



128 Dorrance Street, Suite 400  
Providence, RI 02903  
Phone: (401) 831-7171  
Fax: (401) 831-7175  
[www.riaclu.org](http://www.riaclu.org)  
[info@riaclu.org](mailto:info@riaclu.org)

## **ACLU OF RI POSITION: OPPOSE**

### **TESTIMONY IN OPPOSITION TO 23-H 5804, TAX CREDITS FOR CONTRIBUTIONS TO SCHOLARSHIP ORGANIZATIONS April 26, 2023**

The ACLU opposes this legislation which would increase, from \$1.5 million to \$5 million, the tax credit program in FY 2024 for businesses that make donations to “scholarship organizations” that funnel money to private and parochial schools for tuition purposes, and expand that amount even more in future years. At a time when public schools’ budgets across the state continue to face severe hardships, it is simply unacceptable to be expanding the aid the state provides to private schools, even if done indirectly through a tax credit.

For many years, supporters of this program have argued that low and middle-income parents need alternatives to poorly performing public schools. Leaving aside the fact that this has been a major argument for the presence of charter schools, and those schools exist, the solution to failing public schools is not to use tax dollars to divert select students to private schools. Doing so undermines the premise of a public school system that serves all, with the support of all, and it undercuts efforts to address the financial difficulties that the public schools face. The substantial additional allocation for these credits proposed by this legislation should be spent to improve the public schools instead of further depriving them.

The vast majority of the tax funds under this program – over 90% in FY 2022, for example – go to pay for tuition at religious schools. While a 1983 U.S. Supreme Court decision, by a 5-4 vote, upheld this type of program as not violating the First Amendment’s principle of separation of church and state, as a matter of policy we strongly object to the use of tax credits for the main benefit of sectarian education.

It is also worth examining the actual implementation of the program. Over the many years of the program, a significant amount of the tax credits has gone to *just two* schools – the Jewish Community Day School and the Providence Hebrew Day School. In 2022, for example, these two schools alone received \$558,000 in funds, and it’s been even higher in other years. (In 2017, for example, they received \$750,000 in tax credit funds.) Further, most of the students benefitting from this aid program in those two schools – 44 out of 66 – came from one zip code, 02906, the East Side of Providence. While we recognize that the aid goes only to families meeting specific income eligibility requirements, this statistic remains quite striking in considering the actual impact of this tax credit program and its benefits.

Parents should certainly have the right to send their children to private schools, but they should not expect taxpayer support beyond the tens of thousands of dollars they already receive in other aid off the backs of school districts and taxpayers, such as textbook and transportation aid. We therefore respectfully urge the Committee to reject this proposal.