Certain Montana Republican state legislators apparently intend to move ahead with their agenda to provide tax benefits for private and religious schools. This in spite of clear and unequivocal voter opposition to the idea and constitutional prohibitions on what they seek.

Recently the Oklahoma Legislature, with a 40-8 Republican majority in the Senate and a 72-29 Republican majority in the House, chose to jettison legislation to provide tax benefits for private and religious schools when polling came out showing a 2-1 opposition among Oklahoma voters. Montana voters have expressed conclusive opposition to tax benefits for private schools as well. Are Montana Legislators listening?

The Oklahoma Legislature honored the will of voters. Will Montana Legislators have the courage to do the same?

Zogby Analytics Poll, +/- 4.5% margin of error, September 2014

Montanans oppose providing tax benefits to parochial schools

- Montanans Oppose 54.0%
- Support 41.2%
- Not sure 4.8%

Montanans oppose providing tax benefits to private schools without community elected trustees

- Montanans Oppose 66.6%
- Support 30.0%
- Not sure 3.4%

Montanans oppose providing tax benefits to private schools not obligated to uphold the public’s right to know and have input into decisions

- Montanans Oppose 73.6%
- Support 21.1%
- Not sure 5.4%

Unfortunately, the sponsors of these proposals apparently intend to pursue their ill-thought strategy of disguising the tracks between the Legislature’s action and the tax benefits they would extend to private and religious schools. Hopefully their colleagues will see through these disguises and reject these ill-thought proposals. The interests of students and voters are hanging in the balance.

Proposals in current House Bills 322, 433, and 596 to directly or indirectly provide tax payer funding of private and religious schools violate the Montana Constitution; contradict the will of Montana voters; divest communities of their right to vote, observe, receive proper notice of, and participate in the operations of taxpayer funded schools.

The Montana Supreme Court has held, on more than one occasion, that the Legislature cannot do indirectly what it cannot do directly. The prohibition on the Legislature’s actions is, in this case, on both direct and indirect aid, as established in Article X, Section 6. The Legislature cannot construct a path byzantine enough to avoid this outright prohibition, no matter how vociferously supporters argue to the contrary.
A Comparison of the rights of Montanans:
Public schools vs. tax supported private schools

<table>
<thead>
<tr>
<th>Right or obligation involved</th>
<th>Montana’s Public Schools</th>
<th>Private Schools</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Montana Constitution</td>
<td>Requires the Legislature to establish and adequately and equitably fund a basic system of free quality schools.</td>
<td>Prohibits the Legislature from providing a direct or indirect appropriation or payment for sectarian purposes.</td>
</tr>
<tr>
<td>Voter Rights</td>
<td>The right to elect who will govern public schools and the right to vote on a variety of measures under the law.</td>
<td>None</td>
</tr>
<tr>
<td>Citizens Rights</td>
<td>The right to know observe and participate in the actions of public school districts.</td>
<td>None</td>
</tr>
<tr>
<td>Compliance with Accountability</td>
<td>Required under various laws of the Montana Legislature and rules of the Board of Public Education.</td>
<td>Not Required</td>
</tr>
<tr>
<td>School Choice</td>
<td>Freely-exercised, through choice of district, choice of school, choice of curriculum, options through digital learning and proficiency-based advancement.</td>
<td>Freely-exercised with virtually no conditions other than perfunctory reports of attendance and confirmation that minimum hours of instruction are provided.</td>
</tr>
<tr>
<td>Tax Credits</td>
<td>Not currently provided but could be integrated as part of the constitutionally required basic system of free quality schools.</td>
<td>Prohibited as direct or indirect appropriations or payments as to parochial schools.</td>
</tr>
<tr>
<td>Vouchers</td>
<td>Not currently provided but comparable flexibility is allowed through other provisions guaranteeing public school choice</td>
<td>Prohibited as direct appropriations, in violation of Article V, Section 11(5) and Article X, Section 6 of the Montana Constitution.</td>
</tr>
</tbody>
</table>

It’s time to quit wasting time trying to craft solutions in pursuit of a problem that does not exist. Montana’s Public Schools are:

- Governed by elected trustees
- Responsive to the needs of each community
- Excellent, efficient, and equitable and empowered
- Adapting and innovating to advance student achievement for each child
- Transparent and Trusted