

# OPPOSE TITLE I PORTABILITY TO PRIVATE SCHOOLS

## States Should Not Have the Option to Authorize Federal School Vouchers

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### Turning Title I into a Voucher Harms Students in Poverty and Public Schools

Recognizing the compounded impact of poverty on student learning, Congress designed Title I to fund public schools with high concentrations of students in poverty. Under the program, high-poverty districts and schools benefit from increased federal investment by taking advantage of “economies of scale” to combine resources for school-wide services and whole school reforms targeted at economically and academically needy groups of students. Allowing the funds to instead “follow the child” to that student’s private school, regardless of whether the school needs those funds, dilutes the funds, stretches the dollars thinner, and diminishes the effectiveness of the funding. Furthermore, tuition at a private school will far exceed the amount of a Title I voucher. It is unlikely, therefore, that students in poverty will be able to use the voucher to attend a private school.

### Taxpayer Money Should Support Public Schools Not Private Schools

Open and non-discriminatory 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. Vouchers undermine these goals by taking taxpayer money out of the public school system and funneling it to private schools.

### Vouchers Do Not Improve Academic Achievement

According to multiple studies of the District of Columbia,<sup>1</sup> Milwaukee,<sup>2</sup> and Cleveland<sup>3</sup> school voucher programs, students offered vouchers do not perform better in reading and math than students in public schools. In 2011, the Wisconsin Legislative Audit Bureau released a five-year longitudinal study,<sup>4</sup> which concluded that students in Milwaukee using vouchers to attend private and religious schools perform no better on standardized tests than their counterparts in public schools. Similarly, the U.S. Department of Education studied the D.C. voucher program for five years and found the program produced no statistically significant improvements overall in educational achievement. Voucher programs also fail to offer participating students greater educational resources. In fact, the Department of Education studies of the D.C. voucher show that students participating in the program are actually *less* likely to have access to ESL programs, learning support and special needs programs, tutors, counselors, cafeterias, and nurse’s offices than students not in the program.

### Vouchers Do Not Improve Opportunities for Kids from Low Income Families

Voucher payments often do not cover the entire cost of tuition or other mandatory fees for private schools. Thus, only families with the money to cover the cost of the rest of the tuition, uniforms, transportation, books, and other supplies can use the vouchers. In Cleveland, the majority of families who were granted a voucher but did not use it cited the additional costs as the reason they could not use the voucher. A 2003 study of the Ohio program concluded: “For many families, the financial burden of paying even the relatively small portion of their children’s private school tuition is more than they can bear.”<sup>5</sup> In the end, the families most likely to use a voucher are the ones who could already afford to send their kids to private schools.

### Students Who Accept Vouchers Lose Important Rights and Protections

Vouchers deprive students of the rights and protections they are awarded at public schools. Despite receiving public money, private schools that participate in voucher programs are not subject to all federal civil rights laws, 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), and the Elementary and Secondary Education Act (ESEA). Private voucher schools usually do not have to comply with the same teacher standards, curriculum, and testing requirements as the public schools. And, students who attend private schools with vouchers are stripped of their First Amendment, due

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<sup>1</sup>U.S. Dep’t of Ed., *Evaluation of the D.C. Scholarship Program: Final Report* (June 2010) (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.); U.S. Dep’t of Ed., *Evaluation of the D.C. Scholarship Program: Impact After 3 Years* (Apr. 2009); U.S. Dep’t of Ed., *Evaluation of the D.C. Scholarship Program: Impact After 2 Years* (June 2008); U.S. Dep’t of Ed., *Evaluation of the D.C. Scholarship Program: Impact After 1 Year* (June 2007).

<sup>2</sup> Witte, Wolf, et al., *MPCP Longitudinal Educational Growth Study Third Year Report* (Apr. 2010); Witte, Wolf, et al., *MPCP Longitudinal Educational Growth Study Second Year Report* (Mar. 2009); Witte, Wolf, et al., *MPCP Longitudinal Education Growth Study Baseline Report* (Feb. 2008); Witte, *Achievement Effects of Milwaukee Voucher Program* (Feb. 1997); Witte, et al., *Fifth Year Report Milwaukee Parental Choice Program* (Dec. 1995).

<sup>3</sup> 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>4</sup> 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> Metcalf, *Evaluation of the Cleveland Scholarship and Tutoring Program: Exploring Families’ & Educational Choices: Technical Report*, 162 (Dec. 2003).

process, and other constitutional and statutory rights offered to them in public schools. Unfortunately, many parents and students are not even aware that they will lose rights and protections when they accept a voucher.

### **Vouchers Do Not Allow Parents to Make Better Education Choices**

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Under most voucher bills, a private school could take taxpayer money and also deny admission to any student it chooses. Depending on the enacting law, private voucher schools may discriminate against a student based on his or her gender, disability, religion, national origin, economic background, academic record, English language ability, or disciplinary history. Also, voucher programs often do not provide parents with the necessary or accurate data needed to make informed educational choices. Though parents would have the power to remove students from the private school, the school is not required to give parents the information necessary to determine that the school would meet the needs of their child, such as standardized test scores (which the schools may not even administer to all their students), curriculum used by the schools, or teacher qualifications. But, even where legislatures have tried to set up accountability standards for parents, it has not worked. According to a 2013 U.S. Government Accountability Office study, the D.C. voucher program provided inaccurate and misleading information to parents about the program, failing to publish the directory of participating schools until 9 months after the previous school year had begun and failing to provide even basic information on schools' fees and accreditation statuses.<sup>6</sup>

### **Vouchers Fail Students with Special Needs**

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Programs tailored to students with disabilities also do not work. Students using vouchers lose many rights granted by the Individuals with Disabilities Education Act (IDEA) and may not have the protection of an individualized education plan (IEP) in private schools. Furthermore, a 2008 study of the Ohio Autism Scholarship concluded that vouchers are "a poor model" that "should not be emulated in other states." The study explained that the voucher is not "sound education policy" and that it "exacerbates inequality."<sup>7</sup> Likewise, a 2007 study of Florida's McKay Scholarships for Students with Disabilities similarly found that the McKay voucher was "seriously flawed" and created "[m]ore [p]roblems [t]han [s]olutions."<sup>8</sup> Students with special needs often cannot even find a private school that can serve them: The final Department of Education report on the D.C. voucher showed that a significant number of students had to reject their vouchers because they were unable to find a participating school that offered services for their learning or physical disability or other special needs.<sup>9</sup> In Milwaukee, researchers' observations during site visits to voucher schools confirmed findings in the policy literature that "most private schools lack the incentives, personnel, protocols, and organizational culture that lead public school systems to label students with disabilities as requiring special education services."<sup>10</sup>

### **Vouchers Harm Religious Liberty**

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One of the most dearly held principles of religious liberty is that government should not compel any citizen to furnish funds in support of a religion with which he or she *disagrees*, or even a religion with which he or she *does agree*. Voucher programs, however, violate that central tenet: they use taxpayer money to fund primarily religious education. Indeed, approximately 80% of the students participating in the D.C. voucher program attend 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.

### **Vouchers Cost, Rather than Save, Taxpayer Money**

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Vouchers do not decrease education costs. Rather, tax money that would ordinarily go to public schools would instead pay for vouchers, thus limiting the capacity of public schools. A 1999 study of Cleveland's program showed the public schools from which students left for private voucher schools were spread throughout the district. The reduction in students, therefore, was negligible at the individual schools. Thus, the public school district lost state funding to pay for vouchers without being able to cut overall operating costs.<sup>11</sup> In Milwaukee, which has been disproportionately burdened in a statewide voucher funding scheme, the city has had to raise property taxes several times in order to ensure adequate funding for the city's schools.<sup>12</sup>

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<sup>6</sup> U.S. Gov't Accountability Office, Publication No. GAO-13-805 (Nov. 2013), *District of Columbia Opportunity Scholarship Program: Actions Needed to Address Weaknesses in Administration and Oversight*, (Nov. 2013).

<sup>7</sup> Policy Matters Ohio, *Analyzing Autism Vouchers in Ohio* (Mar. 2008).

<sup>8</sup> Sara Mead, *Information Underload: Florida's Flawed Special-Ed Voucher Program*, Education Sector 1 (June 2007).

<sup>9</sup> U.S. Dep't of Ed., *Evaluation of the D.C. Scholarship Program: Final Report* (June 2010).

<sup>10</sup> Wolf, et. al., *Special Education and the Milwaukee Parental Choice Program (Report #35) (2012)*.

<sup>11</sup> KPMG, LLP, *Cleveland Scholarship and Tutoring Program: Final Management Study* (Sept. 1999).

<sup>12</sup> Borsuk, "MPS Property Tax Levy Expected to Rise 14.9%," *Milwaukee Journal Sentinel*, July 4, 2008.; Richards, "MPS blames voucher program for tax levy increase," *Milwaukee Journal Sentinel*, October 31, 2012.