position that I'm in can go about our work here. One is being a hard "no" and just saying "no" all the time. And sometimes our job is to change policy for the better and make it the best version of itself that it can be. And so that's where I think we are. In the end, we may vote no. What if we are serious about making sure that this bill helps the people that we believe it's supposed to help, then the question I would ask is, does the version in front of us do that? And if it doesn't, then just like the last bill chairman, we take the time between now and the floor to change it to make sure that it does that in a way, not just that makes the people who are still going to vote no comfortable, but also for the people who honestly feel pressured to vote "yes" can be more enthusiastic about. I think that you've shown that you're willing to do that and banking on the same effort and the same goodwill that you've shown with the last bill, we will work very closely together on and will continue to do that. That goodwill makes its way to this bill as well. Thank you.

Chairman Buckley ([02:25:22](#)):

Okay, Representative Schoolcraft for question please. Thank you Mr. Chairman. I'm done.
Representative Hinojosa for a question?

Rep. Hinojosa ([02:25:40](#)):

Yes. On page 29 of the bill, it says tuition and fees [unintelligible] prohibited. It says an education service provider or vendor of educational products may not charge part child an amount greater than the standard amount charged for that service or product by the provider or vendor. A standard amount is not defined. It has come to my attention that there are religious schools that have one price for people

of that faith and a different price for the people who are not of that faith. And I'm asking whether that will continue to be allowed for recipients of this voucher.

Chairman Buckley ([02:26:40](#)):

So it's like, yeah, I don't know if I understand completely. So you're talking about a product—

Rep. Hinojosa ([02:26:50](#)):

I think this also applies to tuition, but either—

Chairman Buckley ([02:26:52](#)):

Okay. No, you're talking about, okay—

Rep. Hinojosa ([02:26:54](#)):

I'm sorry. Yeah, either way. For example, can a Catholic school, my understanding that there are religious schools, and I don't want to call it one religion and get it wrong, but there are religious schools that have different prices depending on whether or not you are a person of that faith, will recipients of this voucher be allowed to continue to discriminate based on religion charging one price for people of the faith and a different price for people not of that faith?

Chairman Buckley ([02:27:23](#)):

I am not advised if that occurs. I know that from what I understand, Catholic schools provide scholarships to students regardless of their religious beliefs. And then these would be able to access. But student is attending a Catholic school, they can use their ESA just as they could in any other setting.

Rep. Hinojosa ([02:27:46](#)):

And so if the school does provide different, does provide that, whether or not you are of the faith, you pay a different price. Will that continue to be allowed if they receive the voucher,

Chairman Buckley ([02:27:59](#)):

I believe what the operation, if you will, of a private school or Catholic school instance will remain the purview of that school.

Rep. Hinojosa ([02:28:10](#)):

So they'll still be able to charge different prices based—

Chairman Buckley ([02:28:12](#)):

On, I don't know that they do that, but

Rep. Hinojosa ([02:28:15](#)):

I want to speak to something that Representative Ashby brought up and this idea of a sunset. I would ask that if we're going to actually either way, I would ask that the chairman look at the part of the bill that does an annual report and demographic report. Those two are separate for some reason. I'm sorry. So it's page 33, it goes through 34 and 35. And I am not understanding why those two things are separate. I would ask that we combine those and that we also look at what this doesn't cover in this

report is how students who were not in private school, so who are coming from the public school and the figure I have from the LBB report is they project that only 14% of students will leave the public school. So most of the kids, according to LBB will be private school kids.

Rep. Hinojosa ([02:29:17](#)):

But for those kids that leave the public school and go to private school, how it impacts them, that currently is not data that's collected. It doesn't, it doesn't divide up the kids who are already in private school who are now getting the voucher versus the kids for whom this is a new experience for them. And so I would ask that we do that. And I just want to finally correct the record and say, I believe my colleague is misremembering that we heard from the TRS executive director Mr. Guthrie, for our school finance bill. We never got to hear for this bill, any iteration of this bill. And while I really appreciated hearing the expertise from our colleague who sits on the pension committee, I think that it's a very important information and I wish we would've had resource witness here from the TRS to answer those questions.

Chairman Buckley ([02:30:26](#)):

Is there objection to the adoption of the committee substitute? Chair hears none. The substitute is adopted. The chair moves that SB two as substituted be favorably reported to the full house with a recommendation that it do pass and be printed. The clerk will call the role.

Clerk ([02:30:43](#)):

Chairman Buckley. Aye. Vice Chair Bernal? No. Alan? No. Ashby. Aye. Bryant? No. Cunningham. Aye. Dutton? No. Frank. Aye. Hinojosa? No. Hunter? Yes. Kerwin Aye. Leach? Yes. Leo Wilson. Aye. Schoolcraft? Aye. Talarico? No.

Chairman Buckley ([02:31:13](#)):

Okay. There being nine ayes, six nays, the motion prevails.