

Testimony on SB17-039
Quality Education and Budget Reduction Act

Kristi Burton Brown, J.D.

Thank you, Madam Chair and Members of the Committee. My name is Kristi Brown, and today I would like to testify in favor of SB17-039 as an attorney and as a mother.

Each of us here cares deeply about the education of children in Colorado. Every child deserves an equal opportunity to be placed in the school environment that best serves his or her needs, and this bill would advance equal opportunity and provide better choices for children.

First off, to quickly deal with a legal issue that often arises in school tax credit situations: It is not accurate to claim that giving parents a tax credit for their child's education is equal to the state funding religious institutions. It is true that many parents who choose to place their children in a private school place them in a religious school. However, where tax credits are concerned, the credit goes directly to the parent and the child, and not to the school. Whether the parent chooses a religious school or a non-religious school to enroll their child should have no effect on whether that child needs and deserves an education, and on whether funds already dedicated to that child's education by the state ought to follow that child where she goes.

Providing a tax credit to a family for their child's education is no more government support of a religious institution than providing fire and police services to a religious school is. Many state courts have recognized that providing tax credits to parents for their children's education does not equal indirect state support of religion. And while the Colorado Supreme Court is currently out-of-step with its own decision, the U.S. Supreme Court recently took on a case evaluating the prohibition on indirect support of religious institutions and is expected to strike down overreaching state constitutional amendments that violate the rights and equality of parents and children who happen to attend a religious school. (*Trinity Lutheran Church of Columbia v. Comer*)

The law aside, speaking as a mother, this bill is an important step in ensuring that every Colorado child has an equal opportunity to receive the kind of education he or she needs. My daughter is already too old to qualify for a tax credit under this bill because she is currently in kindergarten and is homeschooled this year. My son, however, could qualify, and it makes the most sense to allow state education funds to follow the child they were designed to help. Additionally, this bill still leaves at least 50% of the average per pupil revenue with the public school system. This means that 50% of the money designed for my son's education will still stay in the public system, and not with him. If I continue to homeschool my children, even more of the per pupil revenue will still remain in the system, as this bill would give a \$1000 credit per year for my son, while the per pupil revenue exceeds \$4000 per year.

Even though I am a homeschool parent, I believe we need a strong and healthy public education system. I used to work as a substitute teacher in two rural public school districts in Elbert and El Paso counties. My own family demonstrates the importance of diverse choices in education and, as the legislative declaration of this bill states, "every student in the state of Colorado should have as much access as possible to the educational formats that best fit their needs and learning

styles.” Two of my nieces attend a Douglas County charter school, and my nephew is enrolled in a public school in the Cherry Creek School district. I want my nieces and nephews to get a quality, well-funded education, just like I want my own children to.

SB17-039 would help to even out the playing field, however, by giving more choices and options to families. My nephew’s mother would very much like to consider putting him in a private school at some point. However, the cost of private school is prohibitive for their family, and the lack of a tax credit that allows the funds already designated for her son to follow her son is at least partly responsible for taking this choice away from her right now. If she is paying taxes for her son’s education, why does she not have the right to direct at least 50% of the money allocated for her son’s education towards the institution she chooses to educate him?

Rejecting tax credits for children’s education places hardship on low-income families like my nephew’s, who cannot easily afford private school on their own, but who might like to choose it as the preferred option. My nephew is advanced in math, and his mother is already concerned that he may not have the best educational options in public school. SB17-039 would give her more freedom to choose what *she* believes is the best education for her son, without having to be constrained solely by her income. Tax dollars are already dedicated to my nephew’s education; they’re already dedicated for my own children’s education. It only makes sense that this money — or at least some of it — would follow the children and fund their actual education.

We need a strong, well-funded public school system in Colorado. But we cannot focus so strongly on the system as a whole that we forget it is made up of individual children, some of whom are better served by other options outside the system. When we put children first, recognizing that each child has varied and particular needs, the system will become stronger and healthier for everyone. Choice in education is vital to ensure that our children thrive, and SB17-039 aids families in making the choices that are best for them.