



# Texas Catholic Conference of Bishops

THE PUBLIC POLICY VOICE OF THE CHURCH

## Support Testimony CSSB 8

**Bishop Michael Olson, Diocese of Fort Worth**

My name is Bishop Michael Olson and I serve as the bishop of the Catholic Diocese of Fort Worth that covers 28 counties in North Texas. I am here to testify on behalf of the Diocese of Fort Worth and the Texas Catholic Conference of Bishops. We register initial support for the committee substitute for SB 8.

Our support in this committee today is because we refuse to capitulate on parental choice. We believe in redemption, and this bill is redeemable. Given the timing, leaving this bill in committee for more than a couple of days will kill the bill on the timeline. We believe this committee has time to fix it, either in committee or on the floor or it will fail.

As this committee knows from our previous and extensive testimony, we strongly support passing parental choice legislation to respect parents' rights to select the best educational environment for their children because parents are the primary educators of their children. We hope to continue to support this bill if two simple and essential changes can be made to it.

### **Eligibility**

This committee sub will provide a limited number of students, approximately 20,000 out of over 5 million Texas students, with more educational options. We are disappointed that this substitute excludes many financially disadvantaged students who were included in the first House version. Nevertheless, we are happy to support the inclusion of students with disabilities for eligibility because this approach begins with concern and service for those most vulnerable and in need of assistance. We also remain concerned that the bill's focus is primarily centered on schools instead of on the needs of students and their parents. This bill still limits educational options based upon zip codes and not upon student need.

## **Religious Liberty & Private School Autonomy**

Throughout the many hours of discussion and debate on this issue in this session and in previous sessions, we have consistently held that our Catholic schools require strong protections for religious liberty and private school autonomy. Unfortunately, this substitute has significantly reduced those protections and creates an uncertain and ambiguous regulatory environment that will surely lead to reduced private school participation or even litigation regarding rules and regulations. In the provider autonomy section of the substitute, the bill says that rules or actions related to this program may not *unduly* limit education service providers. This term *unduly* is not defined and must be removed. I say this because the term *unduly* has several different meanings in jurisprudence. For example, *unduly* could mean any of the following:

- without due cause or justification
- without proper regard to right and wrong
- unrightfully
- improperly
- excessively
- burdensome

Our concern is that the ambiguity involved with the term *unduly* provides a metric by which the assessment of such rules or actions would become open to subjective and variously biased interpretations that would inevitably lead to litigation. Just as schools cannot replace parents as the primary educators of their children, so also the courts must not replace parents as the primary educators of their children. We are concerned that the use of the term *unduly* could be too narrowly interpreted to allow prayer or Mass in our schools, but not offer our schools just protection in determining the policies and practices related to methods of instruction, curriculum, and

employment. The Constitution protects our freedom to pray as well as the freedom to act in accordance with the values of our religious tradition. The word “unduly” must be removed in order for us to continue to support the bill.

### **Capacity to Serve**

Finally, I would like to address our capacity to serve. Our Catholic schools accommodate students with special needs and provide instruction that builds a strong foundation for academic success. 89% of Catholic schools serve students with special needs and schools report that an average of 11% of the student body has identified special needs.

### **Conclusion**

Ultimately, we are at the end of the line in the regular session. While we wholeheartedly want parental choice to pass this session – it must be done in a manner that can be implemented well for the sake of the students and their parents. Unfortunately, previous versions of this bill, as well as other bills filed, would have been far more effective and preferable in placing the focus on students and not on schools. We believe the eligibility should be expanded to include more economically disadvantaged families. We ask this committee to move this bill forward with the following necessary changes:

- On page 70, line 25, strike the word “unduly”
- On page 57, add the option for parents to choose for their student to take a norm-referenced test that includes a concordance table with the state assessment.

We hope these changes can be made before the bill’s final passage to improve the chances of a successful implementation with robust Catholic and private school participation.