

FREEDOM FROM RELIGION *foundation*

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SENT VIA EMAIL

New York State Assembly
Legislative Office Building
Albany, NY 12248

Re: Vote Against Private and Parochial School Funding Scheme

Dear Assemblymember:

I am writing on behalf of the Freedom From Religion Foundation (FFRF), a national non-profit with over 22,500 members, including more than 1,200 New York members, regarding serious concerns over Governor Cuomo's "Parental Choice in Education Act," as well as the similar assembly bill A02551 and its corresponding Senate version, S1976-2015. FFRF protects the constitutional separation between state and church, and advocates on behalf of its nonreligious members. We would like to bring to your attention important policy and legal concerns regarding these bills. Funding parochial and private schools with taxpayer money will cause direct harm to New York's education system.

As you may be aware, the Governor's private school funding bill would grant up to \$50 million in state tax credits for people or corporations that donate to organizations providing tuition scholarships to private school students. It would also provide tax credits of \$500 per student for taxpayers with incomes less than \$60,000 for private school tuition, up to a total of \$70 million in credits.

Assembly bill A02551 and Senate bill S1976-2015 would grant up to \$75 million in state tax credits for people or corporations that donate to organizations that provide tuition scholarships to private school students. This amount would rise to \$112.5 million in 2017, and \$150 million in 2018.

These bills would create a system of publicly subsidized private schools. They would divert tax revenue away from the state treasury to unaccountable private and parochial institutions. Presumably, all other taxpayers would have to make up for the corresponding decreases in tax revenues that fund numerous state programs, including public education.

Education tax credits primarily benefit religious schools (which make up the majority of private schools). Governor Cuomo even campaigned in support of education tax credits recently with religious leaders. Parochial school administrators undoubtedly view the education tax credit program as a "Hail Mary" that they hope will stabilize declining school enrollment.

Scholarship tax credit programs such as this one are part of an alarming national trend to subsidize religious education. Tax credit programs are a dubious “school choice” scheme that, like school vouchers, siphon funding from the public school system in support of private religious schools. These bills would effectively create a backdoor private voucher system.

The Constitution of the State of New York under Article XI prohibits the use of public property or money in aid of denominational schools. The Parental Choice in Education Act certainly violates the letter of the Constitution of New York but it also violates the spirit of the Constitution and its dedication to public education. Article XI states:

Neither the state nor any subdivision thereof, shall use its property or credit or any public money, or authorize or permit either to be used, directly or indirectly, in aid or maintenance...of any school or institution of learning wholly or in part under the control or direction of any religious denomination, or in which any denominational tenet or doctrine is taught...

Taxpayers, including those who do not have school-aged children, support public schools because they want to live in a state with an educated citizenry. Yet, taxpayers who have to pick up the slack due to special tax credits have no say in how private schools are run. Americans support public education but overwhelmingly oppose public financing of unaccountable private schools. A full 70% of Americans oppose private school vouchers.¹

Similar legislation across the country has proven disastrous. Publicly subsidized private schools participating in voucher or tax credit programs have been rife with abuse and fraud. The programs also have not helped struggling students, but instead have benefited parochial schools and families who were already paying tuition at religious institutions.

We urge you to take a strong stand against private tax credit bills before the Assembly that subsidize religiously-segregated schools. Please safeguard public education.

Sincerely,



Patrick C. Elliott, Esq.
Freedom From Religion Foundation

¹ 2013 PDK/Gallup Poll on Public Schools