

The National Association for the Advancement of Colored People



Pennsylvania State Conference of NAACP Branches
Education Committee

Statement of House Bill 2468

Submitted to the Pennsylvania General Assembly: House Education Committee
June 26, 2012

The Pennsylvania State Conference of the National Association for the Advancement of Colored People stands with the National Office of the NAACP in its overall goal to ensure that all students have access to an equal and high-quality public education by eliminating all education related racial and ethnic disparities. The NAACP at the national, state and local levels believes there is no greater civil rights issue in the United States today than the preservation and protection of universal, free, and appropriate public education.

The Pennsylvania State Conference of NAACP Branches, through its Education Committee, has given close attention to the contents and intent of HB 2468 introduced by Representative Christiana to amend the Public School Code of 1949. As a result, we call on all members of the House of the Pennsylvania General Assembly to oppose this Bill or any proposals that emulates its actions or intentions.

We find that Article XIII-B, Educational Improvement Tax Credit, of HB 2468 focuses on the diversion of taxes due the Commonwealth of Pennsylvania through a tax-exempt financial infrastructure for the expansion of the free market effort to use children as a business commodity.

Article XIII-B of HB 2468 would create a system that will divert hundreds of millions of dollars in tax income, with on-going, annual incremental increases to the amounts, from the state. No legislative findings justify such a loss of state revenues. Indeed, while this bill both ignores and precludes the substructures necessary to provide education that is "thorough and efficient"; it weakens the state's overall budget capacity, thus harming all citizens relative to programs that might be cut or eliminated in the absence of revenues.

Article XIII-B would allow for a drastic tax advantage for businesses that designate contributions for scholarships over business contributions for innovative educational programs. This bias is reflective of the focus on business expansion over education quality as are the reporting requirements for each.

- "Scholarship Organizations", although they collect and distribute hundreds of millions of dollars, are protected from either transparency or accountability concerning the management of those funds.
- "Educational Improvement Organizations" are required to work through an extensive application, project approval, and reporting process. Applications are subject to a review system and can be rejected by The Department of Community and Economic Development of the Commonwealth.

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Article XIII-B addresses a fabricated need. A survey of the private school availability and enrollment in cities and counties across Pennsylvania indicates that private schooling is not a priority for the citizens as a whole. Hence, as a state concern, the need to create a tuition payment system under the Department for Community and Economic Development for private schooling is a fabricated demand.

Many of the existing private schools have a student population of fewer than 35 children. Many have 1-4 students per grade level. Other than pre-kindergarten businesses, nearly all of them are religious schools; a majority of them are segregated - having total white student enrollments.

Article XIII-B ultimately places children in danger. The imminent danger for children in private school settings is created by legislated limits on private school monitoring. Because of these, it can, and often does, take years to learn of harm done to children.

- Private schools are not required to report abuse.
- Private schools are not required to report violent incidents
- Private schools are not required to follow the mandated state curriculum.
- Private schools are not required to assess student progress or demonstrate that students are learning.
- Private schools are not required to make accommodations for students with special needs.

Furthermore, the PA NAACP finds that Article XIII-C of HB 2468 does not support its stated intent in the ways that follow below.

Providing for private school education through tax dollars (or through diverting tax dollars from the state) is not a civic imperative as consistently demonstrated by public response.

- Two-thirds of the tax payers in the commonwealth oppose using state revenues to pay private school tuition and fees.

The Bill does not provide the opportunity for inter-district school choice.

- No district has to participate in this process and districts do not have to accept "certain" students.

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The bill does not provide assistance to all Pennsylvania families equally.

- The bill institutes a system of tuition and school related fees payment that give priority to families already enrolled in private schools. A survey of the population currently enrolled in

private schools in Pennsylvania reveals that these, to a very high percentage, are white students attending religious institutions for which the schooling is an integral part of the religious mission.

The bill does not keep to its stated intent to provide “assistance to disadvantaged school- age children who would otherwise attend persistently low-achieving schools”. To the contrary, in effect, the bill designates the resources of moderate income households to provide tuition for families better financially situated.

- This bill makes funds available to households with incomes up to \$75,000.
 - From 2009 to 2010, 51,000 (32.9 percent) more hourly-paid workers in Pennsylvania earned at or below the Federal minimum wage, with all of the increase occurring among workers paid exactly the Federal minimum wage of \$7.25 per hour.
 - Women accounted for 64 percent (132,000) of the hourly-paid workers who earned the prevailing Federal minimum wage or less in Pennsylvania in 2010, while men accounted for the remainder (74,000).
Available at: http://www.bls.gov/ro3/mw_pa.htm .
 - This bill continues to pay tuition and school related fees for students within the attendance boundaries of a school that has been removed from the “low-achieving” list.
 - This bill sets “income allowance” figures per eligible student or dependent members of a household at \$15,000 in 2013. The median household income for Pennsylvanians was 2006-2010 was \$50,398
Available at: <http://quickfacts.census.gov/qfd/states/42000.html>.

The use of monies to pay private school tuition does not decrease the burdens on the Commonwealth or on the local districts.

- The sporadic withdrawal of a student to attend another school does not lower the cost of maintaining a facility, but may increase the transportation requirements for a district.

A program of financial assistance to enhance educational choice does not aid efforts to equalize educational opportunities.

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- Pennsylvania is not currently making efforts to equalize educational opportunities for children of the Commonwealth. Such an effort requires equity in the state funding formula for public education.
- Underfunded schools remain underfunded. Pennsylvania has an outdated, regressive school funding- formula that leaves districts with low tax bases to flounder. The budget cuts to education have eviscerated these districts and left the children without resources essential to a quality education.

A program of financial assistance to pay student school tuition cannot be demonstrated to foster development of a more capable and better educated workforce.

- Paying student school tuitions and fees seeks neither to identify, nor attempts to address the underlying causes that impede student school performance.

The fundamental premise of HB 2468; that a program of financial assistance to enhance educational choice relates to quality education and an effective system of education, has not been upheld.

- Private school data is not available to be used to support the premise because; by legislation they are protected from transparency and accountability. Again:
 - They are not required to report abuse.
 - They are not required to report violent incidents
 - They are not required to follow the mandated state curriculum.
 - They are not required to assess student progress or demonstrate student achievement.
 - They are not required to make accommodations for students with special needs.
- Charter schools, cyber charter schools, and area vocational-technical schools are given legislative protection from the definition of “low-achieving school” even though some are known to demonstrate low student performance on state mandated tests.

Ultimately, Article XIII-C has no boundaries. The designation “low-achieving school” is nebulous in that there will always be a lowest 15%. Even if all schools identified as elementary or secondary achieve a required annual yearly progress designation, most assuredly there will be a statistically lowest group. As that is the case, there will be an annually increasing and never ending drain on public funds with no other purpose than to pay private school tuition and related fees.

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The PA NAACP supports legislation and strategies that genuinely put students first. We advocate for fully funded, fully resource universal public education because in that setting, we can most effectively eliminate all education related racial and ethnic disparities and keep children safe.

We support addressing the issues that impede successful student performance and appropriate social behavior. Our current research (Conference on the State of Education in Pennsylvania, May 25, 2012 testimonies on tape) is revealing that much of what is happening in schools where students struggle or exhibit social aggression is related to the unresolved trauma children experience due to poverty; social, community, and family chaos; homelessness, hunger, physical and sexual abuse, and issues surrounding the incarceration or military deployment of their parents.

We look forward to sharing this research with members of the state legislature in the near future so that effective and constructive legislation can be crafted to address these conditions and provide students access to the services they need in order to achieve to their intellectual capacity and develop their human potential.

We also stress the need for fully funding universal public education so as to allow schools to restore the art and music programs, language programs, higher level math and science programs and extracurricular activities necessary for a thorough and efficient public education.

Respectfully submitted,

Joan Duvall-Flynn

For the Education Committee of the Pennsylvania Conference of NAACP Branches

Mr. J. Whyatt Mondesire, President