

To: The House Committee on Education
From: Rep. Rebecca Holcombe, on behalf of cosponsors
Date: Mar 27, 2024
Re: Proposed amendment to Miscellaneous Education Bill H. 874

This amendment requires districts that choose to close their public schools to designate other public schools to educate their children. VT statute currently allows districts to designate up to three schools to serve as their public schools for the purpose of tuitioning.

With cost shifting (e.g. social services, college costs, mandatory PK vouchers even if space/capacity is available in house) and tuitioning, the Ed Fund is becoming a leaky bucket that no revenue source can fill.

Our funding formula, even with proposed changes, is increasing the risk that we will totally lose control of both cost and quality.

The purpose of the amendment (copied below) is to get some assurance that in the second half of the session, House Ed will put forth proposals on how to patch some of the leaks and put us on the path to a strong, affordable and fair system of education.

It also ensures that efforts to support strategic consolidation to bring down spending and improve quality for the 90% of our children who learn in public schools are not undermined.

Proposed language:

16 V.S.A. § 830 is added to read:

§ 830. PROHIBITION ON SCHOOL CLOSURE AND TRANSITION TO PAYING TUITION

A school district shall be prohibited from closing an existing school and providing for the education of its resident students by paying tuition for its students to attend a public or approved independent school chosen by the parents of the district's students. A school district that closes an existing school shall provide for the education of its resident students by designating a public school or schools to serve as the public school of the district in accordance with sections 821, 822, and 827 of this title, as applicable.

This amendment builds on work in House Education last session and anticipates the increased likelihood of public school closure created by Act 127 and the current lack of a state strategy to bring our children under fewer roofs— the quickest and most constructive way to reduce high spending. This amendment ensures we can both provide our children with excellent opportunities and do so at a price we can afford. It is designed to address the financial risks, performance risks and civil rights risks associated with closing public schools and paying tuition vouchers to private schools. It has the effect of building up existing public schools to ensure they are robust and operating at scale.

Again, this amendment reflects the reality that our education fund is currently such a leaky bucket that no revenue source can fill it. It also reflects the reality that future affordability and quality depend on keeping our precious dollars in the public education system where they can be managed and controlled, especially at a time when changes are on the horizon and hard conversations are coming, whether we want to have them or not.

1. **Financial risk:** Vouchers take scarce funding from public schools (which serve 90 percent of students) and give it to private schools –institutions that are not accountable to taxpayers. Given our shared education fund, vouchers drive higher spending for everyone. For a VT local example, the Black River High School was closed because its community decided it was too small to provide the robust opportunities its students deserved. Then [a private school with no teachers and 15 previously private-pay students](#) was approved to operate in the same facility and to receive taxpayer dollars. If the estimated \$300,000 sent to that school was instead applied to a nearby public school, it would substantially reduce the per pupil cost and expand opportunities for all students at that public school, and by extension, the whole state.
2. **Financial Risk:** Existing research suggests that [vouchers incentivize private schools to increase tuition](#). Consistent with this finding, House Education took testimony last year from private schools that reported that they used tuition paid by school districts to subsidize private pay students, which makes clear that the tuition they charged districts was too high for district students. This amendment prevents that risk.
3. **Performance Risk:** [Existing research](#) on the impact of vouchers on student performance show large, negative impacts of vouchers on student achievement. Taxpayer funded students in Vermont private schools are required to take the same assessments as students in public schools, and their scores are— or at least used to be— included in the state scores that are announced each year.¹ Rep. Buss and Rep. Brady both requested test data for private schools over a year ago, and despite follow up, have yet to receive any of this data. In the past, the average scores of all students enrolled in our academies were almost the same as the scores for all students enrolled in public schools, on average. However, I have seen internal analyses that suggest the test scores of small private schools were much worse than the test scores of small public schools. In the absence of data, this amendment protects students from private schools that are not transparent but are low performing.

¹ In response to a request, the AOE was unable to confirm whether this is still true.

4. **Performance Risk:** Private schools get the same public dollars, but do not have to follow the same rules. Research on the effects of [accountability on voucher programs](#) suggests that when voucher schools are required to use the same testing and reporting requirements as public counterparts, student performance was much higher. In Vermont, given lack of transparency and accountability, we have no assurance that poor performance in private schools is not weighing down our overall state averages.
5. **Civil Rights risk:** When districts pay tuition to out of state private schools, Vermont cannot enforce its antidiscrimination statutes in those settings. Nor can it require those schools to serve students with disabilities, students in classes that are protected in Vermont but not in other states and nations, nor students who might be more challenging to educate. This means students have unequal options. This concentrates students with more needs in inclusive Vermont schools. This amendment would prevent that.
6. **Civil Rights risk:** Vermont private schools cannot currently be required to comply with Vermont anti discrimination statutes if they claim that those statues burden their free exercise of religion. This amendment would prevent that.