



## **SB 8 Poses a Threat to Students' Civil Rights with Devastating, Discriminatory Impacts on Vulnerable Students**

**TLEEC Testimony Against SB 8, submitted by Diana Long to the Texas Senate Education Committee, March 22, 2023**

Dear Chair Creighton and Honorable Members of the Senate Education Committee:

My name is Diana Long, and I am testifying against SB 8 on behalf of The Texas Legislative Education Equity Coalition (TLEEC), a collaborative of 30 organizations and individuals with the mission to improve the quality of public education for all children, with a focus on racial equity. We advocate at the local, state, and national levels for high-quality teaching, curriculum and instructional practices and bilingual education for emergent bilingual students, as well as fair funding and enhanced college access and success.

Our testimony today focuses on deep concerns regarding Article 2 of SB 8, which would establish an education savings account (ESA) program and Sec. 28.0043 under Article 1 regarding the restrictions on instruction regarding sexual orientation and gender identity.

### **Funding Education Savings Accounts Means Funding Discrimination Against Students**

TLEEC does not support any mechanism that inherently takes public money away from public schools under the false disguise of “parental choice.” Under a voucher plan, Texas families will be left with fewer choices, poorly funded public schools, and a diminished public education system dedicated to serving all, including those with the greatest needs. Public schools stand to lose significant money comprised of state and local funding. But the cost of running those schools remains. The lights have to stay on. It is imperative that the legislature recognizes that they are constitutionally held responsible for “establishing the support and maintenance of an efficient system of public free schools” (Texas Const. Article VII, §1).

Public funds should go to the schools that educate, care for and raise Texan children. Any plan to divert public money to private schools would reduce the services public schools can provide and make it harder to keep teachers we need employed. At the same time, children may be subject to more discrimination from private schools because they are not required to serve all students equally. Students with disabilities, in special education, bilingual education, or of diverse religious and gender identities could be denied admission and educational services (Abrams & Koutslavis, 2023). In this case, it is not the “parents” choice, it is the “schools” choice. Public school money should not be used to fund discrimination against students.

Education savings accounts and other similar voucher programs lead to serious accountability issues, considering that they use *public* money. Private schools would not be required to disclose to parents and

the public how they operate or how they manage their finances. Private schools also are not required to administer the STAAR test or be rated under the state's A-F accountability system.

We do not need to look far to see how voucher plans are playing out in other states. In Arizona, the vast majority of families applying for vouchers already enroll students in private schools, letting the vouchers just act as a subsidy to those already attending (Fischer, 2022). And even after decades of voucher systems in effect, researchers have found there is no evidence that they significantly increase student achievement (Spector, 2017).

TLEEC stands firm against any attempts to pilfer money from our state's 5 million public school children. Support of any voucher or education savings account plan takes public money and accountability out of the hands of Texas students, parents, educators and communities.

### **Censorship Policies and Restrictions Threaten Student Civil Rights and Safe Schools**

Students deserve to feel safe in their schools to learn. SB 8 threatens students' civil rights and safe school climates. Section 1.014 specifically censors gender inclusivity conversations in classrooms which makes schools less safe. SB 8 bans "instruction, guidance, activities or programming regarding sexual orientation or gender identity by school districts, charter schools, school employees, and third parties for every grade level." While some important concepts in this provision are undefined, the imprecision of this clause inconsequently leads to discriminatory and targeted enforcement of LGBTQ+ speech, activities and support in schools.

The provision creates a hostile school climate by excluding LGBTQ+ students and representation from school. Just as private school settings should not be publicly funded to discriminate and exclude students, neither should public schools be sites of exclusion. All students should have access to welcoming, supportive school environments that enable them to learn and thrive.

### **Recommendations**

We urge the legislature to strengthen our public schools.

- **Invest heavily in basic and weighted funding for public schools.** School funding is just one piece of the education puzzle, but research has shown it is the most important when it comes to providing children with a high-quality education (Latham Sikes, 2022). Any effort to divert scarce public funds to private schools is not the answer and worsens the situation. Giving private schools an advantage at the expense of public schools is contradictory to our responsibility to educate all Texas students and would exacerbate problems like school segregation or disparities in the quality of education some students receive.
- **Support policies that create community standards that reinforce culturally sustaining school communities.** These practices can protect educators while also making our schools safer, more engaging places for all of our students. Allowing students and educators to engage freely and authentically to question why inequalities persist, despite the promise of individual equality under the law, is a necessary aspect of a healthy school environment for all students.

For questions, please contact TLEEC either through Dr. Chloe Latham Sikes at IDRA (chloe.sikes@idra.org), Jaime Puente at Every Texan (puente@everytexan.org), or Fatima Menendez at MALDEF (fimenendez@maldef.org).

*The Texas Legislative Education Equity Coalition (TLEEC) is a collaborative of organizations and individuals with the mission to improve the quality of public education for all children, with a focus on racial equity. The coalition convenes organizations and individuals who advocate in the interest of public school students at the local, state and national levels.*

### **TLEEC Member Organizations**

ARISE Adelante	National Association for Chicana and Chicano Studies (NACCS)
Austin Justice Coalition	– Tejas Foco
Breakthrough Central Texas	San Antonio Hispanic Chamber of Commerce
Coalition of Texans with Disabilities (CTD)	Texas American Federation of Teachers
Children at Risk	Texas Association for Bilingual Education (TABE)
Dr. Hector P. García G.I. Forum	Texas Association for Chicanos in Higher Education (TACHE)
Easterseals Central Texas	Texas Association of Diversity Officers in Higher Education (TADOHE)
Educators in Solidarity	Texas Association of Mexican American Chambers of Commerce (TAMACC)
Ethnic Studies Network of Texas (ESNTX)	Texas Center for Education Policy, University of Texas – Austin
Every Texan	Texas Hispanics Organized for Political Education (HOPE)
Houston Community Voices for Public Education	Texas League of United Latin American Citizens (LULAC)
IDRA (Intercultural Development Research Association)	Texas NAACP
Measure	The Arc of Texas
McNeil Educational Foundation for Ecumenical Leadership	The Education Trust in Texas
Mexican American Civil Rights Institute (MACRI)	UnidosUS (formerly known as NCLR)
Mexican American Legal Defense and Educational Fund (MALDEF)	
Mexican American School Boards Association (MASBA)	

### **Resources**

Abrams, S.E., & Koutsavlis, S.J. (March 2023). The Fiscal Consequences of Private School Vouchers. Southern Poverty Law Center, Education Law Center, Public Funds Public Schools. [https://pfps.org/assets/uploads/SPLC\\_ELC\\_PFPS\\_2023Report\\_Final.pdf](https://pfps.org/assets/uploads/SPLC_ELC_PFPS_2023Report_Final.pdf)

Fischer, H. (September 8, 2022). Most applying for Arizona vouchers already go to private schools. Arizona Daily Star. [https://tucson.com/news/local/education/most-applying-for-arizona-vouchers-already-go-to-private-schools/article\\_34d75b9a-2968-11ed-812b-f7dad22200b5.html](https://tucson.com/news/local/education/most-applying-for-arizona-vouchers-already-go-to-private-schools/article_34d75b9a-2968-11ed-812b-f7dad22200b5.html)

Latham Sikes, C. (August 2022). How Texas Schools Are Funded – And Why that Matters to Collective Success, IDRA Issue Brief. IDRA. <https://idra.news/IBTxScIFunding>

Spector, C. (February 28, 2017). Vouchers do not improve student achievement, Stanford researcher finds. Stanford University News. <https://news.stanford.edu/2017/02/28/vouchers-not-improve-student-achievement-stanford-researcher-finds/>