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Today, the Senate is poised to consider Senate Bill 1. While I appreciate the significant amount of time, effort and deliberations that have gone into this bill, I am unable to support it because of my Constitutional concerns with one of the components of it.

Senate Bill 1 addresses the issues of school vouchers, the Educational Improvement Tax Credit (EITC) and charter school reform. My concern is with the voucher component which will result in public moneys flowing to sectarian schools.

There are several provisions of the Pennsylvania Constitution that are relevant:

- Article III, section 14
  - The General Assembly shall provide for the maintenance and support of a thorough and efficient system of public education to serve the needs of the Commonwealth.
- Article III, section 15
  - No money raised for the support of the public schools of the Commonwealth shall be appropriated to or used for the support of any sectarian school.
- Article III, section 29
  - No appropriation shall be made for charitable, educational or benevolent purposes to any person or community nor to any denominational and sectarian institution, corporation or association: Provided, That appropriations may be made for pensions or gratuities for military service and to blind persons 21 years of age and upwards and for assistance to mothers having dependent children and to aged persons without adequate means of support and in the form of scholarship grants or loans for higher educational purposes to residents of the Commonwealth enrolled in institutions of higher learning except that no scholarship, grants or loans for higher educational purposes shall be given to persons enrolled in a theological seminary or school of theology.
- Article III, section 30
  - No appropriation shall be made to any charitable or educational institution not under the absolute control of the Commonwealth, other than normal schools established by law for the professional training of teachers for the public schools

of the State, except by a vote of two-thirds of all the members elected to each House.

Specifically, I will focus on Article III, section 29. This constitutional provision was amended in 1963 to allow for “scholarship grants or loans for higher educational purposes.” This amendment was pursued to allow for PHEAA grants and loans to individuals and families for private and religious colleges and universities.

If it was deemed necessary to amend the Pennsylvania Constitution to allow for grants or “vouchers” to students of higher education, does it not seem necessary to amend the Pennsylvania Constitution to allow for grants or “vouchers” to students to attend private and/or religious K-12 schools?

Therefore, I cannot vote in support of a bill that I believe is unconstitutional.

Let me add that I wholeheartedly support the provisions of Senate Bill 1 that increase the limits for the EITC program. This program was started 10 years ago and has been extremely successful. Last year, we increased the limit of the EITC to \$75 million, more than double the amount of the original EITC.

The United States Supreme Court recently upheld an EITC type of bill from another state as valid under the United States Constitution. Further, I believe that the program has been crafted and drafted, in a manner that would be upheld under the Pennsylvania Constitution.

The Pennsylvania House of Representatives passed House Bill 1330 on May 10, 2011 by a bipartisan vote of 190-7. This legislation contains one main provision to raise the limits for the EITC program to \$100 million in FY 2011-12 and \$200 million in FY 2012-13.

The EITC program has bipartisan support in the House and Senate and is supported by Governor Tom Corbett. There is no doubt that even if Senate Bill 1 is passed by the House and Senate and signed into law by Governor Corbett, it will face years of appellate litigation on the issue of Constitutionality. Would it not be prudent and best to pass House Bill 1330 and allow for immediate assistance to those individuals who avail themselves of this program?

In conclusion, I cannot support Senate Bill 1 because I believe that the only manner to adopt a “voucher” type of program is by amendment to the Pennsylvania Constitution and not by general legislation like this bill.

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