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SUPPLEMENT

FIFTH DAY (CONTINUED) — FRIDAY, NOVEMBER 17, 2023

HB 1 DEBATE - SECOND READING

(by Buckley, et al.)

HB 1, A bill to be entitled An Act relating to primary and secondary education, including the certification, compensation, and health coverage of certain public school employees, the public school finance system, special education in public schools, the establishment of an education savings account program, measures to support the education of public school students that include certain educational grant programs, reading instruction, and early childhood education, the provision of virtual education, and public school accountability.

REPRESENTATIVE BUCKLEY: There is no more important issue than providing educational excellence to more than six million Texas schoolchildren. To that end, the select committee that Speaker Phelan appointed this last summer held two days of hearings in mid-July to hear testimony from stakeholders across the state. In mid-August, a formal report was released with recommendations aimed at solving problems highlighted in the hearings and proposed policy solutions in keeping with the charges of the committee. The bill before you is built around the findings in that report.

Over the last several months, the debate over education in Texas has been framed in an either/or manner—either you support public education or you support parental choice. I reject that premise, and **HB 1** delivers historic funding and accountability assessment reform for our public schools while also creating education savings accounts that prioritize students with learning challenges and families in need of more education options. As the father of three children, I was blessed with the resources to provide them unique educational experiences and opportunities to meet their unique talents and also to help them deal with their unique challenges. Susan and I found those opportunities for our kids in Texas public schools, and for that I am forever grateful. I'm certain that **HB 1** invests in the eternal truth that no one is more important in the education of a child than a parent. That investment must include empowering parents with the choice of choosing an outstanding public school and parental choice options.

As I mentioned earlier, **HB 1** is built upon the hard work of the Select Committee on Educational Opportunity and Enrichment, but it's also built upon the hard work of the Public Education Committee that met during the 88th Session. **HB 100**, **HB 11**, and **SB 9** from the regular session, which all passed with bipartisan support in this chamber, are included in this legislation. Now, I know that most members are primarily concerned with the ESA provision, and

we'll discuss those momentarily, but my goal in working on this bill has always been to offer as much positive support from the State of Texas to as many students as possible in our great state.

HB 1 is a large piece of legislation, and it covers a number of policy areas. Article 1 is intended to improve educator compensation and retention, and improve the quality of educator preparation. It adjusts the minimum salary schedule, it reforms the process through which the State Board for Educator Certification can sanction teachers, and it codifies recommendations from the 2022 Teacher Vacancy Task Force to include the creation of a residency partnership allotment and a teacher time study by the Texas Education Agency. Article 2 includes changes to the public school finance system beginning in 2023-2024, including a one-time retention stipend for all part-time and full-time teachers, counselors, nurses, and librarians. It establishes a fine arts allotment to bring quality fine arts education to some of the most challenged kids in our public schools. These changes are designed, in part, to provide for immediate financial infusion to educators for the current school year, as recommended by the Teacher Vacancy Task Force, but to also make sure we make strategic investments in programs that will hit the hearts of more kids in our great state. Furthermore, Article 2 provides a grant program to offset the reduction in certain funds due to property value studies—the old local values versus assigned values in the state. This topic garnered much discussion in our select committee hearings. This bill sets a path forward to resolve that for our public schools. The teacher stipend begins in year one. It's \$4,000 for full-time teachers, nurses, counselors, and librarians; \$2,000 for part-time teachers, nurses, counselors, and librarians, and the teacher pay raise is paid for by an increase in the basic allotment in year two, the second year of the biennium, at \$6,700. Article 3 also includes several allotment-specific adjustments to the funding formulas. It creates new allotments for certain student groups, including students in pre-K partnerships and military family students—students that deal with moving around our country, that deal with parents being deployed, that deal with often human loss. Our military students and our military families are a tremendous asset to my district, to many of you on this floor, and also to our great state.

The changes in this bill are designed to ensure that the legislature invests additional state funds into the finance system, both broadly and specifically, to best meet the needs of Texas students and to abide by the state's constitutional requirement that the legislature establish and make suitable provision for the support and maintenance of an efficient system of public free schools. Article 4 introduces a number of sustained investments in public school systems beginning in the 2025-2026 school year and beyond, designed to adjust allotments that are created to improve student outcomes including, again, the basic allotment which our districts have told us time after time is important. It expands the teacher incentive allotment to recognize more excellent teachers, and modifies certain existing allotments to include funding for P-TECH and New Tech students, as well as those campuses that are participating in the Additional Days School Year program.

We all know that teachers matter most to student achievement than any other aspect of our schooling. You put a great teacher in front of a classroom and that's your pathway to education outcomes success for our kids. So the expansion of the teacher incentive allotment is a key lever to ensure that great teachers stay in the classroom. Further, early results from campuses participating in the Additional Days School Year have shown a five-plus point increase in the accountability scores from 2019 to 2022 when you compare them with campuses that do not offer this option. Article 4 recognizes implementation hurdles with these programs and adjusts requirements and technical support accordingly. Among other changes in Article 4, we create new funding streams for students in advanced math pathways to help ensure more students graduate high school prepared for college level coursework. We want more kids to take Algebra I in the eighth grade. Article 4 also shifts special education funding to be reflective of the intensity of services provided, as recommended by the Texas Commission on Special Education Funding.

Article 5 enacts many of the recommendations that the commission has from the 87th Legislature, including creating the comprehensive system related to special education to ensure state and local compliance with federal and state law related to special education. Article 5 also creates and reauthorizes multiple grant programs for certain student populations, such as those with dyslexia and autism.

Article 6 establishes education savings accounts administered by the comptroller with broad eligibility for parents in Texas to access savings accounts administered by certified education assistance organizations. They can fund tuition, fees, and other approved educational expenses at pre-approved educational institutions and service providers. If there are more applicants than funds available, the program will prioritize participation among low-income families and students with disabilities. The program includes accountability through private school accreditation and has various mechanisms to prevent fraud or abuse as well as autonomy protections for institutional participants. There will be an annual report on the program and a review as part of the TEA sunset review process. The ESA amount in this bill is 75 percent of the estimated statewide average amount of funding per student and average daily attendance for the applicable school year as determined on January 15 of each year. Currently, under this bill the amount would be approximately \$10,500. Money not spent for that year is returned to the comptroller and to the general fund and funds do not roll over. Homeschooled students would receive \$1,000. Appropriation limitations for the program include the greater of the amount of money appropriated for purposes of the program in the preceding biennium or the amount of money necessary for the biennium to provide the amount specified under Section 29.360 for each participating child and each child on the waiting list. So basically, if you have it you can keep it, and then the waiting list is prioritized and through that process those children are funded.

The prioritization for students in public school, private school, and home school in grades K through 12—they're all eligible to apply. The first priority are children with disability or members of a household with a total income that is at or below 400 percent of the federal poverty limit. That's \$120,000 a year. Priority

group number two are members of a household with a total annual income that is at or below 185 percent of the federal poverty limit which is \$55,500 or below. Priority three is for children who are members of a household with a total income that is between \$55,500 and \$120,000 a year. And priority four are children who are members of a household with an annual income of \$120,000 or greater. The expenses covered include tuition and fees from private schools, higher education tuition and fees, textbooks, instructional materials required by a school, costs related to academic assessments, expenses for tutors, transportation, computer hardware and software that is prescribed by a physician for a child's educational benefit, and certain qualified academic centers' before- and after-school programs.

The program requires the student who accepts the ESA to take the state assessment or a nationally normed-reference test that crosswalks to the state assessment. The onus is on the parent for the student to sit for the exam. Students who do not perform satisfactorily on the assessment two years in a row are no longer qualified for the ESA program. TEA ensures that each child participating will be administered each assessment, and TEA shall provide the comptroller the results. It also requires the comptroller to audit program participants. If a child leaves the ESA program, the local ISD or local education agency is entitled to receive an amount equal to the amount of the child's account returned to the state. So if you take an ESA and you go to a private school for a quarter of the year and then you go back to a public school, the remaining balance of 75 percent of that account travels with that child back to the public school. And when the child returns, that child is not included or considered a part of the accountability system for that campus for the remainder of that year. This bill requires a waitlist to be developed by the comptroller with categories and demographics of students that are applying, and particularly those that did not receive an ESA. It requires the comptroller to deliver an annual report on the efficacy of the program, and money received under the program may not be used to pay any person who is related to a program participant. And critically, the legislature every odd year has the opportunity on a go-forward basis to evaluate the program and reauthorize funding for this program.

So ultimately, under this article we have to decide is every circumstance and every opportunity for a kid in a public school now—does it meet their needs? I would say for the vast majority the answer to that is yes. It met the needs for my kids. It met the need for myself and my wife and my family. It meets the needs for my nieces and nephews. I'm assuming it will meet the need for my grandson. However, there are Texas families, to no fault of anyone, who things just aren't working. They may be a child with special needs, they may be a child that is being bullied, or maybe a child that for some reason that experience is just not serving them well—they're not advancing in a way that parents want. Article 6 simply provides a pathway.

Members, I would argue, at a time such as this, it is absolutely important to fund our public schools, help make up for this tremendous inflationary burden that they are under, but also give parents every tool in the toolbox. Think back to the moments in your own life. There are many parents here. Think about the

times when you weren't sure that things were going the way they should for your child in school. When that happened to me, we had the resources to pick up and go elsewhere. Not every Texan is that privileged. Not every Texan has those options, and so for a very small percent of Texans, Article 6, education savings accounts will provide that option.

In my district in Killeen, there's a school called Oak Creek Academy. It was founded in a metal building on the edge of town that was a former day care. The director of that program is a high school classmate of mine who taught public school for 12 or 14 years, and received her doctorate in special education. Her passion is helping kids with special needs. To that end, she purchased a school that was left vacant by our local school district, remodeled it, and created the Oak Creek Academy for kids with special needs where 84 extraordinary youngsters attend every day. These children face significant learning challenges. Many are autistic. Many have never been to any school but that school. Others had been in public schools where parents just felt like they were not receiving what they needed. Many of the public schools agreed that the children were not receiving what they needed, and so Oak Creek is a landing spot for those kids. Among those kids, of course, are their parents. An E-4 in the army with a wife who works the drive-thru at the local Raising Cane's who also works another part-time job, and a soldier that works on the weekends when he can't pay the tuition. The tuition, by the way, which is under \$10,000 a year. It is a family such as that that this program is designed to serve. A family that is faced with challenges for their kids that I never faced. And I'm certain there are members on this floor that have, and I pray that you are able to provide that opportunity for your kids. I know many of you have. Again, for me, finding the solutions to unique challenges for my children was to take them to another public school, but for some parents that isn't an option.

Members, I urge you to consider that today as you vote on this bill, as you vote on amendments. Is there a place for parents that have exhausted all other options? That aren't blessed with the finances or the time to pick up and move or adjust their daily work schedule so you can drive further to take your kids to school and pick them up after school. Is there a place for them in your consideration today? Members, this is a really contentious issue, and I have friends on both sides, and I can assure you we will be friends after this debate. But I humbly ask for you to look at the merits of this bill from top to bottom, from the investments we make in public schools to the parental options to secure their God-given right to direct the education of their children. I ask you to give it a really, really close look. Put yourself in those shoes, and ask yourself why are you really here?

I never thought about this issue much over the last several sessions. Quite frankly, when school choice was brought up to me as a school board member, I kind of shrugged it off because I never considered taking my kids anywhere but to a public school. But I can tell you one thing, when I was sitting on the House Education Committee in March and a bill came before the committee that basically said if a child is failing to be reading on grade level by the third grade that parents should have an option to access some private money to get extra

tutoring to close the gap at the most important time in their education. And what disheartened me the most was the resounding no from so many. The resounding no. Will today be a resounding no to the second grader that can't read? Will it be a resounding no to the parents with two children with autism that are struggling to keep them in an environment where they are thriving? Will it be a resounding no? I ask you to think about that today.

And members, there's more. As we move through the bill—Article 7 provides early literacy changes that build around teacher literacy achievement academies or reading academies. Article 7 has changes that should look familiar. It has parts of a bill that moved me and other members to consider a school choice option. A literacy bill. A literacy bill that said if a student is at-risk and not reaching grade level in third grade, "What can we do to catch that child up in the most important time in their life?" Why that is controversial I do not know.

As we move on, Article 8 enacts recommendations from the Texas Commission on Virtual Education. It clarifies funding allocations for hybrid and full-time virtual campuses, and it defines student eligibility and provides professional development for educators. And finally, Article 9 creates the Texas Commission on Assessment and Accountability that requires that commission to develop and make recommendations by 2025 for improvement to the current assessment and accountability systems that apply to public and charter schools, and the adoption of new assessment and accountability systems as provided by the federal Every Student Succeeds Act. Members, this is A-F. This is the STAAR test. This is a moment when we say—when parents tell us the STAAR test creates anxiety. It's one test one day. There's anxiety with my child. There's anxiety with our schools. There's anxiety amongst teachers. This is the opportunity for us to come together and have real meaningful reform. The last time this body considered accountability and assessment reform was in 2015. Great ideas, a long laundry list—there's one pilot program that came from that. And I can tell you now, given the litigation status of A-F, you can't tell me that that system is not in need of reform. Accountability is important, but we need a system that recognizes the stress and strain that we put on our teachers and our kids, but also one that recognizes the holistic value of what our great public schools do for our kids. This bill will also, through this provision, prohibit TEA from assigning A-F ratings in 2022-2023 school year, and requires TEA to use the accountability manual from 2022 until the 2025-2026 school year for purposes of rating school systems. You may have heard that TEA has released raw data yesterday. My office is still working through that.

Members, there is more than that in this bill, and that has been an exhaustive layout, and I apologize for that. But I wanted to take this opportunity at this time, after all this hard work, and you sit here in November—barely an empty seat—to hear what's in this bill. Not what social media said was in this bill. Not what someone told you at the grocery store was in this bill, but from the author of what's in this bill. I look forward to having this debate with you today, and I look forward to answering any questions you may have.

REPRESENTATIVE CAIN: Representative, the opponents of this are saying we already have school choice in Texas. Is this true?

BUCKLEY: Well, I mean, you have options. You have options where you can, often, take one child from one school district to another. In our great public schools we have magnet schools, early college high schools, and those types of options. Some districts are open enrollment, others aren't. But what it doesn't contemplate—what our system doesn't contemplate is a system when all those options still continue to fall short of what parents want for their child. And so that's really what we're talking about. This doesn't contemplate the options that are currently there. What you described is what my wife and I—it's the choice that we had access to and we could provide. Mainly because of where we lived and the fact that there were multiple school districts around us, and I'm a flexible schedule person. I could drive from district to district. That is allowed, but this is parent-driven.

CAIN: I think we see some statistics, and correct me if otherwise, that something like 30 states, including D.C., have some form of school choice. Is that correct?

BUCKLEY: Yes, I believe 32.

CAIN: Okay. In those states, have we seen educational outcomes improve for those students or are they failing?

BUCKLEY: I think you can make a great comparison—you can look at the State of Florida. If you look at the Miami-Dade County schools, you're seeing unbelievable improvement in children that are early learners, tremendous early childhood improvements. And that's in their public school option, but you also see about nine other programs that really are tailored to meet the specific needs of families, but more importantly the specific needs of children.

CAIN: And those states that are doing this—what's happened to public education? Has public education been defunded or ruined in these 30 states that have a school choice program?

BUCKLEY: I would say, like anything else, the quality of programs of any sort of government endeavor varies in quality from state to state, but you have no evidence of public schools being defunded under these programs. And so I believe that as we look forward in this bill, we need to take into consideration that the funding that is provided in this bill is outside of the Foundation School Program. This is a separate appropriation, and the bill is constructed that it will always be. That is, I think, our protection against that. Because like I said, this is not an either/or. This comes down to too much as an either/or discussion. You're either this side or that side. I would argue that, on behalf of Texas children, the place to be is for all kids, and I believe this bill does that.

CAIN: Have we seen any improvements in the traditional public schools in those states? Have public schools' performance improved due to maybe the competition that comes with school choice programs?

BUCKLEY: Yes, I believe so. I'll cite Miami-Dade County schools again in Miami that have shown tremendous improvement in that same environment. You know, what's interesting, when I was a young veterinarian, I bought my first veterinary clinic, and I borrowed a lot of money. It was kind of the dream of a lifetime. And after driving into work one day, and on a vacant lot on the side of the highway in Killeen, Texas, it said, "Coming soon: PetSmart with a full-service veterinary clinic." And I thought to myself, "Wow, corporate America has come to my little slice of the world." And this behemoth would eat me alive, and there'd be no way that I could compete in that environment. But what I found under that environment of competition, if you will, is I made certain that I did the things that were positive of the things I could control. And that was every encounter I had with those that had entrusted me with the care of their animals was to make certain that that was the absolute best outcome that I could provide for them. That's what I've always thought about competition in anything—is that that provides a relative amount of incentive. And often this bill would provide a relief valve. You know, superintendents call me all the time, especially with special needs children about the challenges they're facing meeting those needs and often that becomes a struggle—an expensive struggle, if you will, between parents and public schools. I think you can find an option—you can find a solution for that in this bill as well.

CAIN: Excluding home-schooled students, what's the amount of the ESA that a child may qualify for under this bill?

BUCKLEY: In this bill as drafted, \$10,500.

CAIN: Is that higher or lower than the average private school cost of tuition? I understand it's around \$9,700. Is that correct?

BUCKLEY: Yes.

CAIN: So it's lower, okay. So in many instances people could afford to go to these private schools?

BUCKLEY: Absolutely, that's why the bill is drafted as it is, you know. This is not a bill that is intended to be a discount for anyone. This is a bill that provides a pathway for a very unique population of youngsters.

CAIN: Okay, so I would think, and I think you've said this, but I just want to—there's been a lot of people saying that if you support this program then you're against the other programs. So when you say it's possible to wholeheartedly support the institution of public education yet still affirm the primary role of parental involvement—

BUCKLEY: Absolutely. This is not an either/or proposition.

CAIN: And I've heard said—you're the chair of Education, tell me if this is true—parental involvement, how important is that in a child's education?

BUCKLEY: Well, there's nothing more important.

CAIN: Okay, so it's number one?

BUCKLEY: It's number one.

CAIN: How does this bill increase parental involvement?

BUCKLEY: Because it gives parents a choice.

REPRESENTATIVE TROXCLAIR: First of all, Dr. Buckley, I just want to say thank you for working in such good faith over this entire year with all of the stakeholders to try to come up with something that respects our public schools, that invests in education, and also respects the right of parents to choose the best education for their children. Because there has been so much attention on, unfortunately, not outcomes for children but impact in school districts, I want to ask specifically, are you aware of the studies that have shown that outcomes for public school students—kids that are enrolled in public schools—outcomes for those kids actually increase if parents in the district have an opportunity for an education savings account?

BUCKLEY: Yes, I've read those studies. I've been reading studies on this issue from across the country for months. And I would also say that, in an effort to emphasize the fact that this is not an either/or proposition, you could also make the case that though the parents choice portion of this bill may improve outcomes, but I can assure you that the significant, historic funding level for public schools will improve outcomes as well. So again, this is not an either/or proposition, the bill speaks to both.

TROXCLAIR: Are you aware—there's a few studies here, there's one from 2014 that says the introduction of a tax credit scholarship program has a positive effect on student learning in nearby public schools. There's another one—oh, actually it goes on to say in a large-scale analysis of over 3 million students, the authors find evidence that public school students benefit academically after the introduction of a tax credit program. There's another one here that says the results printed here are consistent with the hypothesis that voucher programs such as the LSP increased student performance by lifting all boats, students enrolled in all kinds of education options. And last but not least, in one of the most comprehensive studies from recently when more money followed the child to the school of their family's choice, the students who remained in public schools experienced larger learning gains. So I just want to make sure that it's clear that in this discussion where some have pitted pro-public school against pro-school choice, that's not the case at all, is it?

BUCKLEY: No, not at all. That's why this bill is constructed the way it is. I'll go back, it's not an either/or proposition. What this bill does in total, in tandem, is to lift up the quality of education for Texas children, which is the goal—to lift up the quality of education for Texas children. And that's why these things are together. And for some, that's why you don't like one part and you may like the other. And for others you may like that part, but not like the other. But I'm telling you these things go hand in hand. They are not mutually exclusive. The evidence is clear that we can have tremendous opportunities for Texas children if we follow this pathway. And specifically those that need it the most. Again, those of us sitting in this room, we have options and we exercise them every day for our kids—or did.

TROXCLAIR: I'd love to ask you about teacher pay as well because over 30 other states have already adopted some sort of school choice program. We have data, so we don't have to rely on fearmongering or what if or whataboutism. We have the data that shows us what happens to kids, what happens to teachers. And are you aware that teachers—public school teachers in areas where there is an ESA program—teacher pay increases? So this program is good for teachers as well.

BUCKLEY: Absolutely, and this bill, again, is not an either/or proposition. Both parts of this bill, if you will, provide a direct teacher pay raise in the school finance section, and then the data shows that the other choice option has the effect of increasing teacher pay.

[Amendment No. 1 by Buckley was laid before the house.]

BUCKLEY: This first amendment was requested by the comptroller's office to provide some minor changes in the bill. It makes technical corrections to make certain that their roll in this legislation can actually function, and it also makes certain that we add that uniforms are an acceptable expenditure under an ESA account. This amendment is acceptable to the author.

[Amendment No. 2 by Raney, Darby, Allison, Dean, and Shine to Amendment No. 1 was laid before the house.]

[Representative Tinderholt raised a point of order against further consideration of Amendment No. 2 under Rule 11, Section 2, and Rule 11, Section 3, of the House Rules on the grounds that the amendment is not germane to the bill and the amendment changes the original purpose of the bill. The speaker overruled the point of order.]

[Representative Tinderholt raised a point of order against further consideration of Amendment No. 2 under Article III, Section 40, of the Texas Constitution on the grounds that the subject matter of the bill is not included in the governor's proclamation. The point of order was withdrawn.]

REPRESENTATIVE RANEY: Members, this amendment strikes Article 6 from **HB 1**. First of all, I want to commend Chairman Buckley for his work on **HB 1**. I support everything with one exception: the creation of ESAs or vouchers. I have served six terms of the house and never before have I come to drastically change a colleague's bill. I am by no means a public education expert, but I believe in my heart that using taxpayer dollars to fund an entitlement program is not conservative, and it's bad public policy. It is the repeated goal of the state's leadership to provide what they call choice, whether through vouchers or ESAs, to all parents. Therefore, the limitations in **HB 1** don't really matter. The value of the proposed ESA vouchers in **HB 1** is \$10,500 per student. The eventual cost to state taxpayers when the leadership's goal is achieved would be \$21 billion per biennium even if not one single current public school student leaves for private education.

I want to hold up the Education Code. This body has spent many years developing this Education Code. It's probably 1,800 pages in depth. That doesn't include any rulemaking involved around this code. Expanding government to

fund choice programs for a few without accountability of this code undermines our constitutional and moral duty to educate and protect the children of Texas. Members, this should not be a political vote that makes someone across the hall, across the street, or in a town other than your district happy. We are sent here to vote our districts. I ask that you join me and vote your district. I move adoption.

REPRESENTATIVE FRANK: Representative Raney, virtually every school superintendant, every teacher that I have talked to says the single most important thing—and virtually every study I've read—shows that the single most important thing in a kid's life, educationally, is an engaged parent. Would you agree with that?

RANEY: I certainly do.

FRANK: In a bill that is going to be perhaps the largest—it's certainly one of the largest funding bills that we have ever done in Texas history for schools—why is it the one thing that we're going to remove is the only thing that gives those parents options? Why is that your focus—to remove the options from parents?

RANEY: First of all, I think you're mistaken. There are options. We all have options. Maybe some can't do options, but we cannot fund it if the governor gets his view passed.

FRANK: But the bill before us is quite limited. I mean, I understand what the governor is talking about and asking for. That's not the bill before us, which is what we're supposed to talk about. So the bill before us is limited at a half a billion dollars. Is that correct?

RANEY: And what is the next bill going to be? It's not going to be limited.

FRANK: Well, I mean, that is for the next—but the bill before us is limited to half a billion, right? On ESAs, is that correct?

RANEY: That's correct.

FRANK: Okay. Can you think of a situation—you represent a lot of folks, 200,000 people. Can you think of any situation, no matter how well the school is run, because the vast majority of the schools in the state are run very well. Can you think of a situation where a parent might feel like that their child's in a situation where they can't flourish no matter how well the public school's operating? Have you heard of any situations like that? Can you imagine that?

RANEY: I'm sure they exist. I don't know that I've personally heard of one.

FRANK: We certainly have in committee, and I've heard story after story of situations like that. What would you tell the parent that is not as fortunate as people in this room of what their options are if the only option they have is right there? Which is the answer, essentially, no?

RANEY: I would tell the parent that, essentially, what's going to be the problem—I feel for them 100 percent, but we can't pay for the program. It is going to break the State of Texas when this thing reaches its maximum use.

FRANK: Okay. Would you agree that every parent—you're a grandparent too, I think—every parent wants choice for their own kids? Is that correct? As many options as possible. You want as many options as possible. If your current situation is not working, you want as many options for your kids and grandkids as possible. Is that correct?

RANEY: I want options that operate within the law. And we have some constitutional restrictions that we're not supposed to give money to private entities.

FRANK: I'm very proud of the fact that everybody in here has either financial options or, frankly, political options to go get a scholarship for their kids, but there are a whole lot of people in this state that don't have that option. I'll be voting against it, but I appreciate your time.

RANEY: Sure.

REPRESENTATIVE DARBY: John, first of all, let me thank you for your six sessions in service to the Texas Legislature and to the folks back home. Thank you, publicly, for what you've meant to the Texas House. Well, John, not only your service but your wife, Elizabeth, has served right along with you, and I know you have found her by your side the whole time, and thank you both for your service.

RANEY: Thank you very much.

DARBY: John, thank you for bringing this amendment. As Chairman Buckley said, Article 7, Section 1, of the Texas Constitution says that it shall be the duty of the legislature to the state to establish and make suitable provision for the support and maintenance of an efficient system, and I'm going to stress this, public free schools. Is there anything in our Texas Constitution that says we must take and divert public dollars and direct them to private or parochial schools?

RANEY: Nothing I'm aware of.

DARBY: You're a man of duty. You serve faithfully. Do you consider that to be part of your duty to vote for a system that diverts those public dollars to non-free public schools? Would that be a violation of your duty?

RANEY: It would definitely be a violation of my duty.

DARBY: I'm going to ask you some budget questions, okay? I think you said it in your layout, where are we going to get the money for this? Money doesn't just drop in from the heaven. It's hard earned. It's taxpayer dollars. It's fees. It's sales taxes. It's severance taxes that are collected by the State of Texas to be devoted for public services. Is that correct?

RANEY: That's absolutely correct, and we have done everything we can to save taxpayer dollars by compression of the tax rates. And I appreciate that, but when we do this, what Mr. Buckley's bill does, we're going to be in trouble financially, and we're going to have to rescind some of that.

DARBY: Let me ask you this: Were you a part of the 2011 legislative session in which we cut \$5 billion out of public schools?

RANEY: I came in in December, so I was not part of that.

DARBY: Okay, you missed that fun, didn't you?

RANEY: I missed that fun, but I heard about it.

DARBY: It was not fun. I will tell you. The state was enduring a \$10 billion shortfall. And we didn't have enough money to pay for the priorities of this state. And so we had to take money from, what I consider to be, the top priority of this state, and that's funding public education. But we had to take \$5 billion away. We've never fully restored that money nor have we kept up with inflation. Certainly over the last two biennium, we've not kept up with inflation. So my question is, you supported \$18 billion in compression over the last two biennium for property tax payers, have you not?

RANEY: Yes, I have.

DARBY: Okay. And where did that money come from? It came from a robust economy.

RANEY: It did. It came from a very robust economy.

DARBY: It didn't fall from the trees, but it came from hardworking Texans that earned that, and our economy grew accordingly. Did any of that \$18 billion in tax compression add \$1 to public education?

RANEY: No, it did not.

DARBY: It did not. It was a cost because this legislature said it's a priority to take this money and help property tax payers in Texas. Everyone on this floor almost unanimously supported that effort, but it did not result in one more dollar to education. It simply reversed the disproportionate amount that the legislature pays for the cost of educating public students versus local property tax payers. So would you consider that to be a priority of yours under this legislature?

RANEY: It was a priority.

DARBY: Okay. The fiscal note on this bill estimates that the cost of the ESA vouchers in the next biennium will be \$4 billion. John, where's that going to come from?

RANEY: From the sky, I guess.

DARBY: It's coming out of the treasury, is it not?

RANEY: It is coming out of the treasury.

DARBY: And if I told you that the Department of Corrections budget in this biennium is \$4 billion, would that surprise you? Four billion per year to maintain our present—\$4 billion per year to maintain the Department of Corrections, is that correct?

RANEY: Yes.

DARBY: Would it surprise you to know that the Department of Public Safety is \$3 billion per biennium? Would that surprise you?

RANEY: No, it wouldn't surprise me.

DARBY: Would it surprise you that we have committed, as a body, a great deal of money for border security? That is a priority.

RANEY: Absolutely.

DARBY: And that's \$4 billion per biennium. Where does all this money come from to be able to support prisons, DPS, border security, Higher Education Coordinating Board, Texas Juvenile Justice Department? All of those are funded out of the discretionary part of our budget.

RANEY: That's correct.

DARBY: Would it surprise you to know that 88 percent of our budget is governed by formulas, by constitutionally required spending limits, by statutory measures that we've implemented, and that it only leaves less than 12 percent to fund discretionary items? Does anybody in this room think it's discretionary that we have prisons? Does anybody in this room think it's discretionary to fund DPS? We don't have a lot of flexibility. We are handcuffed because our budget—we've made prior decisions. We just made prior decisions on funding energy, broadband. We've taken money out of our available resources to fund very much the priority. So I guess my question to you is how do you see the ability of the state to meet the priority needs of this state if we continue to take and create another entitlement program?

RANEY: Mr. Darby, I served on Appropriations four times. And I think that when I first served on there the discretionary portion of the budget was about 17 percent. It's reduced. It's made it more difficult for us to handle all the other things that you just mentioned, other than education and health and human services.

DARBY: Is this the conservative thing to do to create another entitlement program? In effect, to create a third education system? We have a public education system. We have a private and parochial education system. And now we're funding a whole network of an entitlement to fund students in this state.

RANEY: It is not conservative.

DARBY: Do you ever think, in your wildest imagination, that that entitlement is going to be cut off in some future budget cycle?

RANEY: Representative Darby, I've been around here a long time. I don't believe I've ever seen anything that we created that costs money ever shrink. It's going to grow.

DARBY: Representative Frank said it's only a half a billion dollars. You know, just have this little lollipop, kid. It's just a small bite. It won't hurt you. Take one drag. Take one hit.

RANEY: I think it was Everett Dirksen that said one time \$1 million here and \$1 million there, it won't be long and we'll be spending some real money.

DARBY: These guardrails. Representative Frank said there's guardrails. Have you been around this body for the last six sessions that we didn't spend most of our time undoing guardrails that we previously set on bills? That's what we do is remove guardrails. Once you have a program, they'll never be removed—I mean, they'll be removed, and the program will be expanded.

RANEY: I agree. Once we get them, we got them.

DARBY: Correct. Thank you for your service, John Raney.

RANEY: Thank you.

REPRESENTATIVE PATTERSON: Mr. Raney, are you aware that if your amendment goes on to this bill that the historic funding to public education, including teacher pay raises, will be lost?

RANEY: Yes, I am.

PATTERSON: So you're willing to give up that historic funding?

RANEY: I have visited with my school districts, and they were so concerned about this—and the other people in the district too—about this costing so much that they're willing to forego that at this point. And I hope and pray that the governor calls us back and separates these issues so we can make sure we give the teachers the pay raise they are due.

PATTERSON: Mr. Raney, do you serve on the Appropriations Committee?

RANEY: I don't this term. I've served on it four times.

PATTERSON: Okay. Was Greg Bonnen, Chairman Bonnen, the Appropriations Committee chair—he expressed that we had the money to fund this program. Is that correct?

RANEY: I don't know. I didn't hear it.

PATTERSON: You didn't ask the Appropriations chair?

RANEY: I was not on Appropriations this session.

PATTERSON: Right. Well, he sent a letter out to the body. Do you recall that letter?

RANEY: No.

PATTERSON: I want to ask you a few questions about choices for parents and teachers and students. And some of these are going to be tough situations, but some of these are things that have happened in my district, in House District 106. If you strip the ESAs out of this bill, is it your opinion that a sexual assault survivor on the campus of a public school, that that girl's siblings have to remain in that school and attend that school where the sexual assault happened because the parents don't have a choice to take their child somewhere else? Is that your opinion?

RANEY: No, it's not my opinion.

PATTERSON: So if this amendment goes on, they will not have an education savings account to help that family choose another option. Is that right?

RANEY: They will not have an education savings account.

PATTERSON: So the state is not going to give them any help to choose another education program after a sexual assault happened on a school campus.

RANEY: Is the state giving them any money now?

PATTERSON: No, sir. We're trying to get these parents to have options to send their kids somewhere else. Let me ask you this—

RANEY: Let me say something, real quick. There is nothing that worries me any more than a child being damaged. I bleed for that. But I can tell you that we can't do everything for every person in this state. We have to spend money to do it, and this is where we're limited.

PATTERSON: Sir, we're not trying to do everything. We're just giving parents options so that they can do something.

RANEY: No. You're suggesting one thing at a time to spend more money.

PATTERSON: Sir, let me ask you this: If there is a molestation that happens on a school bus or at a school, and that school doesn't handle that appropriately and parents are concerned about the administration of that school, but they are locked into that school with home values rising as much as they have and with interest rates at 8 percent, should those families have to remain at that public school given the concerns about the administration?

RANEY: That would be the time I would go to the school board and raise pure and unmitigated hell. And I think you should do that for your constituents.

PATTERSON: So those parents should be locked in and given no other option to choose another school?

RANEY: I didn't say that.

PATTERSON: Well, your amendment would strip their ability to have the funds to choose a different option.

RANEY: It wouldn't strip their ability for you to go with them and talk to that school board, would it?

PATTERSON: Look, that's not the decision here. The decision here is can they get an ESA to choose a different option if they don't have the ability or the confidence in the administration. Let me ask you this: If there is a school that allows boys into the girls' restroom or boys into the locker room or the showers and I don't agree with that policy, should I not be given the opportunity for an Education Savings Account to send my child to a different school? Mr. Raney, these are real questions that parents deserve to have answers to on this debate. Mr. Raney, are you going to answer that question?

RANEY: Just give me a second, will you?

PATTERSON: Okay. Thank you.

RANEY: I'm going to answer that question with a statement I've already made. And this is why I oppose ESAs. ESAs don't help my district. They don't help the state. ESAs certainly do not help the 5.4 million public school students. I'm opposed to ESAs, and I will continue to be opposed to ESAs. And that's how I'm going to answer your question.

PATTERSON: So if a school district has boys in the girls' locker room, which they can do, and I disagree with that policy, then you're telling me that those parents are locked in to that school district? Mr. Raney, I'll ask you a different question. School safety is obviously very important. We addressed some of that this session. We addressed it earlier today. Districts are given an out if they don't provide armed guards in the schools currently, if they can't afford to or if they don't have the options to hire police officers. If I'm sending my child to a school that does not have armed guards at that school, should I not be given the ability to choose a different option through an education savings account?

REPRESENTATIVE HARRISON: This amendment to remove the education freedom provisions of **HB 1** is perhaps the most cynical, disingenuous, and anti-parent amendment ever filed in the Texas House. Colleagues, there may be no greater issue, and I doubt you disagree, that we will deal with as a body than how we educate the next generation of Texans. And I am grateful, to be clear, of the many Texas public schools that are in fact serving their students well—like the ones that I proudly send my kids to in Ellis County. But while the system is working well for many Texas students, we owe it to our constituents to face head on the uncomfortable reality that it is failing far too many. In fact, according to NAEP data, only 24 percent of Texas eighth graders are proficient in reading. Only 23 percent are proficient in mathematics. Parental school choice, colleagues, is not just an education or an economic issue but it is a moral issue. And I would argue it is the civil rights issue of our time.

It might surprise some of you to hear what I'm about to say. But Texas does in fact—this might be a surprising statement, but Texas does already have school choice. It has school choice for the rich. That's right, the rich in Texas have school choice. Poor Texans do not. How can we say with a straight face that we want every child to be educated, but at the same time say to a single mother working multiple jobs struggling to get by who wants nothing more than to give her children a quality education but is trapped in a school where instead of educating her children they are indoctrinating them. That in order to appease the liberal extremist teacher unions and taxpayer-funded government education monopoly, we will continue denying her education opportunities to take her kids out of those failing schools and into a place where they can receive a quality education and hopes for a brighter future. Ladies and gentlemen, we are better than that.

If there is any confusion about what this amendment is, let me end it. This amendment is a slap in the face to the voters who elected us. And the data is clear. Democrats want school choice. Independents want school choice. Republicans want school choice. Texans who live in cities want school choice, and rural Texas does too. This amendment says that you do not trust parents to make the best decisions for their children. If you vote for this amendment, you

are also robbing teachers of the opportunities for higher salaries that competition would bring to the education market place as it has done in other states. And a yes vote for this amendment is a vote against public schools. That's right. In what other sector of our economy when excellence is needed do we sit around and say hey let's have a one-size-fits-all government run monopoly or monopsony? No, we don't do that. Public schools will actually improve with school choice by inserting competition that forces them to prioritize the only thing that matters the most, and that's improving education outcomes for every Texas student. And so especially to my colleagues as I close, the choice is very simple—vote yes with the liberal teacher unions who oppose every conservative value your voters hold dear, or side with parents, students, and teachers. This is Texas. We believe in freedom to our core, and the next generation is on the line. It is past time for education freedom in the great State of Texas. I strongly oppose this amendment and hope you'll join me.

CAIN: I'm so glad you mentioned those teacher unions. Let's discuss that. Can you talk to me about what they call parents? What did the teacher unions like Randi Weingarten think?

HARRISON: It's well known, it's unfortunate, it's embarrassing, it's disgusting that the teacher unions in this country were, in fact, behind a coordinated effort at the highest levels of our government to have the White House weaponize the FBI against parents who had done nothing more than have the audacity to show up and speak out against what was happening at school board meetings.

CAIN: I feel like we're striking a chord here, Mr. Harrison. It's getting really, really loud over my right ear. Some people are upset about the primary funders of their campaigns and why they're here against it. Let's talk about funding. American Federation for Teachers—99.97 percent of total contributions goes to which party?

HARRISON: It goes to the Democratic Party, Representative.

CAIN: Thank you, sir. Members, when you vote for this amendment, I need you to know who you were aligning with. You would be aligning with the American Federation for Teachers. Those who call parents what, Mr. Harrison?

HARRISON: They call them criminals and domestic terrorists.

REPRESENTATIVE SCHATZLINE: Mr. Harrison, I'd say you're right on the target right now with your comments. Is it true—is it true that 58 percent of Texas voters, both Rs, Ds, and independents, support a school choice program in the State of Texas?

HARRISON: Poll after poll after poll make it unambiguously clear that an overwhelming majority of Texas, and especially Texas parents, want the chance to take their unique, beautiful, and individual child and put them in the education setting that is best for that child.

SCHATZLINE: Is it true that 77 percent of republican voters have said they support a school choice program in the State of Texas to give education freedom to their children?

HARRISON: It's true. And in fact, when this was put on the republican primary ballot two years ago, 87 percent of republican primary voters across the state supported this. And in fact, in the 10 most rural counties when that was put on the ballot not one of the 10 most rural counties in Texas supported school choice by less than 80 percent.

SCHATZLINE: Representative Harrison, do you find it ironic that the discussion that was at this back mic was based upon fiscal conservatism when, in fact, we will only be funding ESAs for less than one percent of Texas students?

HARRISON: Yeah, well when I said this was the most anti-parent and anti-student amendment, I believed that. But I also believe this: This might be the least fiscally conservative amendment ever postured, ever put on the floor of the Texas House. And I'll tell you why. Think about this. We are spending, as a State of Texas—I wish I had that big Education Code here with me. We're spending almost \$17,000 per kid in the State of Texas to get results—and this is shocking and horrifying—to where not even one out of every four Texas students are proficient in math and reading. What we're offering is just a fraction of that to parents. Ten thousand dollars to say hey, send this to the school of my choosing best for my kid. This is fiscally conservative.

SCHATZLINE: So is it safe to say that everyone in this room who votes for this amendment is essentially saying they're okay with public school increase in funding and teacher salary increases going to the toilet because this will not take place and be signed by the governor?

HARRISON: There is so much misinformation about what this is trying to do. Let me be very clear and tell the truth about this. The opponents of school choice in Texas are willing to hold hostage parents. They are willing to hold hostage teacher pay increases. They are willing to hold hostage increases in the basic allotment that you all say you want. And for what? To deprive parents from being in control of their kids' education.

SCHATZLINE: Well, that's great. I believe this amendment is anti-freedom, anti-parental empowerment, and anti-Texas. Thanks so much.

REPRESENTATIVE LEO-WILSON: Mr. Harrison, in the Texas Constitution it talks about a system of public free schools. Would it be of your opinion that an educational savings account would truly make a system of public free schools?

HARRISON: Yeah, and there's certainly a lot of misinformation about this as well. This question has been litigated time and time again in the courts, just as that has been the case in over 30 states across the country. It's completely consistent for a public system to have private sector ESA accounts.

LEO-WILSON: Is that system ever defined in the Texas Constitution as meaning ISDs only?

HARRISON: Absolutely not.

LEO-WILSON: Is it your belief that parents should best decide what system of public free schools their children should attend? Are they the best decision makers?

HARRISON: I think nobody knows the unique and individual needs of their child better than the parents, and I want to put the parents in charge.

LEO-WILSON: And those unique needs, wouldn't you say, require different systems of public free schools?

HARRISON: Yeah, absolutely. For a lot of Texas parents the ISD will remain the best choice for their kids or for the parents whose system—we need to give them a choice.

LEO-WILSON: And are you aware that 29 states that have already passed this, primarily that system of public free schools has benefitted low-income families and students with special needs. Those are the primary recipients in 29 states. Are you aware of that?

HARRISON: They're the primary recipients, and they're also the sub-demographic that has benefitted the most from competition in education.

PATTERSON: You have to know that I come from a family of educators in the public school system. My mom taught school for 38 years in the public education system, all in first grade, all in Whitesboro, Texas, in Grayson County. My wife was a teacher, her two sisters were teachers, their husbands were teachers, all in the public education system. I support this bill without this amendment because of the historic funding levels for our public schools—our public schools which my three kids attend in Frisco Independent School District in Denton County. But what the ESAs bring to this bill is a level of competition and a level of respect for parents that is sorely missing in our public education system by school administrators, not teachers. Our teachers are doing the Lord's work. Talk to them every week. It's a blessing to have them in our children's lives to help mold our children. But I've got to tell you, if you didn't support the READER Act and you supported the CROWN Act, then every time I say READER Act, think CROWN Act with what I'm about to say.

I spent a year and a half fighting my school district trying to remove sexually explicit materials from the public school library. I was told it was one dusty book on the back shelf of the library. I was told that it wasn't an issue. I was told that parents were expected to know every single book in the school library and bring forward the concerns that they had. If we had competition in that system, our parents would have been taken more seriously than that. It took me less time to pass a bill through both bodies of this building and signed by the governor than to get the policies changed in my local school district. And again, if you didn't support the READER Act and you support the CROWN Act, I'm with you. I voted for it. And if they're disrespecting you in that way, then I'm with you there.

Choices and competition make everyone stronger. And what the ESAs bring to this bill is a level of accountability and a level of competition that is best for parents, it's best for students, and it provides more options for our public school teachers to be able to teach in a different environment. I didn't prepare a big speech here, and I didn't plan on speaking against this amendment in this capacity, but the misnomers about this and what it means and the fake news that

I've seen all over social media about what this is and what it isn't drives me insane. We're smart people in this room. We can read the words on the paper. We know what they mean, and we should vote down this amendment that limits parents' choice, that limits students' opportunities, and limits opportunities for professional advancement to our great public school teachers.

REPRESENTATIVE ROGERS: Across my district, which is both rural and suburban elements, we've heard the same message from constituents over and over again. Overwhelmingly, my constituents do not stand for the ESA proposal we debate here today. One of my constituents said we need to enhance our public schools, not divert their funds. We need to defend private schools' ability to self-regulate, not burden them with government restrictions, which ultimately follows any state funding. A private school mom in my district explained how her and her husband worked hard to put their children into private school, wanting their children to have biblical curriculum while avoiding state standardized testing. She worries that ESAs are the foot in the door for the government to begin restricting private schools. The Texas Legislature has a constitutional obligation to maintain the public school system. Private schools and homeschools in Texas have done well without our governmental intervention for generations. Why are we even thinking about implementing rules and regulations into the private sector? There must be a reason. Such a proposal has failed to reach this floor throughout history. Maybe it's because members of this body know their Texas Constitution. Perhaps it is because representatives have a good understanding of economics.

There are those who say ESAs will create competition and, therefore, all schools will improve. Well, look at what happened to college tuition when the federal government started handing out money. Tuition skyrocketed. And did higher education in this country improve? I think there's a lot more jobless college students with gender studies degrees out in the world than there used to be. It would be naive to believe that ESAs would help underserved communities or low-income families or children with disabilities. Many private schools are already full. There is no more room to admit additional students in those schools. And as we know and as the bill acknowledges, private schools can refuse to accept students for any reason, including for disabilities both physical or intellectual. These ESAs will largely benefit those already in the private school system, families who could already afford the tuition. But private schools can raise their tuition, and then families will end up owing basically what they paid before. I appreciate the opportunity to speak in favor of this amendment today, and I urge everyone to think of the real world implications and consequences if voucher entitlement bill were to pass the house. Thank you.

REPRESENTATIVE TOTH: Mr. Rogers, you're in a predominately more rural district. Would that be the case?

ROGERS: Actually, my district is split between rural and suburban. We're in a very fast growth area, particularly in eastern Parker County.

TOTH: Very good. But, for the most part, you've got really good schools in your district, don't you?

ROGERS: We have outstanding schools.

TOTH: You know, Mr. Dutton stands behind you, and I remember my freshman year, I think it was. Sorry about that. I remember my freshman year him saying that upwards of 80 percent of the kids had dropped out of one of his high schools by their sophomore year. What do we do for those kids that are in failed schools?

ROGERS: Obviously, we need to help improve our public schools not defund our public schools.

TOTH: What do we do for those kids that are in those failed schools right now today?

ROGERS: Our children have a number of options. There's charter schools. There's different public schools. There's private schools. There's homeschools. There's all those different options.

TOTH: I think you earlier said that most of those schools are all filled up. What do we do for these?

ROGERS: No, I said some of those schools are filled up. That's right, they are.

TOTH: During the 84th session, this body voted to give the TEA more authority at moving in and taking over failed schools. In the 86th session—you were here for the 86th session, weren't you?

ROGERS: No, I was here the 87th session, not the 86th.

TOTH: Okay. In the 86th session, we voted to take over HISD—or I should say, allow the TEA to take over HISD because it was failed. Would you have supported that legislation? In other words, when a school district has failed, would you support for the TEA to go in there and try and right the ship?

ROGERS: Obviously, in the HISD, there were major problems that had to be dealt with with a more severe approach than would apply to almost any other school district in Texas.

TOTH: What do we do with these kids right here and right now, Mr. Rogers, that are in failed schools? Do they not matter? Do they not matter to this body?

ROGERS: Certainly they matter. They matter. That's why we need to make sure our public schools are adequately funded, make sure our public schools have the resources they need to handle these situations. They don't need to be defunded. They need to be improved.

TOTH: We're looking at spending record amounts of money. This bill spends record amounts of money.

ROGERS: We continue to improve our public schools systems with accountability just like Representative Patterson just talked about with his READER Act—that was an answer to a problem that was identified in our public schools, and we dealt with that because there's accountability in the public school system.

TOTH: Mr. Rogers, how many ISDs do you have in your district?

ROGERS: I have 16.

TOTH: Sixteen?

ROGERS: Yes.

TOTH: So you have 16 superintendents. I would remind you that you have nearly 190,000 constituents. Eighty-plus percent of them want this bill and don't want this amendment. Thank you.

ROGERS: I could answer that question. Did you say 80-plus?

CAIN: Mr. Rogers, go ahead and answer the question the way you were wanting to. You had something you wanted to talk about.

ROGERS: So where does the 80 percent figure come from? If it comes from the biased—

CAIN: The bias.

ROGERS: —primary proposition that where you have a two-sided question. You have questions that are just totally biased. You're going to get the answer that you want to get. That is not data. That is marketing.

CAIN: Mr. Rogers, let's discuss that proposition though. That is from the March 2022 Texas Republican primary propositions. Proposition nine, let's read it real quick. Texas parents and guardians should have—

ROGERS: Let me say something here first. If you look back at party propositions—

CAIN: —the right to select schools—

ROGERS: —since the early '90s, every one of them is passed with over two-thirds vote.

CAIN: So you don't care what the primary voters think, sir?

ROGERS: That is not valid data. That's bias.

CAIN: Let's discuss the Texas Constitution, Mr. Rogers. Mr. Rogers, you've mentioned that you have constitutional issues with this bill—or with Article 6 of this bill. Can you explain those to me, sir? How does this violate the Constitution, specifically Article VII, Section 1?

ROGERS: Specifically, Article VII, Section 1, of the Texas Constitution which requires us to maintain a system of free public schools—free efficient public schools.

CAIN: That's correct. And where does it prohibit any other form of public education?

ROGERS: I don't see that it does—

CAIN: In fact, it requires an efficient system.

ROGERS: —prohibit other forms of public education.

CAIN: The reason it requires an efficient system was to get away from that system of 1869 Constitution under Reconstruction which was considered an elaborate luxurious system. Now, as a business owner, when I've got competition it makes me get efficient. Wouldn't you say? It makes you maybe lower your prices, compete, make a better product because it creates an efficiency in the system due to competition. I would say this does exactly what the Texas Constitution requires, which is an efficient system of public education. Wouldn't you agree?

ROGERS: Not necessarily.

CAIN: Moreover though, many of the states that do have school choice have similar language. Let's take Ohio for example. It says an efficient system of common schools. They've got school choice. You think that was illegal? How about Florida? Florida requires a thorough and efficient system of free schools. That's West Virginia, Kentucky. They all have that language. Do you think their school choice programs are unconstitutional?

ROGERS: I don't know that they're unconstitutional. I'm not an attorney. But I do think that it definitely says in our Texas Constitution that we need to support our public schools, and I don't see how defunding our public schools with a voucher entitlement program is doing that.

CAIN: Where does the money from the ESA come from again? Does it come from the Foundation School Program?

ROGERS: No, it doesn't. But let me tell you something about that. So we have a \$32 billion surplus, okay. I'm in the ranching business, and I manage my cattle based on drought not on rainfall. So you know what happened in 2011? We had to take \$5 billion out of our public school system. There's nothing to say that we won't have to do that later. Just because we have a \$32 billion surplus and we think we can fund all this now, that doesn't mean we'll be able to do that two, four, six, eight years from now. That's what my concern is, is we're taking advantage of this surplus to make it look like we can pay for both an efficient public school system and a voucher system at the same time. And I don't believe that's true.

REPRESENTATIVE SCHAEFER: Representative Rogers, are you opposed to using Texas tax dollars to go to a private school?

ROGERS: Yes.

SCHAEFER: Do you realize that many people in your district take Texas tax dollars and go to private schools with those dollars today? Are you aware of that?

ROGERS: You'll have to explain where you're coming from with that.

SCHAEFER: Are you not aware of the Tuition Equalization Grant Program that we have been funding for a very long time in Texas?

ROGERS: Yes. I'm also—I'm familiar with the PEG grant program. Is that what you're talking about?

SCHAEFER: So you made the statement that you're opposed to Texas tax dollars going to private schools. And yet every session in our budget we give Texas tax dollars for students to go to the private college of their choice with that money that is Texas tax dollars. Are you not aware of that?

ROGERS: Oh yes, I'm aware of that. So you're talking about colleges not high school. Right?

SCHAEFER: Are you not—do you not realize that we do—

ROGERS: That's not apples and apples. That's apples and oranges between what happens with the Pell Grant program and what happens in vouchers to high schools.

SCHAEFER: We're talking about Texas dollars. I'm not talking about federal dollars. Are you aware that we do the same thing with pre-K programs?

ROGERS: With pre-K programs? Yes.

SCHAEFER: So it's okay to use Texas tax dollars for pre-K programs, and it's okay to use Texas tax dollars to be a freshman in college at private schools—private out there. But you don't want anybody in between. Is that your statement?

ROGERS: There needs to be accountability when tax dollars are used for anything. So where is the accountability if they go to a private school and there's no testing—

SCHAEFER: You're saying there's no accountability, but we're already doing it.

ROGERS : —requirement similar to public schools?

SCHAEFER: Without debate, by the way. I've been here six terms. Not once has any member of this body gotten up and argued against taking money away from the pre-K programs or the college programs. So wouldn't you say that the accountability and the faith that our taxpayers have in those programs is pretty good?

ROGERS: Maybe so.

SCHAEFER: So we have good faith in the programs that allow private schools to take Texas tax dollars at the pre-K level and at the college level. And we don't have any problems with that. But if we're going to do that with our students who are in between kindergarten and 12th grade, you don't want to do that.

ROGERS: It doesn't have anything to do with the stage where—whether it's kindergarten or whatever. I'm concerned about tax dollars going into the private sector without accountability.

SCHAEFER: But you're not really concerned about that because you did not bring an amendment on the budget to strip those funds. In fact, you've never even filed a bill to stop all these tax dollars from going to the private schools that's already happening. You're not concerned about those are you?

ROGERS: I've never filed such a bill. If that's your question.

SCHAEFER: Why not?

ROGERS: I don't know.

SCHAEFER: So it seems—don't you think it's inconsistent to stand up there and oppose tax dollars being utilized by families in sixth grade and seventh grade and eighth grade, but it's just fine if they're in 13th grade or they're in pre-K. Do you not see the inconsistency?

ROGERS: No, I really don't.

HARRISON: Thank you, Representative Rogers. I'm sure you agree there are a lot of great public schools in Texas, correct?

ROGERS: There are some outstanding public schools in Texas. Definitely.

HARRISON: Absolutely true.

ROGERS: Almost all of them are outstanding.

HARRISON: So I have to—okay, thank you for the answer. Why did you say almost all?

ROGERS: Well because, obviously, just like we have some bad cops, we have some bad teachers. You look at any profession and it's not perfect. We're human. But we have accountability systems to take care of that.

HARRISON: So since you just acknowledged that there are some public schools in Texas that are not great, and by that I would, obviously, assume you mean that they are not serving the educational needs of every student. Is that correct?

ROGERS: That'd be correct.

HARRISON: Okay. What is the solution for the parents of those students that you just acknowledged out of your own mouth are not being educated in the schools that they are currently zoned to?

ROGERS: There is a PEG grant that is available. It's been available since 1995, where students can transfer to other schools. They file a grant. And very few students have used that because transportation is the problem—that's not covered.

HARRISON: Also because a lot of public schools reject the transfer request. Is that not correct?

ROGERS: Well, some do, yes. That's correct.

HARRISON: So what about the parent who has a child in a failing school district that wants to transfer, has applied to transfer, and the public school has denied that transfer? What would you say to that parent?

ROGERS: What about the child that wants to go to private school and they won't accept that child in the private school?

HARRISON: Why would that parent be talking to a private school in the first place?

ROGERS: Because if they're looking for an alternative.

HARRISON: Why would they be doing that?

ROGERS: I mean, I have one child that's been to private school for two years. She's been to public school. We homeschooled her one year when she was in gymnastics. I have nothing against private schools or homeschools. I just have a problem with taking taxpayer dollars and sending it to private schools with no accountability. And basically, there's only two ways you can have a voucher system, ultimately. You either defund public schools or you raise taxes. And ultimately, that's the only way you can fund—

HARRISON: Real quick question—

ROGERS: —a voucher entitlement program.

HARRISON: —except that—forgive me for doubting the sincerity, not to be rude of that position. As Representative Schaefer just pointed out, for many, many years you have not objected to private or public dollars being used for that exact purpose for some students in Texas—

ROGERS: I haven't been in this body many, many years. I'm in my second term.

HARRISON: Well, me too.

ROGERS: I'm in your class.

HARRISON: Real quick. One thing you said a second ago, when you were asked for a solution you said we need to fully fund public education. Representative, I sat on the Public Education Committee all session. How much money would it take to quote publicly fully fund public education in the State of Texas?

ROGERS: How much per student?

HARRISON: How much total or per student? I would take either.

ROGERS: I don't have an exact answer to that.

HARRISON: So we don't know. You don't know? Because you said that's your solution—to fully fund public education. And I heard that all session. How much money is enough?

ROGERS: And that's a good question, and I don't know the answer to that. I know that we can't just continue to pour money in without also increasing efficiency and increasing the respect that we need to give teachers.

HARRISON: Let's assume you knew the answer to your own question—which is how much does it take to fund public education. If you knew that answer, let's say it was an increase in the basic allotment. Let's just make it up—\$700, let's say it's \$1,000, and you said that amount would fully fund public education. So by every standard public education was fully funded. At that point, would you be willing to let parents have an education savings account and be in control of their kids' education?

ROGERS: If our schools are fully funded and—when we determine exactly what that means, then I think we could certainly look at it. But we're not there yet.

HARRISON: You can't say yes even to that?

ROGERS: Why would we want to look at an education savings account—

HARRISON: Even if they were fully funded by your definition you would still oppose—

ROGERS: —when we have not gotten to that point?

HARRISON: —school choice. Thank you, Representative.

CAIN: Mr. Rogers, I'd like to talk about—we're discussing these unaccountable private schools. Can you tell me a little more about that? Mr. Rogers, what do you do for a living?

ROGERS: I'm a veterinarian and a rancher.

CAIN: Okay. And what holds you accountable at the veterinary clinic or the ranch? For the buyers and people? What makes you accountable to them? Your customers. Are your customers your accountability?

ROGERS: Yeah, we're accountable when we answer when we're called and we provide a good service—

CAIN: You're accountable to the customers.

ROGERS: —we care for the animals that we take care of.

CAIN: Who are the customers of the public school system? Who are those customers, sir?

ROGERS: Our children are the customers.

CAIN: Who are the customers in the private school?

ROGERS: Children.

CAIN: If the private school doesn't do a good job, what happens to that private school, Mr. Rogers?

ROGERS: What happens to the private school?

CAIN: If the private school makes all the parents mad, no one applies there anymore. What happens to that private school?

ROGERS: Obviously, they're going to have a hard time making a living as a private entity if they're not taking care of the students.

CAIN: So the private school would close. What happens to the public school when it's not meeting those accountability standards? It's failing tests over and over again. What happens to that public school?

ROGERS: I'm sorry, would you repeat the question?

CAIN: What happens to the public school, though, when it's the poor testing, you know—despite increased spending, by the way. What happens to that public school when it fails? When it fails to meet reading standards, what happens to that school?

ROGERS: Well, there's a lot of things that can happen.

CAIN: Thank you, sir. I believe they do not close.

TROXCLAIR: Do we agree in here that public education is a priority? Do we agree that student outcomes are a priority? Do we agree that every child matters? Yes, every child. And yet we have spent, what, less than two hours talking about one of the critical pieces of one of the biggest pieces of education legislation that we have seen in many years. There was a lot of discussion in the chamber last week about, you know, shutting down debate and how many amendments were too many amendments and is 18 hours enough, and yet it has been, as was pointed out earlier, almost impossible to have a real conversation about what we are doing right for Texas children and where we can improve. We have a responsibility as lawmakers not just to some kids but to every child, and yet 70 percent of fourth graders in the State of Texas cannot read on grade level. I am a product of public schools. I am a supporter of public schools. I have amazing public schools in my district. I have amazing superintendents in my district. I have amazing teachers in my district, amazing school board members. I have school board members in great districts who say we are not afraid of the competition. We know that we are doing a good job, but we know that we cannot serve every single child and give them the tools and the resources that they might need, whether that's a disabled student, whether that's a low-income student, whether that's a student with learning disabilities. We cannot keep doing the same thing and expect a different result.

It's been 20 years since there has been a debate, a conversation, on the house floor about whether or not we should diversify our education system to make sure that no one is falling through the cracks, to make sure that we are meeting the needs of every child. In that time, we've seen 31 other states adopt some sort of school choice program. We have the data. We don't have to rely on what might happen or fear. We have the data to prove. What do we want to be? What do we want to be? Do we want Texas to be number one in education? Is there anybody in this chamber who does not want our state to deliver the very best education to every child? And yet do you know the state that is number one in education? It's Florida. And they've had comprehensive school choice programs for 20 years now, and it's been so successful in bringing kids who need it the most out of poverty, of improving outcomes for all children, of reducing drug convictions, of making sure that they are serving the needs of every child no matter what. And they are number one in public education. It is vastly supported by that state at a margin of two to one. A state that historically has been a swing state has parents in that state saying this works, we see the results, we see the service, we see that we are getting return on our investment in our public education dollars.

I'm a mom of three kids. I'm a taxpayer. I want to send my kids to my local public school. It's the fabric of our community. It's the fabric of so many of our communities. But I know that if I have a disabled student, I know if I have a student that has been bullied, I know if my child has been sexually assaulted, I know if something horrific has happened to them at that school, that a parent deserves options to keep their kids safe. I know I talked about Florida being number one in education. You know what state is dead last in literacy and first in dropouts, with declining test scores and a rising exodus from public schools?

We've heard, oh, we don't want to destroy our public schools. You know the state that has a rising exodus where kids are fleeing the public schools? California. And that state has no parental choice programs.

We are not reinventing the wheel. So many times in Texas we say we want to be a leader. We want to do what's right. We want to be responsible with taxpayer dollars. And yet we are putting our heads in the sand and creating divisiveness. What we're talking about with the school choice piece of the bill is less than one percent. We are talking about funding that is less than one percent of total education funding. Less than one percent. Yes, we need to make sure that our schools are fully funded. I'm going to support a teacher pay raise. I think our teachers deserve even more. And I know that competition will rise, will ensure that all boats rise, that all students are not failed. I have a responsibility not just to the students in my house, not just my neighbors, not just my district, but to every—it is not good enough for us to stand up here and say, well, I have good schools in my district, the rest of it is your problem. It's not good enough. All we want to do is have a real conversation about it.

Have you talked to the parents whose lives have been changed by school choice programs? Have you talked to the students who have been pulled out of the cycle of poverty because they had access to a better education? Have you talked to kids who are stuck in failing schools because of the zip code that they live in, and they cannot afford a private school? As has been said before, rich parents, rich kids, they already have school choice. They can go wherever they want. But this bill does right by our low-income students. It prioritizes disabled students. It prioritizes low-income students. And it makes sure that those who are the least likely to be fully served by our existing system have a way out. What do you want for those kids? Do you want to say, well, I had a lot of political pressure and so and so gave money to my campaign or whatever? Or do you want to look those kids in the face and say I'm going to do everything I can to make sure that you have the same opportunity that other students in this state have, that you have the opportunity to succeed, that you do not have to be stuck in a cycle of poverty because you can't read by the time you're in fourth grade. What are we going to do different?

REPRESENTATIVE C.E. HARRIS: First of all, I just want to say thank you for your passion and for just bringing us back to the point of the issue. The point of this issue in this debate is about kids. Everyone in this room wants this debate to be about the best thing for our kids. I just want to kind of take us back to more of a 10,000 foot view. Are you aware that the data and research from the 31 other states who have implemented school choice shows that school choice programs lead to less crime, better education for all, whether you're in a private or a public school situation? It leads to higher teacher pay. It leads to fewer children and future families living in poverty. It gives taxpayers savings. And overall, it brings those states greater economic success. Are you aware of the data and the research that shows all of that?

TROXCLAIR: I am. And I want to add that studies have shown that exposure to a school choice program in eighth or ninth grade predicts lower rates of conviction for criminal activity and lower rates of paternity suits by ages 25 to

28. Specifically, exposure to these programs is associated with a reduction of around 53 percent in drug convictions, 86 percent in property damage convictions, and 38 percent in paternity suits. Education is key. Education is key, right? And if you can't read by the fourth grade, you can pretty much know you're setting yourself on a path that's going to be very hard to succeed.

C.E. HARRIS: Absolutely. And just coming down to putting more of a fine point on this, we've talked about the overall benefits to a state, to the 31 states, that have already passed this. But I want to bring it back down to the kids who need it the most, and let's just focus and fix the pictures and the stories of those kids in our minds for a second. Do you believe that low-income parents whose child is bullied or sexually assaulted at school that they deserve a better choice instead of their child being trapped just because of their zip code?

TROXCLAIR: Can you repeat that question? There was a lot of information in there.

[Pursuant to Rule 5, Section 38, of the House Rules, Representative C.E. Harris requested an extension of speaking time on Amendment No. 2. The extension of time was granted by Record No. 55.]

C.E. HARRIS: I just want to continue our discussion here on the kids this would impact the most and the stories that we have heard. Representative Patterson told us about some of his constituents. Some of those situations, that you and I know, where a child has been sexually assaulted in a school and they've tried to cover it up, and those parents were not able to take their child out of that situation and put them in a better one. My question is are you aware that this amendment that we're debating would keep children of low-income families who are bullied and sexually assaulted trapped in that environment simply because of their zip code?

TROXCLAIR: Yes, it would. There's a situation going on in one of my school districts that I represent right now. A high school student has a severe peanut allergy, and two of his teammates on the football team asked him one day, "Hey, how serious is your peanut allergy? Could it kill you? Could it kill you if you had peanuts on your cleats or in your uniform?" And he said yes, it would. And the next day he showed up and had peanut products all over his locker, all over his uniform. This made Yahoo news just this morning. The mom spoke at the school board meeting recently because the kids who attempted to murder her child are not receiving disciplinary action other than suspension from one football game. If I'm a mom of a student and I sent them to school and their teammates tried to kill them, kill that student, knowingly putting peanuts in a severely allergic locker—I mean, that child has been forced to go back to school with those same people every single day. What option does that mother have? We don't have another public high school in close distance. We don't have another opportunity for him. So you're telling that mom that she has no recourse to keep her child safe. It's not right.

C.E. HARRIS: Absolutely. Thank you for answering my questions. I appreciate it.

REPRESENTATIVE DUTTON: I just wanted to clear up several things. One is that we keep hearing that this is about school choice. There's a difference between school choice and school access. The choice is already there, whether you can access it or not is a different story. I don't think we need to belabor the point, but I do want you to understand that this is not about having students make a choice or parents make a choice or families make a choice. This is about whether those families have access. Now, some of the things you heard about benefits of private schools, they're the same benefits you get from a functioning public school. They're no different. Now, if vouchers, or ESAs, was such a great idea, ask yourself, why couldn't they stand by themselves? Why did they have to be attached to a provision that helps teachers and helps schools? That doesn't make any sense to me.

Lastly, let me say this to you, members: Since 1948, the Gilmer-Aiken Act started the whole march toward trying to perfect Texas public education and improve Texas public schools. That started in 1948. We have had all kinds of a series of changes that have been made to public education by this body. And what we're admitting today with trying to decide that children ought to have access to private schools is that we either lack the brainpower or the willpower to fix public schools. And all we need to do is fix public schools. Yes, I agree that public schools have difficulties, have problems. I don't think that's untrue about private schools either. I mean, I don't know how much you all know about private schools, but as a lawyer, I've had to represent sometimes things that occur over in private schools. And so I just want to say to you, members, every one of us campaign on the idea that we're going to come in here and fix public schools. And I don't think fixing public schools necessarily means giving parents access to private schools.

CAIN: I know you well. You're the father of five boys just like me. We've heard a few times now, though, that parental involvement is the number one most important thing in the outcome of a child's education. You agree, right? Parental involvement is key.

DUTTON: Right.

CAIN: How does whatever version you see of fixing public schools get parents more involved? Ten thousand more dollars in the daily allotment, does that get parents involved?

DUTTON: Let me answer it this way. I remember when I worked at Conoco, I was at a high enough level that I could go to my son's school, who was in the fifth grade at the time. And I went one Friday, and I bought pizza for the class. The little kid who sat next to my son, his father worked at Conoco too. His father worked, though, in the mail room. And so when I got back, I went to the guy who was the head of our mail room, and I said can he come next time I go to the school? And he told me no, that he couldn't go. Now, I could go so what—

CAIN: How do we increase parental involvement?

DUTTON: Well, I came to this legislature, and I tried to get a bill passed that said what we were going to do is we would give a parent one hour a school year to go to that child's school and participate, and it failed.

CAIN: Here's what I know. What I know is when the parent—in other states, we look at programs like in D.C., when they're given that option, it's the first time they've every talked to that teacher. It's the first time they've ever stepped foot in that classroom. In fact, we hear testimonies where they call private schools and say what are you going to do for my child? Right now, the lack of competition—I've never heard of any public school parent calling the school going why should I choose you? Why? Because they're zoned to it. They're trapped in the zoning. So how do we improve parental involvement other than giving them one hour?

DUTTON: Well, I think we can do it a number of ways, and I don't want to tie up all the time here. I understand your question, and I feel for you because it is difficult. One of the things that we know is that charter schools have become successful because rather than waiting for parents to come to them, they have gone to the parents. And so one of the things we can do to improve that is make sure that all of our schools have parental involvement in the activities at that school and the learning of that child. There are too many parents who, at the beginning of the school year, they spend more time with the sales clerk at the mall than they do with their teacher.

CAIN: Yeah, that's what we mean, though. So when they're shopping, when they have a choice, they get involved. So let's let them shop for the children's education.

DUTTON: Well, I think that, and I just agree, that we are smart enough to fix the ills of public education. I don't think this is the time for us—if I thought this group couldn't do it, I would suggest for, in a heartbeat, that what we ought to do is forget all of us talking about public schools and give all our kids the option to go to private school because we can't do it. But I don't believe that. I believe that this body is smart enough and has the willpower to make sure that we can ensure that every child who shows up at the front door of a school, we get to unlock the genius in that child. And I believe we can do that, Representative Cain, because—

CAIN: Thank you, Mr. Dutton. I think we both agree that our goal is to unlock the genius in every child, to give them that opportunity to shine brightly. I just, respectfully, disagree. But thank you for answering my questions.

DUTTON: Thank you. I just agree, like I said, that if vouchers was such a great idea and the people who developed it thought it was a great idea, and all deference to my chairman, Dr. Buckley, but I know this comes from somewhere else. And the place where it comes from is people who don't think that you all are smart enough to fix public education, and I disagree with that. So I just say, look, let's just vote for this motion because it makes sense. Let's let vouchers stand on their own or fail on their own.

SCHAEFER: If I've heard it once, I've heard it a thousand times from the opponents of school choice. We cannot allow taxpayer public dollars to go to private institutions. We cannot allow our tax dollars to go to private schools. Next year, the GI Bill will be 80 years old. We have decades of experience in this country, in this state, of taking our tax dollars and giving them as a voucher to students to go wherever they want to go, to the school of their choice. We've been doing it with our budget, with Texas dollars, through the Tuition Equalization Grant Program that allows college students to go to private schools. You know the schools that benefit greatly from that? The historically Black colleges and universities like the one in my district. When it comes time to make sure that we have funding in the Tuition Equalization Grant Program, they want to make sure it's there because those students come, and they use that money. When we have pre-K students here in the state, they're not even in kindergarten yet, and the program at the local school is not adequate for them, we give them tax dollars to go out into the community and get what they need. So if you want to have an honest debate about school choice, stop lying to people about whether or not we can use tax dollars for private education. We've been doing it for decades in this country because it's the right thing to do, and it works.

I know a little boy in my community. He's adopted, and he lives with parents who are older. They are in their 70s and 80s, and he's in middle school. And they don't have the energy to do some of the things that he needs. He's the only child in the house, and every day he comes home, he is not happy. He doesn't fit in in his public school. He feels like he's bullied, and he's miserable. Just up the road is a private school where Governor Abbott came and visited. And that private school is begging us to pass something that would allow that little boy—and the funding in this bill would hit the mark for him. It would hit the mark, and those elderly parents of that adopted child would have an option to get his eyes to light up, to not see him mope around the house, to give him an opportunity to go to a different environment. But we're taking that option away. We're taking that option away. So for that reason and many more, I oppose this amendment.

REPRESENTATIVE LAMBERT: Representative Schaefer, I just wanted to clarify because you brought up the issue of tuition equalization grants, correct?

SCHAEFER: That's correct.

LAMBERT: And you mentioned the fact that those grants have been issued to students and parents over the last 50 years, basically. I think they began in the early '70s. Correct?

SCHAEFER: You've outlined the history there.

LAMBERT: Well, I just want to make sure you understood why those grants were issued. Because the reason those grants were issued to parents in the early '70s was because we did not have enough classroom space or facilities or infrastructure in our public universities to house and to accommodate all the

students who wanted to attend colleges and universities. So the tuition equalization grant was issued back then in order to accommodate. It would have cost those—

SCHAEFER: Let me read to you from the website right now what it says. This is available to eligible students with financial need who are enrolled at a private nonprofit Texas college or university and are required to pay more tuition than they would pay to attend a public institution. So regardless of whatever the history is, the program is being run and funded today for the simple reason of taking students who have financial need and would be paying more at a private school than they would at a public school. And they need the money. They need the help, and we help them. We help them go to the school of their choice.

LAMBERT: Did you know that the reason that the grants were issued back in the early '70s was because it was going to cost the State of Texas almost \$12,000 per student to bring them to a public university? So a \$3,000 tuition equalization grant was a much better cost factor for the State of Texas at that time.

SCHAEFER: Are you opposed to them now?

LAMBERT: It was an economic decision. Correct?

SCHAEFER: Why are you opposed to them now?

LAMBERT: Was it an economic decision by the state?

SCHAEFER: Well, I think it was a decision that you voted in favor of today. Here's what I know is that we're doing it today. It's an economic decision for those students today.

LAMBERT: Do you know how much money is spent on the tuition equalization grant each year in the budget? It's a little less than \$100 million, Representative Schaefer. And this program would be half a billion dollars, correct?

SCHAEFER: I think that the principle remains. I would ask you, are you opposed to using tax dollars to go to private school?

LAMBERT: I'm just asking you do you realize that the decision made in the '70s was a cost decision based on the State of Texas because it would cost three or four times as much money to put a student in a public university than it would a private college?

SCHAEFER: That's a nice bit of information, but it's totally irrelevant to what we're talking about today.

LEO-WILSON: As a member of this house, I have to do two things: I have to follow the Texas Constitution, and I have to vote my district. And that is why I am opposed to this amendment. We are directed by the Texas Constitution to create a system of public free schools. Not a system of ISDs. Not even a system of free public schools, but a system of public free schools. I contend that education savings accounts are the vehicle in which we can fulfill our constitutional duty to Texas and to the state and to the people. We must fulfill that. A system that includes students in all zip codes. I am a retired public school

teacher. I spent my entire career in public schools. The majority of that time was spent in the housing projects or low-income schools. The majority, or all, of it was spent with special needs students.

When we look at the unique needs of many students in a system of public free schools, we create it to meet unique needs. We must let parents decide what is best for those students. In my district in Galveston ISD, we have Upward Hope Academy. We graduated 22 students last year that were dropouts or suspended from our public ISD. Our ISD recognized that they did not meet the needs of those students and even paid for a small portion of their tuition to go to Upward Hope. These are kids who were headed towards incarceration. And last year at graduation, a beautiful moment happened when three years prior a student had been suspended from school, was not going back. The mom brought him in and said, "I had him when I was a teenager. I dropped out of school. I didn't get my GED. I didn't graduate. I don't want that same life for my son." And that school said, "would you like to come too?" And mom and son graduated together last year. That school nearly closed their doors last year. Those are kids that are below the poverty line, that would not have a chance to graduate if it were not for Upward Hope. Thank God those parents came, but they are facing very tragic circumstances with lack of funding. They are taking kids that nobody else wanted. We have to do both.

BUCKLEY: Members, we've been here before. And as predicted in the layout, there's a lot of passions on both sides of this issue. There's a couple things that I just want to make sure that the membership understands before you vote on this amendment. First of all, I was hoping when I heard that Mr. Raney had an amendment to strike the enacting clause, I was hoping it was Jimbo's contract but not this. But in all seriousness, the layout included the words that this is not an either/or proposition. That **HB 1** funds our public schools to the tune of \$7.5 billion this biennium and an additional \$36 billion by 2028. I don't know if that's fully funding public schools, but that's a whole lot better off than where we are now. But quite frankly, as you know, if you support this amendment, either it goes from not being an either/or and it becomes a none of it bill. There's no ESAs, and the reality is the school finance piece will not be law. So if we can defeat this amendment, we can carry on with the evening. We can have the debate. We can attempt to pass a bill that could bring historic funding to our public schools. And for the first time in Texas, give parents of the most vulnerable real options for a better future for their kids. So with that, I ask you to join me in opposing this amendment.

RANEY: Again, I would like to—I appreciate the opportunity to visit with you about this bill and this amendment. Members, ESAs do not help my district. They don't help the state. And they certainly don't help all of the 5.4 million students attending public schools. They help just a few, maybe. Vouchers have been debated for years with no success for a reason. We took this vote last session. We've discussed it at length again this fall. The only new information is at exorbitant cost to the state. This should not be a political issue. It should be a policy issue. And I know there are differences of opinion, so let's just vote. And let's vote our district. I move that we adopt.

[Amendment No. 2 was adopted by Record No. 56.]

[Representative Price moved to reconsider the vote by which Amendment No. 2 was adopted and to table the motion to reconsider. The motion to table prevailed by Record No. 57.]

[Amendment No. 1, as amended, was adopted by Record No. 58.]

[Representative Price moved to reconsider the vote by which Amendment No. 1, as amended, was adopted and to table the motion to reconsider. The motion to table prevailed by Record No. 59.]

[Representative Buckley moved to recommit **HB 1** to the Committee on Educational Opportunity and Enrichment, Select. The motion prevailed.]

