

November 18, 2019

The Honorable Ron Johnson
Chairman
Senate Committee on Homeland Security and
Government Affairs
Washington, D.C. 20510

The Honorable Gary Peters
Ranking Member
Senate Committee on Homeland Security and
Government Affairs
Washington, D.C. 20510

RE: Do Not Reauthorize the Failing D.C. School Voucher Program

Dear Chairman Johnson and Ranking Member Peters:

The undersigned members of the National Coalition for Public Education (NCPE) write to voice opposition to S. 2682, the SOAR Permanent Authorization Act, which would permanently reauthorize the District of Columbia private school voucher program, increase its funding, and undermine accountability by weakening the program's evaluation. We oppose the D.C. voucher program and all private school voucher programs because public funds should be spent on public schools, not private, mostly religious¹ schools.

The D.C. voucher program was originally enacted in 2003 as a five-year pilot program. Despite evidence demonstrating that the program has been ineffective and unaccountable to taxpayers, it was reauthorized in 2011 and again in 2017—with provisions that weakened the very evaluation system that revealed its ineffectiveness. Lacking support, the legislation has never been able to garner enough votes to pass as a standalone bill. Instead, reauthorization language has been repeatedly tucked into must-pass spending bills. The difficulty in passing this legislation in the past is not a reason to permanently reauthorize the program, rather it demonstrates that the program should be discontinued.

The D.C. Voucher Program Does Not Improve Educational Opportunities 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.² In fact, the 2017 and 2018 Department of Education studies of the program

¹ During the 2013-14 and 2015-16 school years, 62% of the schools participating in the DC voucher program were religiously affiliated. U.S. Dep't of Educ., [Evaluation of the DC Opportunity Scholarship Program: Impacts Three Years After Students Applied](#), A-9 (May 2019) (2019 U.S. Dep't of Educ. Report).

² 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); U.S. Dep't of Ed., [Evaluation of the D.C. Scholarship Program: Impact After 3 Years](#) (Apr. 2009) (2009 U.S. Dep't of Educ. Report); U.S. Dep't of Ed., [Evaluation of the D.C. Scholarship Program: Impact After 2 Years](#) (June 2008) (2008 U.S. Dep't of Educ. Report); U.S. Dep't of Ed., [Evaluation of the D.C. Scholarship Program: Impact After 1 Year](#) (June 2007) (2007 U.S. Dep't of Educ. Report).

demonstrate that students using vouchers performed worse academically than their peers not in the voucher program.³

The studies have also indicated that many of the students in the voucher program are less likely to have access to critical programs, staff, and services such as ESL programs, learning supports, special education therapies and accommodations, and counselors than students who are not part of the program.⁴ The most recent Department of Education study found that students receiving vouchers were provided fewer hours of classroom instruction time in both reading and math than students not receiving vouchers.⁵ More findings from that 2019 study demonstrate that the voucher program has no effect on parental satisfaction, perceptions of safety, or on parental involvement.⁶

Rather than acknowledge the voucher program is not working, this bill seeks instead to weaken the standard of review, changing the requirement from “using an acceptable quasi-research design” to simply requiring it to be “rigorous” and also changing the requirement that evaluations be conducted “annually” to that they be conducted “regularly.”

It is clear that the D.C. voucher program has failed to improve the academic achievement and school experience of D.C. students. Instead of continuing to water down its evaluation standards, this program should be terminated.

The Program Lacks Sufficient Oversight and Accountability

The program has also repeatedly failed to meet accountability standards. Reports conducted by the Government Accountability Office, from both 2007 and 2013, document that the D.C. voucher program has repeatedly failed to meet basic and even statutorily required accountability measures.⁷ The 2013 report concluded that the then-administrator of the program, the D.C. Children and Youth Investment Trust Corporation (Trust), had continually failed to ensure the program operated with basic accountability measures and quality controls⁸ and failed to maintain adequate records on its own financial accounting.⁹ The interim executive director of the Trust even admitted that “quality oversight of the program is sort of a dead zone, a blind spot.”¹⁰ These problems persist even with the current program administrator. In 2015, Serving our Children was unable to provide basic program information to this committee, such as what percentage of each voucher school’s population comprised students using a voucher.¹¹

³ 2018 U.S. Dep’t of Educ. Report at 19; 2017 U.S. Dep’t of Educ. Report at 11.

⁴ 2019 U.S. Dep’t of Educ. Report at A-11; 2010 U.S. Dep’t of Educ. Report at 20; 2009 U.S. Dep’t of Educ. Report at xxii, 17; 2008 U.S. Dep’t of Educ. Report at xviii, 16.

⁵ 2019 U.S. Dep’t of Educ. Report at A-11.

⁶ *Id.* at 6-9.

⁷ 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) (2013 GAO Report); U.S. 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) (2007 GAO Report).

⁸ 2013 GAO Report at 19-26.

⁹ *Id.* at 28.

¹⁰ Lyndsey Layton, [D.C. School Voucher Program Lacks Oversight, GAO Says](#), Wash. Post (Nov. 15, 2013).

¹¹ [Reauthorizing the D.C. Opportunity Scholarship Program: Hearing before the S. Comm. on Homeland Security and Government Affairs](#), 114th Congress (2015) (testimony of Kevin Chavous, Serving Our Children).

The 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), which apply to all public schools. 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. Educators in these schools are also denied the civil rights protections enjoyed by public school employees. Taxpayer dollars should not fund schools that do not honor basic civil rights protections.

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.¹² It described one school that enrolled only voucher students as existing in just two classrooms in “a soot-stained storefront” where students used a gymnasium two miles down the road.¹³ Another voucher school was operated out of a former private residence with facilities so unkempt that students had to use restrooms in an unaffiliated daycare center downstairs.¹⁴ And yet another school, where tuition of 93% of the students was paid using a voucher, employed a “learning model known as “Suggestopedia,” an obscure Bulgarian philosophy of learning that stresses learning through music, stretching and meditation.”¹⁵

Even if higher quality private schools exist in the District, it is unlikely that students using vouchers would be able to attend them. For example, during the 2013-16 school year, 70% of the schools participating in the voucher program had published tuition rates above the maximum amount of the voucher.¹⁶ Among those schools, the average difference between the maximum voucher amount and the tuition was \$13,310.¹⁷ Low-income students receiving vouchers would hardly be able make up the difference between those schools’ tuition and the amount of the voucher.

Increased Funding Cannot Be Justified When Enrollment Rates Are Declining

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.¹⁸ 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.¹⁹ As of the 2016-17 school year, the program enrolled 30% fewer students than it did four years before despite an overall increase in applicants.²⁰ Large attrition rates are further evidence that increased funding for the program is unwarranted.

¹² Lyndsey Layton, [D.C. School Voucher Program Lacks Oversight](#), *GAO Says*, Wash. Post (Nov. 15, 2013).

¹³ *Id.* (revealing details about Academia de la Recta Porta).

¹⁴ *Id.* (discussing Muhammad University of Islam, which enrolled one-third voucher students).

¹⁵ *Id.* (discussing the Academy for Ideal Education).

¹⁶ 2019 U.S. Dep’t of Educ. Report at A-9.

¹⁷ *Id.*

¹⁸ *Id.* at 3.

¹⁹ *Id.*

²⁰ Phyllis W. Jordan and Kendell Long, [Vouchers in D.C.: Why Families Aren’t Choosing Vouchers](#), FutureEd (Aug. 2017).

Conclusion

The findings of all of the above referenced objective reports do not support spending millions of dollars of public funds on the D.C. private school voucher program. For these reasons and more, NCPE opposes the reauthorization of the D.C. voucher program and urges you to oppose S. 2682.

Thank you for your consideration of our views.

Sincerely,

AASA: The School Superintendents Association
African American Ministers In Action
American Atheists
American Conference of Cantors
American Federation of State, County, and Municipal Employees (AFSCME)
American Federation of Teachers, AFL-CIO
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)
Center for Inquiry
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
Education Law Center
Feminist Majority Foundation
Freedom From Religion Foundation
GLSEN
Hindu American Foundation
Interfaith Alliance
Men of Reform Judaism
NAACP
National Association of Federally Impacted Schools
National Association of Secondary School Principals
National Association of State Directors of Special Education (NASDSE)
National Center for Learning Disabilities
National Council of Jewish Women
National Disability Rights Network
National Education Association
National Organization for Women
National PTA
National Rural Education Advocacy Coalition
National Rural Education Association

National School Boards Association
Network for Public Education
People For the American Way
Public Funds Public Schools
School Social Work Association of America
Union for Reform Judaism
United Church of Christ, Justice and Witness Ministries
Women of Reform Judaism