

## Memorandum

---

To: Members of the Pennsylvania State Senate

From: Arthur G. Steinberg, AFT Pennsylvania

Date: June 4, 2021

RE: **SB733 (Education Opportunity Account Scholarship Program/Previously ESAs); SB1 (EITC and Charter Expansion Bill); SB351 (Community Engaged School Pilot)**

---

The following discusses pending legislation with action anticipated in the near future. It is not a comprehensive overview of our positions. Please contact us if you have any questions.

**[SB733: Voucher Bill](#)** (Education Opportunity Account Scholarship Program/Previously ESAs)

**AFT Pennsylvania Position: Opposed**

**Current Status of Bill: Referred to Senate Education (June 3, 2021)**

Public education is a public good. Funding public education for every child is not optional, and it is no secret that the Pennsylvania State Constitution requires a thorough and efficient public education for every child in the commonwealth. The refurbished voucher plan that has resurfaced under the guise of “Education Opportunity Accounts” (EOAs, also known as ESAs) is simply another way to circumvent our constitutional and moral obligation to ensure that every child, regardless of race, gender identity, immigration status, or income, has the opportunity to thrive.

Investing in EOAs and other voucher schemes with opaque requirements and regulations only further exacerbates the inequities our students experience each day. This scheme further detracts us from what should be our shared commitment to fully funding public education for students in every community.

### *National Research*

The concept of Education Savings Accounts (or EOAs) is one that has been implemented in a number of places, and it is one that has raised serious red flags. I urge you to review the [research put forth by our national union, the American Federation of Teachers](#). Among the highlights from the document, you will find the following:



## AFT Pennsylvania

*A Union of Professionals*

- The Nevada Supreme Court has suspended funding of education savings accounts. The court found that the education savings account legislation did not contain an appropriation to fund its operation in accordance with the state constitution's requirement that "no money shall be drawn from the treasury but in consequence of appropriations made by law," and enjoined any use of funds from money appropriated from the Legislature's K-12 public education appropriation law.
- Most education savings account programs have been passed with minimal fiscal oversight or accountability requirements for private schools and participating parents.
- Education savings account programs have few protections to ensure that only high-quality schools and educational programs are eligible for vouchers. For example, the only requirement for a qualified school in Arizona is that the school not discriminate based on race, color, or national origin.
- No state requires a private school to employ state-certified teachers, or accept all students that apply to the school.
- ESAs have the potential to increase inequity and hinder public accountability. And these programs' harms do not come with the benefits that voucher proponents proffer: student performance improvement.
- ESA programs' allocation of funding for special needs and at-risk students attempts to convert per-pupil funding numbers into an individual entitlement. As a result, special needs and at-risk students receive less support and fewer services by participating in ESA programs than they would if they had remained in a public school.
- Large-scale education savings account programs can be expected to have general education students leaving public schools at a greater rate than special education students. This is likely the result of private schools being less likely to provide special education services at the same level as public schools.
- Emerging research indicates that large enrollment losses to choice programs are systematically undermining the finances of school districts.
- The subsidization of the education of children of affluent parents who would attend private schools or home school is a substantial new cost and will limit the revenues available for traditional public school students.
- A study of Georgia voucher schools by the Southern Education Foundation found that 115 voucher schools had explicit anti-gay policies or belonged to private school associations that promote such policies. And some voucher schools use textbooks that defend the majority of American slaveholders and the Ku Klux Klan.
- Nothing in these laws prevents private schools from having their own admissions policies.

3031 Walton Road, Building A, Suite 340, Plymouth Meeting, PA 19462 | 215-587-6784

10 S. 19th Street, Pittsburgh, PA 15203 | 412-431-5900

600 N. Second Street, Harrisburg, PA 17101 | 717-238-9351

[www.aftpa.org](http://www.aftpa.org)  AFT Pennsylvania  @AFTPAUnion

An affiliate of American Federation of Teachers, AFL-CIO



# AFT Pennsylvania

*A Union of Professionals*

- Across the county, teachers in religious institutions can and are fired for things public school teachers do legally every day, because the religious institution governing the school considers such conduct “immoral.”

Education savings accounts—either universal or more limited programs—are another choice program that drains money from public schools, has no academic or fiscal accountability to taxpayers and families, and is not likely to raise student achievement. Instead of jumping on the latest privatization fad, states should invest in public schools and research-backed strategies to improve student achievement. This means collaboration among stakeholders built on shared responsibility and accountability. It means addressing the needs of communities through community schools and wraparound services.

## **SB1: EITC and Charter Expansion Bill**

### **AFT Pennsylvania Position: Opposed**

#### **Current Status of Bill: Referred to Senate Education (June 4, 2021)**

We reiterate our opposition to the unfettered expansion of charter schools and the privatization of public schools. Instead of looking for ways to truly fund public education so that our students can receive the resources they so richly deserve (and to which they are constitutionally entitled), the legislature is once again working up schemes to privatize and profit from public education.

Following are some points of concern within the legislation. This analysis is not comprehensive but does outline some of our main areas of concern and opposition.

- Establishment of public charter school commission (p.29): this allows charter operators to circumvent local processes and will open the door for irresponsible and fiscally unmanageable expansion. This will, again, shortchange public education.
- Allowance of educational management service providers (p.41): this allows already outsourced education services to be even further outsourced. It encourages the furtherance of a business model for education which is exactly the opposite of what public education needs. Instead of looking for ways to invest in public education, this bill looks for ways to further privatize it.
- Circumvents local governing body (p.42): the process outlined beginning on p.42 outlines the ultimate authority to renew charters—thus further attempting to render local boards powerless and further the unfettered charter expansion that is the goal of this legislation.
- Provision of facilities for standardized testing (p.46): the provision of facilities for cyber charter schools in order to allow their administration of standardized testing



## AFT Pennsylvania

*A Union of Professionals*

is a problematic component of the legislation and seems an absurd item to need to codify by state law. In fact, this practice should be determined at the local level to the degree possible.

- Enrollment: the section on enrollment begins on p.47 by outlining the need for universal enrollment without academic requirements for charters. However, the entire section is then negated by the language on p.50 which allows all charters to have a host of criteria for 'specialized' programs which would entirely allow selective admissions and thus further the inequities perpetuated by charter schools.
- OST/EITC voucher expansion (p.89): this legislation increases "opportunity scholarship tax credits" to the tune of \$300,000,000 (from \$155 Million). Additionally, this legislation increases this allowance by an astonishing 25% annually beginning in 2022-23. This would be catastrophic for public education and the students we serve, and a boon for corporations looking to profit in the name of faux charity.

### **SB351: Community Engaged School Pilot**

**AFT Pennsylvania- Position: Opposed**

**Current Status of Bill: Re-referred to Senate Appropriations (May 24, 2021)**

AFT, and its affiliates, has championed community schools as a very impactful way to ensure that students have the resources and supports they need to thrive. This bill simply misses the mark. Instead of working to develop and expand community school initiatives already in place (such as the Community Schools model in Philadelphia), this bill creates an entirely new program that requires District matching in terms of funding. Further, we are concerned that this bill opens the door to the further privatization of public education and the circumvention of collective bargaining agreements. Ultimately, community schools can and should be part of the public school system—which is exactly why we have long advocated for just that.