

May 17, 2021

The Honorable Rosa DeLauro  
Chair, House Appropriations Committee  
Washington, DC 20515

The Honorable Patrick Leahy  
Chair, Senate Appropriations Committee  
Washington, DC 20510

The Honorable Kay Granger  
Ranking Member, House Appropriations  
Committee  
Washington, DC 20515

The Honorable Richard Shelby  
Ranking Member, Senate Appropriations  
Committee  
Washington, DC 20510

RE: Do Not Fund Private School Voucher Programs

Dear Chairwoman DeLauro, Ranking Member Granger, Chairman Leahy, and Ranking Member Shelby:

The 40 undersigned members of the National Coalition for Public Education (NCPE) write to voice opposition to the funding of private school voucher programs, including the continued funding of the District of Columbia private school voucher program, in the FY 2022 appropriations legislation.

Public funds should support public schools, which educate 90% of our country's students. We oppose private school voucher programs because they divert desperately needed resources away from the public school system to fund the education of a few, select students in private, often religious, schools. Voucher programs have also proven ineffective in improving students' academic achievement,<sup>1</sup> lack accountability,<sup>2</sup> and fail to provide students with the rights and protections they would receive in public schools.<sup>3</sup> And, voucher programs are insufficient in providing adequate services for students most in need, including students with disabilities, low-income students, and students who are English learners.

### **Discontinue Funding for the D.C. Private School Voucher Program**

The D.C. voucher program was originally enacted in 2003 as a five-year pilot program. Yet, the program continues to exist today even though it has proven ineffective and unaccountable to taxpayers. The program is unpopular and has never been able to garner enough votes to pass as a

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<sup>1</sup> E.g., Jonathan N. Mills & Patrick J. Wolf, Univ. of Ark., [The Effects of the Louisiana Scholarship Program on Student Achievement After Four Years](#) (Apr. 2019); Megan Austin et. al., Russell Sage Found. J. of the Social Sciences, [Voucher Pathways and Students Achievement in Indiana's Choice Scholarship Program](#) (2019); David Figlio & Krzysztof Karbownik, Fordham Institute, [Evaluation of Ohio's EdChoice Scholarship Program: Selection, Competition, and Performance Effects](#) (July 2016); U.S. Dep't of Educ., [Evaluation of the DC Opportunity Scholarship Program: Impacts Three Years After Students Applied](#) (May 2019).

<sup>2</sup> E.g., U.S. Gov't Accountability Office, GAO-16-712, [Private School Choice Programs Are Growing and Can Complicate Providing Certain Federally Funded Services to Eligible Students](#) (2016); U.S. Gov't Accountability Office, GAO-13-805, [District of Columbia Opportunity Scholarship Program: Actions Needed to Address Weaknesses in Administration and Oversight](#) (2013).

<sup>3</sup> Julie F. Mead & Suzanne E. Eckes, Nat'l Educ. Policy Ctr., [How School Privatization Opens the Door for Discrimination](#) (Dec. 2018); Bayliss Fiddiman & Jessica Yin, Ctr for Amer. Progress, [The Danger Private School Voucher Programs Pose to Civil Rights](#), (May 13, 2019).

standalone bill. Its reauthorization has been repeatedly tucked into must-pass spending bills, including most recently in the FY 2020 spending bill. Congress should not continue to fund this unsuccessful program through appropriations legislation.

### *The D.C. Voucher Program Has Not Improved Academic Achievement for Students*

Multiple Congressionally mandated Department of Education studies of the D.C. voucher program have demonstrated that the program does not improve the academic achievement of students in the program.<sup>4</sup> In fact, two recent Department of Education studies of the program demonstrate that students using vouchers have performed *worse* academically than their peers not in the voucher program.<sup>5</sup> And, previous studies have indicated that many of the students in the voucher program are less likely to have access to key services such as ESL programs, learning supports, special education supports and services, and counselors than students who are not part of the program.<sup>6</sup> Moreover, a study from the Urban Institute found that receiving a voucher does not increase D.C. students' college enrollment rates.<sup>7</sup>

Despite evidence demonstrating that the program has been ineffective in improving student achievement, recent reauthorizations of the program have adopted language that has weakened the very evaluation system that revealed its ineffectiveness. If Congress is serious about improving educational opportunities for students, it should not continue to fund this program; but at minimum, it should address the weakened evaluation standard and return the evaluation to its original standard requiring that it be "conducted using the strongest possible research design."

### *The D.C. Voucher Program Does Not Improve Students' Educational Opportunities*

Many of the District's most elite schools remain out of reach for most voucher students. For example, data demonstrates that during the school years from 2013 to 2016, 70% of the schools participating in the voucher program had published tuition rates above the maximum amount of the voucher.<sup>8</sup> Among those schools, the average difference between the maximum voucher amount and the tuition was \$13,310.<sup>9</sup> Low-income students receiving vouchers would hardly be able make up the difference between those schools' tuition and the amount of the voucher.

In addition to the cost of attending private schools, the lack of proper oversight or quality control measures has led the D.C. voucher program to fund education for students in poor quality schools. Multiple Government Accountability Office reports reveal that the program has repeatedly failed to

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<sup>4</sup> E.g., U.S. Dep't of Educ., [Evaluation of the DC Opportunity Scholarship Program: Impacts Three Years After Students Applied](#) (May 2019) (2019 U.S. Dep't of Educ. Report); U.S. Dep't of Educ., [Evaluation of the D.C. Opportunity Scholarship Program: Impacts Two Years After Students Applied](#) (June 2018) (2018 U.S. Dep't of Educ. Report); U.S. Dep't of Educ., [Evaluation of the D.C. Opportunity Scholarship Program: Impacts After One Year](#) (June 2017) (2017 U.S. Dep't of Educ. Report); U.S. Dep't of Ed., [Evaluation of the D.C. Scholarship Program: Final Report](#) (June 2010) (2010 U.S. Dep't of Educ. Report).

<sup>5</sup> 2018 U.S. Dep't of Educ. Report at 19; 2017 U.S. Dep't of Educ. Report at 11.

<sup>6</sup> 2010 U.S. Dep't of Educ. Report at 20; 2009 US Dep't of Educ. Report at xxii, 17; 2008 US Dep't of Educ. Report at xviii, 16.

<sup>7</sup> Matthew Chingos, Urban Institute, [The Effect of the D.C. School Voucher Program on College Enrollment](#) (Feb. 2018).

<sup>8</sup> 2019 U.S. Dep't of Educ. Report at A-9.

<sup>9</sup> *Id.*

meet basic accountability standards.<sup>10</sup> And, an investigation into the D.C. voucher program revealed that many schools were not high quality,<sup>11</sup> including one school whose student body was 100% voucher students that existed in “a soot-stained storefront” where students used a gymnasium two miles down the road,<sup>12</sup> and another that was operated out of a private converted home with facilities so unkempt that students had to use restrooms in an unaffiliated daycare center downstairs.<sup>13</sup>

These failings likely contribute to the large attrition rates for students in the program. In 2019, the Department of Education found that three years after applying to the voucher program, less than half of the students who received vouchers used them to attend a private school for the full three years.<sup>14</sup> Moreover, 20% of students stopped using the voucher after one year and returned to public school, and 22% of students who received vouchers did not use them at all.<sup>15</sup>

### *The D.C. Voucher Program Endangers Civil Rights and Undermines Constitutional Protections*

Despite receiving public funds, the private schools participating in the D.C. voucher program do not abide by all federal civil rights laws and public accountability standards—including those in Title VI, Title IX, the Individuals with Disabilities Education Act (IDEA), Title II of the Americans with Disabilities Act, and the Elementary and Secondary Education Act (ESEA)—that all public schools must meet. Students who attend private schools with vouchers are stripped of their First Amendment, due process, and other constitutional and statutory rights provided to them in public schools. Schools that do not provide students with these basic civil rights protections should not be funded with taxpayer dollars.

At minimum, we urge the committee to add language to require voucher schools in the program to provide civil rights protections to students in the voucher program, as it has been included in previous House FSGG appropriations legislation.<sup>16</sup>

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<sup>10</sup> GAO reports from both 2007 and 2013 document that the D.C. voucher program has repeatedly failed to meet basic and even statutorily required accountability measures. U.S. Gov’t Accountability Office, [District of Columbia Opportunity Scholarship Program: Actions Needed to Address Weaknesses in Administration and Oversight](http://www.gao.gov/assets/660/658416.pdf), Publication No. GAO-13-805 (Nov. 2013) <http://www.gao.gov/assets/660/658416.pdf> (2013 GAO Report); US Gov’t Accountability Office, [District of Columbia Opportunity Scholarship Program: Additional Policies and Procedures Would Improve Internal Controls and Program Operations](http://www.gao.gov/new.items/d089.pdf), Pub. No. 08-9 at 26 (Nov. 2007) <http://www.gao.gov/new.items/d089.pdf> (2007 GAO Report).

<sup>11</sup> Lyndsey Layton, [D.C. School Voucher Program Lacks Oversight](#), *GAO Says*, Wash. Post (Nov. 15, 2013).

<sup>12</sup> *Id.* (revealing details about Academia de la Recta Porta).

<sup>13</sup> *Id.* (discussing Muhammad University of Islam, which enrolled one-third voucher students).

<sup>14</sup> *Id.* at 3.

<sup>15</sup> *Id.*

<sup>16</sup> *E.g.*, H.R. 7668, 116th Cong. (2020).

Provided further, That none of the funds made available under this heading may be used for an opportunity scholarship for a student to attend a school which does not certify to the Secretary of Education that the student will be provided with the same protections under the Federal laws which are enforced by the Office for Civil Rights of the Department of Education which are provided to a student of a public elementary or secondary school in the District of Columbia and which does not certify to the Secretary of Education that the student and the student’s parents will be provided with the same services, rights, and protections under the Individuals With Disabilities Education Act ( 20 U.S.C. 1400 et seq.) which are provided to a student and a student’s parents of a public elementary or secondary school in the District of Columbia, as enumerated in Table 2 of Government Accountability Office Report 18–94 (entitled “Federal Actions Needed to Ensure Parents Are Notified About Changes in Rights for Students with Disabilities”), issued November 2017.

## **Conclusion**

For these reasons and more, NCPE opposes the continued funding of the D.C. voucher program or any other private school voucher program in the FY 2022 appropriations bill.

Thank you for your consideration of our views.

Sincerely,

AASA, The School Superintendents Association  
African American Ministers In Action  
American Atheists  
American Federation of State, County and Municipal Employees (AFSCME)  
American Federation of Teachers  
American Humanist Association  
Americans United for Separation of Church and State  
Anti-Defamation League  
Association of Educational Service Agencies  
Association of School Business Officials International (ASBO)  
Baptist Joint Committee for Religious Liberty (BJC)  
Central Conference of American Rabbis  
Clearinghouse on Women's Issues  
Council for Exceptional Children  
Council of Administrators of Special Education  
Council of the Great City Schools  
Disciples Center for Public Witness  
Feminist Majority Foundation  
Freedom From Religion Foundation  
GLSEN  
In the Public Interest  
Interfaith Alliance  
NAACP  
National Association of Elementary School Principals  
National Association of Federally Impacted Schools  
National Association of Secondary School Principals  
National Council of Jewish Women  
National Disability Rights Network (NDRN)  
National Education Association  
National Parent Teacher Association  
National Rural Education Advocacy Collaborative  
National Rural Education Association  
National School Boards Association  
Network for Public Education  
People For the American Way  
Public Funds Public Schools

Secular Coalition for America  
SPLC Action Fund  
Union for Reform Judaism  
Women of Reform Judaism