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HOUSE JOINT RESOLUTION NO. 561

Offered January 10, 2001

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Establishing a joint subcommittee to study the efficacy and appropriateness of school vouchers and tuition tax credits and deductions.

Patron—Marshall

Referred to Committee on Rules

WHEREAS, since the federally directed report in 1985, "A Nation at Risk," in which the nation was warned concerning the academic decline in many public schools, and the people of the country were called upon to take immediate action to reverse this decline; and

WHEREAS, a growing number of parents of school-age children have expressed their dissatisfaction with public schools, pointing to inadequate facilities, deteriorating infrastructures, incompetent teachers, crowded classrooms, lack of textbooks, academic programs without rigor, falling test scores, school crime and acts of violence on school property, inadequate funding for public education, the lack of resources and community support, the inattention of school personnel to their concerns, problems noted by business and industry that many high school graduates cannot perform basic communication and computative tasks, and lack critical thinking and analytical skills needed in the workplace; and

WHEREAS, states responded to the call for school reform with an array of options, including school choice, charter schools, magnet schools, home schools, tuition tax credits and deductions, school vouchers, accountability standards, the elimination of social promotion, revised and rigorous academic programs, high-stakes testing, and interdistrict and intradistrict transfers; and

WHEREAS, however, of the aforementioned options, one of the most hotly debated and divisive issues concerns school vouchers and tuition tax credits and deductions; and

WHEREAS, only a few states have implemented such initiatives, most of them having been struck down by state and federal courts as unconstitutional; and

WHEREAS, surveys and polls of citizens reveal the broad appeal of school vouchers and tuition tax credits and deductions; and

WHEREAS, advocates of school vouchers and tuition tax credits indicate that such choices provide equity for poor children, allow them to escape from troubled schools, afford such children the same education their well-to-do peers expect; create competition that will encourage public schools to improve; and

WHEREAS, advocates contend that the public education system is a monopoly that ill-serves its most vulnerable clients, offering students who families cannot afford private or parochial education no choice in the land of freedom and choices; and

WHEREAS, this two-tiered public education system, advocates proclaim, perpetuates the separation—"the haves from the have-nots"—that many persons suffered and struggled against, making significant sacrifices to ensure equal educational opportunities for all children; and

WHEREAS, opponents of school vouchers and tuition tax credits and deductions indicate that such school reform approaches siphon money away from public schools where the majority of students are found, promote separation along racial and income lines, would have a negative fiscal effect on strapped jurisdictions, would allow public funds to be used illegally at private and religious schools; and would skim the cream off public schools, leaving them to serve the most educationally challenged students; and

WHEREAS, opponents argue, claims that students, especially poor and minority students, who transfer from public to private schools through the benefit of vouchers and tax credits have higher academic achievement, are subtly deceptive because many factors that may influence low academic performance are not present in private and religious schools; and

WHEREAS, Virginia is committed to providing an excellent and high quality education for all children, and many parents of diverse backgrounds have expressed their desire for an educational option other than the public schools; and

WHEREAS, it is in the public interest to provide the best education possible for Virginia's children, and it is in the public interest to respond to the requests of parents and the public to investigate school vouchers and tuition tax credits and deductions to determine whether such options are efficacious and appropriate to meet the educational needs of many school-age children in the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That a joint subcommittee be established to study the efficacy and appropriateness of school vouchers and tuition tax credits and

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59 deductions. The joint subcommittee shall consist of 10 legislative members, to be appointed as follows:
60 six members of the House of Delegates, to be appointed by the Speaker of the House in accordance
61 with the principles of proportional representation contained in the Rules of the House of Delegates; and
62 four members of the Senate, to be appointed by the Senate Committee on Privileges and Elections.

63 In conducting its study, the joint subcommittee shall (i) consider the issues associated with school
64 vouchers and tuition tax credits and deductions, including the advantages and disadvantages of each
65 option, their legal sufficiency, and the fiscal impact; (ii) review the configuration of these options in
66 other states; (iii) include in its deliberations a review of federal initiatives and an interpretation of each
67 relevant court decision around the country relating to these options; (iv) monitor relevant cases
68 progressing through Virginia's, other states, and federal court systems; (v) conduct and review a
69 comprehensive literature search on each option, giving particular attention to recent reports that assess
70 the effectiveness of these school choice options on student performance, and the academic disadvantages
71 of each option; (vi) identify the concerns and perspectives of the African-American community and
72 other minority persons, supporting and opposed to school vouchers and tuition tax credits and
73 deductions; (vii) analyze the public policy implications, based on the literature search, of these options
74 for African-American and other minority persons; (viii) estimate the number of public school students
75 whose parents would opt to use school vouchers and tuition tax credits and deductions; (ix) determine
76 the maximum limit at which school vouchers and tuition tax credits and deductions should be set and
77 estimate the costs to the Commonwealth; and (x) consider such other related issues as the joint
78 subcommittee deems appropriate and submit its findings and recommendations.

79 The joint subcommittee shall provide appropriate opportunities for public participation in the study to
80 the extent practicable, taking care to ensure the broadest participation possible.

81 The direct costs of this study shall not exceed \$25,000.

82 The Division of Legislative Services shall provide staff support for the study. Technical assistance
83 shall be provided by the Department of Education and the staffs of the House Committee on
84 Appropriations and the Senate Committee on Finance.

85 All agencies of the Commonwealth shall provide assistance as requested to the joint subcommittee
86 for this study.

87 The joint subcommittee shall complete its work in time to submit its written findings and
88 recommendations to the Governor and the 2003 Session of the General Assembly as provided in the
89 procedures of the Division of Legislative Automated Systems for the processing of legislative
90 documents.

91 Implementation of this resolution is subject to subsequent approval and certification by the Joint
92 Rules Committee. The Committee may withhold expenditures or delay the period for the conduct of the
93 study.