



TSTA NEWS

TEXAS STATE TEACHERS ASSOCIATION

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NEWS RELEASE

FOR IMMEDIATE RELEASE

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TSTA FILES SUIT TO STOP GOV. PERRY'S STEALTH VOUCHER PLAN

The 80th Texas Legislature last year passed House Bill 2237, to bolster the Texas Education Agency's dropout recovery efforts and funding, with only one no vote in both chambers. That underscored the strong commitment of lawmakers to reduce the dropout rate in a state where one-third of students do not complete high school.

In 2007, the Texas House of Representatives overwhelmingly adopted a budget rider prohibiting the use of state funds for private school vouchers, and a bipartisan coalition in the Texas Senate kept a bill authorizing vouchers from coming to the floor. So legislators from both parties strongly rejected siphoning off public money to fund private school vouchers.

"But Gov. Rick Perry found a creative way to bypass the Legislature and push his voucher agenda," Texas State Teachers Association President Rita C. Haecker said.

Haecker's comment came as the state's oldest education organization filed suit against the governor's stealth voucher plan masquerading as dropout recovery grants.

The Texas Education Agency announced Monday that it is diverting HB 2237 public money to fund three private organizations offering educational programs – despite the total absence of authority from the Legislature to fund vouchers for private school programs.

"They couldn't push vouchers through the Legislature in an above-board way. So they went through the back door to divert public dollars to private school programs, even though lawmakers warned them not to do so," the president of the 65,000-member association continued.

An agency of state government and its head are only semi-autonomous. The Legislature may delegate its powers to an administrative agency, but a state agency has only the power and authority granted to it by the Legislature. Rules and regulations that an agency or agency head imposes must be in harmony with the authorizing legislation, the TSTA lawsuit contends.

Furthermore, the Texas Education Code, as amended by HB 2237, does not authorize TEA to award public money to any private, nonprofit organization or entity to provide "educational programs to students in any of grades K-12."

(MORE)

TSTA LAWSUIT

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“TEA also awarded dropout recovery grants to more than a dozen public school districts all over the state and two public community college systems. So our public schools and public community colleges clearly are able to deliver the services the Legislature intended HB 2237 to fund,” said TSTA General Counsel Joey Moore.

“Given the finite pool of money available for dropout recovery and the pressing need in our state, diverting public money to private educational programs clearly shortchanges public schools that need it and could effectively use it,” TSTA President Haecker added.

The TSTA lawsuit seeks to enjoin TEA from sending grant money to the three private organizations offering educational programs. TSTA also is asking the court to uphold the Legislature’s clear intent that public money not be siphoned off to fund private schools or private organizations offering educational programs that compete with programs that public schools offer.

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The TSTA lawsuit is online in the TSTA Pressroom, at www.tsta.org/Pressroom/current/index.shtml, under Special Events and Backgrounders.