

To our Esteemed Members of our Legislature in the Great State of Iowa;

First let us start off by thanking you for your service to our state. We have no doubt that you are working tirelessly for all Iowans and that you are always doing your best to work in the best interest for all Iowans regardless of your own personal opinion.

That is why it is unfortunate to hear talk of educational vouchers coming to the forefront again. While I am sure you have heard all the traditional arguments for and against this topic I'd like to present some information that you might not be thinking of in regards to this issue.

Please consider the following ideas:

1. The voucher is trying to get students out of underperforming schools into better options of a family's choice. While there are issues that exist at underperforming schools that definitely need to be addressed, one should logically ask how does pulling students and resources from these schools fix that problem? The logical outcome of this is that it will only further compound the issues happening in that district. Please consider the root causes of these issues or you may end up having to solve larger problems due to second order changes. These issues are also primarily not at play in our rural Iowa schools and the funding loss may actually be felt more in our rural schools which in turn harms those that are not part of the issue.
2. The money allocated here is not held to the same scrutiny as other public funds. The bill states the money can be used for educational purposes up through and including college. However there is no accountability or accounting of how this money is spent, if it is spent at all. I would have less argument on this if there were publicly overseen boards and audits on this public money being used privately. However, there already exists accountability and transparency issues between public and private schools. The same type of issues have led to already proposed legislation where we see the lack of transparency and accountability failing students in competent private instruction.
3. While an argument to support the education of families that don't believe in public schools exist, it is a personal choice for them not to attend. For example public funds pay for roads and libraries. Both are options that I can choose to use or not. I do not get my tax dollars returned to spend on a different option of my choosing as this would go beyond public purpose. For example, if I don't feel the public state highway is safe because bad things can happen there and decide that I will only take gravel county roads because it's in my best interest can I demand \$5,270 annually for wear and tear on my vehicle? Even if approved can we do this regardless of how far or how often I drive as I wouldn't have to prove it? While this example may seem ridiculous it is exactly the same argument for vouchers. Vouchers simply do not meet the definition of public purpose and according to Iowa's Constitution public funds can not be used for private purposes. There is an exception which can invalidate this and that is if two-thirds of both the Iowa House and Senate approve the use of funds in a certain way. If you can reach this super-majority then this argument is invalid. If not, even if you are to pass the law, it may prove to be unconstitutional. Please consider the following interpretation from the

Auditor's Office of the State of Iowa regarding Article III, Section 31 of the Constitution on the State of Iowa.

The Doctrine of Public Purpose:

Article III, Section 31 of the Constitution of Iowa states:

Extra compensation — payment of claims — appropriations for local or private purposes.

*No extra compensation shall be made to any officer, public agent, or contractor, after the service shall have been rendered, or the contract entered into; nor, shall any money be paid on any claim, the subject matter of which shall not have been provided for by pre-existing laws, and **no public money or property shall be appropriated for local, or private purposes**, unless such appropriation, compensation, or claim, be allowed by two-thirds of the members elected to each branch of the General Assembly.*

Over the years the portion highlighted in red has been restated to say public funds must be spent for a public purpose.

A circa 1930's court case established a test to determine if public resources are being used for a private purpose. The test is whether there is an absence of public purpose that is "so clear as to be perceptible by mind at first blush".

An Attorney General's Opinion dated April 25, 1979 concluded: It is possible for certain expenditures to meet the test of public purpose under certain circumstances, although such items will certainly be subject to a deserved close scrutiny. The line to be drawn between a proper and improper purpose is very thin. Certain expenditures may not meet those requirements if the public benefits to be derived have not been carefully considered and clearly documented.

This concept can be restated as follows:

The harder it is to document a public purpose, the less likely one exists.

And its corollary is:

If it's not for a public purpose, why should the public pay for it?

Various Code of Iowa sections build upon the public purpose requirement. For example:

- *For community school districts, Section 279.30 of the Code of Iowa includes a requirement for schools which states "each payment...must state the purpose for which the payment is issued".*
- *For counties, Section 331.504 (8) of the Code of Iowa includes a requirement for counties which states "The claims, before being audited or paid, shall be itemized to clearly show the*

basis of the claim and whether for property sold or furnished for services rendered or for another purpose".

- *For cities, Section 372.13(6) of the Code of Iowa includes a requirement for cities which states: "The list of claims allowed shall show the name of the person or firm making the claim, the reason for the claim, and the amount of the claim".*

- *For community colleges, Section 2.60C.43 of the Code of Iowa includes a requirement for community colleges which states: "Each payment shall be made payable to the vendor entitled to receive the payment with appropriate justification to ensure that the payment is in accordance with generally accepted accounting principles and procedures and in accordance with the system prescribed by the Director of the Iowa Department of Education."*