



## New Hampshire Vouchers Face Repeal

By: Rachel Sheffield – February 21, 2013

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The New Hampshire legislature voted its first private school choice program into law in 2011, but a new majority in the state House of Representatives may now repeal it. On top of that, the program is facing a lawsuit.

“A number of [education] tax-credit programs have never been challenged in court (Florida, Georgia, and Pennsylvania) and we have won those that have (Arizona and Illinois),” says Dick Komer, an Institute for Justice attorney defending the program. “As in all of these cases, the plaintiffs try and characterize the program as a nefarious scheme to channel aid to religious schools, as if the program were enacted for those schools’ benefit, rather than the benefit of the families being given new opportunities to choose the best available education for their children.”

The program gives businesses a credit on their state tax bill for 85 percent of their donations to nonprofit organizations that help families pay private tuition or to attend out-of-district public schools. The scholarships must average \$2,500 per student.

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### Mostly Poor Recipients

The application process for scholarships began January 1, and scholarships will be granted for 2013-2014. Sixty percent of recipients are from poor families, and at least 40 percent must qualify for federal free and reduced-price lunch.

“The New Hampshire Opportunity Scholarship Program empowers low- and middle-income families to choose the education that best fits their kids’ individual needs,” said Jason Bedrick, a Cato Institute policy analyst.

Rep. Peter Sullivan (D- Hillsborough) introduced House Bill 370 in January to end the program. Its fate may rest with state Sen. Nancy Stiles (R-Rockingham), who voted against the original bill but thinks overturning it so soon will convey government instability.

Families can also receive up to \$625 to cover homeschooling books and learning materials.

“These small scholarships” give parents “alternative learning opportunities not necessarily offered by public schools,” said state Rep. Joe Pitre (R-Farmington).

### Legal Challenges

The American Civil Liberties Union and New Hampshire Civil Liberties Union filed a lawsuit against the program. Its first hearing is set for April. Like many states, New Hampshire’s constitution includes a Blaine Amendment, which prohibits tax dollars from funding religious

organizations. The lawsuit claims the tax credits violate this law by allowing students to use their scholarships at religious schools.

Because the money never enters state hands and is thus private money going to private schools, “we are cautiously optimistic the court challenge will not succeed,” Pitre said.

#### Diverse Applicants

Approximately 300 children across the state have applied for scholarships since applications opened January 1, said Kate Baker, executive director of nonprofit administering the scholarships.

“We’ve heard from single moms to families where they have one person that stays home to home school; [families] with children with special needs, as well as families with children with terminal illnesses,” she said.

The scholarships also save the state money, Bedrick notes, because the deductions are far smaller than public school per-pupil spending.