

# The National Coalition *for* Public Education

April 27, 2016

RE: NCPE Opposes H.R. 4901, the Reauthorization of the D.C. School Voucher Program

Dear Representative:

The 56 undersigned organizations write to voice opposition to H.R. 4901, the reauthorization of the District of Columbia private school voucher program. We oppose this and all private school voucher programs because public funds should be spent on public schools, not private schools. But the D.C. program, in particular, has proven ineffective and unaccountable to taxpayers. Not only have multiple Department of Education (USED) studies<sup>1</sup> concluded that the program has failed to improve educational outcomes for participating students, but two U.S. Government Accountability Office (GAO) reports have also identified its repeated management and accountability failures.<sup>2</sup>

We acknowledge that supporters of this program may be able to point to some students who have gone to exemplary schools and seen improvement from the program. But according to government studies and investigative reports, these students are, unfortunately, the exception rather than the rule. Congress should not reauthorize this unsuccessful and poorly managed program.

## Our Public Schools Have Great Value, but They Are Undermined by Private School Vouchers

Open and nondiscriminatory in their acceptance of all students, American public schools are a unifying factor among the diverse range of ethnic and religious communities in our society. Public schools are the only schools that must meet the needs of all students. They do not turn children or families away. They serve children with physical, emotional and mental disabilities, those who are extremely gifted, and those who are learning challenged, right along with children without special needs.

Vouchers undermine this vital function, however, by diverting desperately needed resources away from the public school system to fund the education of a few voucher students—without offering any actual reforms. The government would better serve our children by using these funds to make the public schools stronger.

## The D.C. Voucher Program Does Not Improve Academic Achievement

All four of the congressionally mandated USED studies that have analyzed the D.C. voucher program have concluded that it did not significantly improve reading or math achievement.<sup>3</sup> The USED studies further found that the voucher program had no effect on student satisfaction, motivation or engagement, or student views on school safety.<sup>4</sup> The studies also indicated that many of the students in the voucher

<sup>1</sup> US Dep't of Educ., *Evaluation of the D.C. Opportunity Scholarship Program: Final Report* xv, xix, 34 (June 2010) (*Final US Dep't of Educ. Report*); *Final US Dep't of Educ. Report* at 34; US Dep't of Educ., *Evaluation of the D.C. Opportunity Scholarship Program: Impacts After Three Years* 34 (March 2009) (*2009 US Dep't of Educ. Report*); US Dep't of Educ., *Evaluation of the D.C. Opportunity Scholarship Program: Impacts After Two Years* 34, 36-38 (June 2008) (*2008 US Dep't of Educ. Report*); US Dep't of Educ., *Evaluation of the D.C. Opportunity Scholarship Program: Impacts After One Year* xvii, 44, 46 (June 2007) (*2007 US Dep't of Educ. Report*).

<sup>2</sup> U.S. Gov't Accountability Office, *District of Columbia Opportunity Scholarship Program: Actions Needed to Address Weaknesses in Administration and Oversight*, Publication No. GAO-13-805 (Nov. 2013) <http://www.gao.gov/assets/660/658416.pdf> (hereinafter 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*, Pub. No. 08-9 at 26 (Nov. 2007) <http://www.gao.gov/new.items/d089.pdf> (hereinafter 2007 GAO Report).

<sup>3</sup> *Final US Dep't of Educ. Report* at xv, xix, 34; *2009 US Dep't of Educ. Report* at 39; *2008 US Dep't of Educ. Report* at 34, 36-38; *2007 US Dep't of Educ. Report* at xvii, 44, 46.

<sup>4</sup> *Final US Dep't of Educ. Report* at 43-47; *2009 US Dep't of Educ. Report* at xxvi, xviii, 35, 44-45, 49-50; *2008 US Dep't of Educ. Report* at 42-43, 50, 57; and *2007 US Dep't of Educ. Report* at xx, 53-55.

program were less likely to have access to key services such as ESL programs, learning supports, special education supports and services, and counselors than students who were not part of the program.<sup>5</sup> A program that has failed to improve the academic achievement or school experience of the students in the District of Columbia does not warrant reauthorization.

#### The D.C. Voucher Program Lacks Sufficient Oversight

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 standards. The 2013 report concluded that the D.C. Children and Youth Investment Trust Corporation (Trust), has continually failed to ensure the program operated with basic accountability measures and quality controls<sup>6</sup> and even failed to maintain adequate records on its own financial accounting.<sup>7</sup> The interim executive director of the Trust at that time even admitted that “quality oversight of the program as sort of a dead zone, a blind spot.”<sup>8</sup>

Congress has attempted to address the oversight problems, yet they continue. For example, in its 2007 report, the GAO criticized the D.C. voucher program’s annual directory, saying that the program administrator “did not collect or omitted or incorrectly reported some information that would have helped parents evaluate the quality of participating schools.”<sup>9</sup> The most recent GAO report found that six years later, the program still suffered the same flaw. In a similar vein, the 2007 GAO report found that several schools receiving vouchers lacked valid certificates of occupancy.<sup>10</sup> In response, Congress included a provision in the SOAR Act specifying that private schools accepting vouchers must obtain and maintain one.<sup>11</sup> Nonetheless, in 2013 the GAO reported that nine of the ten schools they investigated still did not meet the certificates of occupancy requirement.<sup>12</sup>

A program with such repeated and serious oversight problems should not be reauthorized.

#### Many Participating Schools Are of Poor Quality

A special investigation conducted by the *Washington Post* found that many of the private schools in the program are not quality schools.<sup>13</sup> It described one school that consisted entirely of voucher students as existing in just two classrooms in “a soot-stained storefront” where students used a gymnasium two miles down the road.<sup>14</sup> Another voucher school 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>15</sup> And yet another school, where 93% of the students had vouchers, used a “learning model known as “Suggestopedia,” an obscure Bulgarian philosophy of learning that stresses learning through music, stretching and meditation.”<sup>16</sup> Congress cannot justify reauthorizing a program that uses federal funds to place D.C. students in such schools.

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

The voucher program strips students of civil rights protections. Despite receiving public funds, the private schools participating in the D.C. voucher program are not subject to all federal civil rights laws, do not adhere to religious freedom protections provided to public school students under the First Amendment of

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<sup>5</sup> *Final US 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>6</sup> 2013 GAO Report at 19.

<sup>7</sup> *Id.* at 28.

<sup>8</sup> Lyndsey Layton, *D.C. School Voucher Program Lacks Oversight, GAO Says*, WASH. POST (Nov. 15, 2013)

[http://www.washingtonpost.com/local/education/D.C.-school-voucher-program-lacks-oversight-gao-says/2013/11/15/9bb8c35e-4e3d-11e3-be6b-d3d28122e6d4\\_story.html](http://www.washingtonpost.com/local/education/D.C.-school-voucher-program-lacks-oversight-gao-says/2013/11/15/9bb8c35e-4e3d-11e3-be6b-d3d28122e6d4_story.html).

<sup>9</sup> 2007 GAO Report at 36.

<sup>10</sup> *Id.* at 34.

<sup>11</sup> Pub. L. No. 112-10, § 3007(a)(4), 125 Stat. 38, 203.

<sup>12</sup> 2013 GAO Report at 21.

<sup>13</sup> Layton, *supra* note 8.

<sup>14</sup> *Id.* (revealing details about Academia de la Recta Porta).

<sup>15</sup> *Id.* (discussing Muhammad University of Islam, which enrolled one-third voucher students).

<sup>16</sup> *Id.* (discussing the Academy for Ideal Education).

the U.S. Constitution, and do not face the same public accountability standards that all public schools must meet, 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). Students who attend private schools with vouchers are also 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.

#### The D.C. Voucher Program Does Not Provide Parents Real Choice

Vouchers do not offer a meaningful choice to parents or students. Voucher schools can reject students based on prior academic achievement, economic background, English language ability, or disciplinary history. Also, the D.C. voucher allows religious schools to discriminate against students on the basis of gender.<sup>17</sup> In contrast, public schools serve all students who live in D.C.

Certain groups of D.C. students have less access to voucher schools than others. For example, students with special needs often cannot find a private school that can, or wants to, serve them: The USED reports show that a significant number of students with special needs had to reject their voucher or leave their voucher school because the schools failed to offer them needed services<sup>18</sup> that would have been available to them had they remained in a public school.

#### Conclusion

The D.C. voucher program fails to offer D.C. students better educational resources, greater opportunities for academic achievement, or adequate accountability to taxpayers. For these reasons and more, we oppose the reauthorization of the D.C. voucher program.

Thank you for your consideration of our views.

Sincerely,

AASA: The School Superintendents Association  
ACLU of the Nation's Capital  
African American Ministers In Action  
American Association of University Women (AAUW)  
American Atheists  
American Civil Liberties Union (ACLU)  
AFL-CIO  
American Federation of School Administrators (AFSA), AFL-CIO  
American Federation of State, County, and Municipal Employees (AFSCME)  
American Federation of Teachers, AFL-CIO  
American Humanist Association  
American Jewish Committee (AJC)  
Americans for Democratic Action  
Americans for Religious Liberty  
Americans United for Separation of Church and State  
Anti-Defamation League  
Association of School Business Officials International  
Association of Educational Service Agencies  
Baptist Joint Committee for Religious Liberty  
Center for Inquiry  
Central Conference of American Rabbis

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<sup>17</sup> P.L. 108-199 Stat. 3 (2004).

<sup>18</sup> *Final US Dep't of Ed. Report* at 24.

Clearinghouse on Women's Issues  
Council for Exceptional Children  
Council of the Great City Schools  
Disciples Justice Action Network  
Equal Partners in Faith  
Feminist Majority Foundation  
Gay, Lesbian & Straight Education Network (GLSEN)  
Hindu American Foundation  
Institute for Science and Human Values  
Interfaith Alliance  
Lawyers' Committee for Civil Rights Under Law  
League of United Latin American Citizens  
National Alliance of Black School Educators  
NAACP  
National Association of Elementary School Principals  
National Association of Federally Impacted Schools  
National Association of Secondary School Principals  
National Association of State Directors of Special Education  
National Black Justice Coalition  
National Center for Lesbian Rights  
National Council of Jewish Women  
National Education Association  
National Organization for Women  
National PTA  
National Rural Education Advocacy Coalition  
National Rural Education Association  
National School Boards Association  
People For the American Way  
School Social Work Association of America  
Secular Coalition for America  
Southern Poverty Law Center  
Texas Freedom Network  
Union for Reform Judaism  
United Church of Christ Justice and Witness Ministries  
Women of Reform Judaism