

# The National Coalition *for* Public Education

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September 6, 2016

The Honorable John Barrasso  
Chairman  
Senate Committee on Indian Affairs  
Washington, D.C. 20510

The Honorable Jon Tester  
Vice Chairman  
Senate Committee on Indian Affairs  
Washington, D.C. 20510

Re: NCPE Opposes S. 2711, the Native American Education Opportunity Act

Dear Chairman Barrasso and Vice Chairman Tester:

The 49 undersigned organizations submit this letter for the markup of S. 2711, the “Native American Education Opportunity Act,” to express our strong opposition to private school vouchers in the form of Education Savings Accounts (ESAs). ESAs are effectively no different than vouchers; they place funding that would ordinarily support students attending public schools into an account for students to use on other education expenses, including private school tuition. Like vouchers, ESAs divert desperately-needed federal resources away from the primary school system students attend to fund the education of a few, select students in alternative settings. Furthermore, voucher and ESA programs lack accountability, do not improve educational outcomes of students, strip students of rights, and do real harm to the public school systems that educate the majority of students in a state or district.<sup>1</sup> At a time when schools serving American Indian students are desperately in need of funding,<sup>2</sup> Congress would better serve all American Indian students by using federal funds to make schools serving American Indian students stronger and safer than by allowing funds to flow to a separate voucher program.

Although only currently available in five states, ESA programs are being pursued in many more states across the country. This bill would expand the current state programs by opening them up to more students and would also set a dangerous precedent of allocating federal funds to state voucher and ESA programs. As members of this Senate recently rejected efforts to include national voucher schemes in the reauthorization of the Elementary and Secondary Education Act (ESEA); this committee should similarly reject this voucher bill.

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<sup>1</sup>ESAs Will Worsen Educational Opportunities for Nevada Kids, EDUCATE NEVADA NOW (July 14, 2015), <http://www.educatenevadanow.com/2015/07/14/esas-will-worsen-educational-opportunities-for-nevada-kids/>.

<sup>2</sup>Native Education 101: Basic Facts about American Indian, Alaska Native, and Native Hawaiian Education, NAT'L INDIAN EDUC. ASSOC., <http://www.niea.org/data/files/policy/nativeeducation101.pdf> (last visited Mar. 25, 2016).

### **ESA and Voucher Programs Do Not Improve Educational Outcomes and Strip Students of Rights**

Voucher programs have not proven effective in improving academic opportunities for students. According to multiple studies of the D.C.,<sup>3</sup> Milwaukee,<sup>4</sup> and Cleveland<sup>5</sup> school voucher programs, students offered vouchers do not perform better in reading and math than students in public schools. And, a 2016 study of the Louisiana voucher program revealed that students with vouchers actually performed worse on standardized tests — as much 50% worse in math scores in particular — than their peers not in the voucher program.<sup>6</sup>

Private schools that receive voucher and ESA students also do not adhere to all federal civil rights laws and public accountability standards that all public schools must meet, including those in Title IX, the Individuals with Disabilities Education Act (IDEA), and ESEA. For example, private schools can and do turn students away on the basis of students' or their parents' faith, sexual orientation, gender identity, health condition, and disability. Moreover, vouchers and ESAs violate religious liberty by primarily funding religious schools. Parents certainly may choose such an education for their children, but no taxpayer should be required to pay for another's religious education.

### **This Bill Will Harm BIE-Funded Schools**

Draining dollars away from the chronically-underfunded Bureau of Indian Education (BIE) schools attended by American Indian students to fund private schools is particularly unwise. For example, it is estimated that it would take an additional \$1.3 billion in federal funds just to properly maintain the current BIE schools.<sup>7</sup> And, allowing BIE funds to flow to ESAs would create even greater problems. First, BIE-funded schools in a state with an ESA program, like Nevada, may lose students because of the enactment of this legislation, yet would be left with the same academic obligations for its students but with fewer resources to meet their needs. In addition, BIE funds are allocated nationally and, as a result, losing students from the program in states with an ESA will affect the overall allocation for the program. States without ESA programs, therefore, could unfairly lose BIE funds to fund private schools in other states. Finally, an ESA would greatly hinder the BIE schools' ability to pool resources to address long-standing maintenance issues, provide adequate transportation, and take advantage of economies of scale to address the academic needs of students. Congress should be allocating more, and not fewer resources to these schools.

### **This Bill Does Not Offer Students at BIE-Funded Schools a Real Choice**

Contrary to what this bill implies, this program will not provide actual and meaningful choices outside of BIE and public schools, which 93% of American Indian students currently attend.<sup>8</sup> This is largely because the choice to attend a private school does not actually lie with the parent or student, but

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<sup>3</sup>See, e.g., *Final Report* (Though the 2009 study showed a marginal gain for some students in reading (but notably, not for the program's targeted group, students from schools in need of improvement), the 2010 Final Report said "[t]here is no conclusive evidence that the [program] affected student achievement" and earlier findings of modest gains "could be due to chance" and were no longer statistically significant.).

<sup>4</sup>See, e.g., Witte, Wolf, et al., *MPCP Longitudinal Educational Growth Study Third Year Report* (Apr. 2010); Legislative Audit Bureau, *Test Score Data for Pupils in the Milwaukee Parental Choice Program (Report 4 of 5)*, 17 (Aug. 2011) ("The project's five-year longitudinal study shows no significant difference in the performance of Choice and similar MPS pupils after four years of participation.").

<sup>5</sup>See, e.g., Plucker, et al., *Evaluation of the Cleveland Scholarship and Tutoring Program, Summary Report 1998-2004* (Feb. 2006); *Evaluation of the Cleveland Scholarship and Tutoring Program, Executive Report 1998-2002* (Feb. 2006).

<sup>6</sup>Morgan Winsor, *Louisiana's Controversial Voucher Program Harms Poor Students, Lowers Grades, New Study Finds* (Jan. 10, 2016), INT'L BUS. TIMES, <http://www.ibtimes.com/louisianas-controversial-voucher-program-harms-poor-students-lowers-grades-new-study-2258417>.

<sup>7</sup>DEP'T OF INTERIOR, *BROKEN PROMISES, BROKEN SCHOOLS: REPORT OF THE NO CHILD LEFT BEHIND SCHOOL FACILITIES AND CONSTRUCTION NEGOTIATED RULEMAKING COMMITTEE 6* (2011), available at <http://www.bia.gov/cs/groups/xraca/documents/text/idc015478.pdf>.

<sup>8</sup>Erin McIntyre, *Ambitious Plans to Improve Native and Indigenous Ed Meet Skepticism*, EDUCATION DIVE (Nov. 15, 2015), <http://www.educationdive.com/news/ambitious-plans-to-improve-native-and-indigenous-ed-meet-skepticism/409223/>.

with the private school, which may turn students away for a variety of reasons. Additionally, the cost of attending many private schools exceeds the amount of funding provided to students in their ESA, meaning that only students with families with the financial means to make up the difference can actually attend such a private school. Moreover, the challenge of finding reliable transportation to take students on and off the reservation, especially in rural areas, would prove difficult, if not impossible, for many students.

**This Bill Fails to Ensure that Federal Resources Are Appropriately Spent**

Voucher and ESA programs offer little accountability to taxpayers: they generally do not require participating private schools to comply with the same teacher standards, curriculum, reporting, and testing requirements as public schools. S. 2711 would fund these programs with no additional accountability protections. The bill would allow federal funds to be used at unaccredited private or virtual schools, or used for home-schooling that does not use accredited, comprehensive curriculum. Indeed, a parent could use these federal funds and home-school their child using an unaccredited, homeschool curriculum, even if the curriculum is far inferior to what the child would receive in the BIE school. In contrast, BIE-funded schools are required to utilize the respective accountability systems of the 23 states in which its schools are located.

**Conclusion**

For these reasons and more, we oppose S. 2711. Congress should ensure that BIE-funded schools are effectively serving American Indian and Native students rather than funneling desperately-needed funds to private schools.

Thank you for your consideration of our concerns.

Sincerely,

AASA: The School Superintendents Association  
African American Ministers In Action  
American Association of University Women (AAUW)  
American Atheists  
American Civil Liberties Union (ACLU)  
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  
Americans for Religious Liberty  
Americans United for Separation of Church and State  
Anti-Defamation League  
Association of Educational Service Agencies  
Association of School Business Officials International  
Baptist Joint Committee for Religious Liberty  
Center for Inquiry  
Clearinghouse on Women's Issues  
Council of the Great City Schools

Disability Rights Education & Defense Fund  
Disciples Justice Action Network  
Equal Partners in Faith  
Federation of Indian Service Employees  
Feminist Majority Foundation  
Friends Committee on National Legislation  
Gay, Lesbian & Straight Education Network (GLSEN)  
Institute for Science and Human Values  
Interfaith Alliance  
League of United Latin American Citizens  
National Alliance of Black School Educators  
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 Council of Jewish Women  
National Education Association  
National Indian Impacted Schools 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