



TO: The Honorable Members of the Pennsylvania House of Representatives
FROM: Concerned Education Stakeholders and Advocates
SUBJECT: House Bill 2169 – Lifeline Scholarship Program
DATE: March 28, 2022

On behalf of the undersigned organizations, we respectfully urge all members of the Pennsylvania House of Representatives to **vote “no” on House Bill 2169, which would create a tuition voucher program for students costing taxpayers and the schools that need resources the most almost \$170 million.**

HB 2169 is the latest attempt to establish an education voucher program in the commonwealth. Whether they are called “lifeline scholarships,” “education savings accounts,” “education opportunity account scholarships,” “academic excellence scholarships”, “tuition grants,” or “keystone scholarships,” these bills are all the same. Playing smoke and mirror games or tying the voucher program to specific populations of students does not change or hide the real ideological intent of the proposals. “Lifeline scholarships” are just the latest iteration of school vouchers that will siphon precious taxpayer resources away from public schools, and send those resources to private schools, higher education institutions and entities that are not accountable to the public for their decisions or results. House Bill 2169 will lessen educational opportunities for students, while leading to funding cuts and higher local property taxes.

HB 2169 would take money from accountable school districts that serve all students, and provide it to private schools in an ill-conceived program administered by the Pennsylvania Treasury that creates yet another taxpayer funded system of education. Not only could school districts’ state aid be sent to unaccountable private schools, but such money could also be diverted for higher education, tutoring, uniforms, textbooks, curriculum, test fees, hardware and internet services, and other expenses approved by the Department of the Treasury. The voucher could also be used for costs of evaluation and identification of special needs – services that school districts and intermediate units already provide at no expense to families. Finally, if voucher money remains after the eligible student graduates, the student would be permitted to use the money for the first two years at an institution of higher education – not even refunded to the resident school district.

Significantly, HB 2169 gives the false impression of seeking to help students receiving special education services. In truth, this proposal will have a substantial negative impact on this student population as a result of its implementation and the resulting funding cuts to public schools. Nonpublic schools are not governed by the Individuals with Disabilities in Education Act (IDEA) which guarantees students with disabilities and their parents with significant rights, services and protections related to the student’s education. The bill expressly prohibits the commonwealth or its agencies from regulating participating entities – including a non-public school. This effectively means the state would be prohibited from

requiring a nonpublic school enrolling voucher recipients to comply with IDEA or state regulations governing special education even though additional resources would be allocated under the proposed voucher program to provide educational supports and services to students with disabilities. Ultimately, families and students are more vulnerable without these protections.

Student eligibility under the program is duplicative, at best, and a handout to wealthy families at worst. For example, the bill requires that an “eligible student” reside in the boundaries of a low-achieving school. The definition of “low-achieving school” references the term used under the Opportunity Scholarship Tax Credit (OSTC) program created in 2012. Therefore, it’s yet another state program targeting the same students population. And despite what proponents say, there are no guarantees HB 2169 will help or even prioritize children from economically disadvantaged families. There are no income limits for families to receive the voucher, which means the voucher can subsidize a wealthier family’s private school tuition. Additionally, HB 2169 would create an incentive for parents to have their children identified as gifted in order to access a voucher – a process that is largely driven by parents in school districts.

HB 2169 would undermine Pennsylvania’s responsibility to ensure every student in every community has equal access to public education. School districts in Pennsylvania are already underfunded and this legislation requires that money for vouchers be deducted from a school district’s state subsidy. The bill calculates the voucher by taking all state revenue (minus transportation) provided to a school district, including property tax relief money and pension reimbursement, and dividing by a school district’s average daily membership (ADM) to calculate the base voucher amount. For students with disabilities, the base voucher amount would then be multiplied by the appropriate weights in the special education funding formula – depending on the severity of a student’s disability. Student enrollment in the voucher program would also not be finalized until after districts approve their budgets, thus leaving districts completely in the dark about how much state funding would be available to them even as the General Assembly finalizes its budget.

It is truly stunning that after decades of debates on property taxes and pensions, that a voucher proposal would seek to further erode local taxpayer relief and ultimately the state’s pension reimbursement to districts by including those payments in the voucher calculation. It is also fascinating that the special education funding formula weights are good enough for the calculation of a tuition voucher, but somehow continue to be problematic in applying them to ALL public schools (i.e., charter and cyber charter schools).

HB 2169 also fails to establish legitimate academic accountability for the voucher program. In fact, the only source of academic accountability is a parent satisfaction survey administered by the Pennsylvania Treasury. The bill does not require the use of state assessments, or even alternative assessments. And there is no requirement for any kind of student performance data reporting to allow objective evaluation of the success of students or the voucher program. This is all inconsistent with recent discussions over the release of state assessment results from the 2020-2021 school year. In fact, in a recent [letter](#) to the Pennsylvania Department of Education, Speaker Cutler and Chairman Sonney argued that:

“The release of PSSA test results is important to this legislative body, as the results are used for a variety of public policy purposes, including the relevant budgeting and allocation of resources as well as the determination of revisions to state education laws.”

Are policymakers only concerned about the academic results of state investments in public schools? We would assume that the academic results of a new state funded voucher program would be equally as important to policymakers.

Further, these vouchers present ample opportunities for fraud and abuse as seen in other states. Treasury would be authorized to use debit cards to provide the voucher to families. An Arizona evaluation of its education savings account program found that parents have used voucher debit cards on unauthorized purchases, including a new television. One parent enrolled their child in a public school and simply accepted the money from the voucher debit card. Another parent used their debit card to pay for a child that did not even reside in Arizona. Employees of non-public school entities have been found to misappropriate funds in both [Wisconsin](#) and [Florida](#) with the purchase of luxury vehicles and a complicated money laundering scheme. We raise these examples, because we are concerned that the Pennsylvania Treasury is not prepared to undertake the responsibilities of creating and implementing the program, let alone what would be required to actually enforce the program. Giving such expansive new responsibilities to Treasury is new, and as such, we are interested in its position on the legislation and what kind of budgetary revisions would be required for its FY 22-23 appropriation.

Perhaps most importantly, voucher programs like HB 2169 lack parental support. In recent polling conducted by Cygnal, Inc. of Washington D.C., nearly two-thirds of parents with a child in a Pennsylvania K-12 school favored providing struggling schools with additional resources and supports over providing students in those schools with a voucher to attend a private school. It's fair to ask then, what is the driving force behind all of the different voucher schemes?

HB 2169 is simply ideology wrapped in bad policy. There are far more pressing problems within public education that deserve the attention of policymakers, namely helping students, schools and communities recover from the pandemic. We urge you to focus your time and energy on these very real challenges and reject HB 2169.

Sincerely,

Allies for Children

AFT- Pennsylvania

The Arc of Pennsylvania

Children First

Disability Rights Pennsylvania

Education Law Center

The Education Policy and Leadership Center (EPLC)

Education Voters of Pennsylvania

Keystone Research Center (KRC)

Pennsylvania Association Career and Technical Administrators (PACTA)

Pennsylvania Association of Intermediate Units (PAIU)

Pennsylvania Association of Pupil Services Administrators (PAPSA)

Pennsylvania Association of Rural and Small Schools (PARSS)

Pennsylvania Association of School Administrators (PASA)

Pennsylvania Association of School Business Officials (PASBO)

Pennsylvania Budget and Policy Center (PBPC)

Pennsylvania Partnerships for Children (PPC)

Pennsylvania Principals Association

Pennsylvania School Boards Association (PSBA)

Pennsylvania State Education Association (PSEA)

Philadelphia Federation of Teachers

Pittsburgh Federation of Teachers (PFT 400)

Public Interest Law Center

SEIU 32BJ

Trauma Informed Education Coalition