

April 30, 2020

Bianca Williams
U.S. Department of Education
400 Maryland Avenue SW, Room 3W237
Washington, DC 20202-6110

Dear Ms. Williams:

The undersigned organizations submit comment on the Department of Education's (Department's) Proposed Rule on the Demonstration Grants for Indian Children and Youth Program to express opposition to adding a priority to this program that would fund private school education with federal dollars.

The proposed rule would create a priority for "[p]rojects to expand educational choice" which would allow parents and students "to choose education services by selecting the specific service and provider desired," including tuition for private schools. This would create a private school voucher program. We oppose the use of this grant program for private school vouchers. Vouchers would undermine the public schools that serve the majority of American Indian students to fund the education of a few, select students in alternative settings.

Voucher 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. At a time when schools serving American Indian students are desperately in need of funding, this Administration would better serve all American Indian students by using federal funds to make schools serving them stronger and safer rather than by allowing funds to flow to a separate voucher program.

Private School Voucher Programs Do Not Improve Educational Outcomes

Voucher programs have proven ineffective in improving academic opportunities for students. Recent studies of the Louisiana,¹ Indiana,² and Ohio³ voucher programs have demonstrated that students who used vouchers performed worse academically than their peers. In addition, studies

¹ Jonathan N. Mills & Patrick J. Wolf, Univ. of Ark., [The Effects of the Louisiana Scholarship Program on Student Achievement After Four Years](#) (Apr. 2019).

² Megan Austin et. al., Russell Sage Foundation J. of the Social Sciences, [Voucher Pathways and Students Achievement in Indiana's Choice Scholarship Program](#) (2019).

³ David Figlio & Krzysztof Karbownik, Fordham Institute, [Evaluation of Ohio's EdChoice Scholarship Program: Selection, Competition, and Performance Effects](#) (July 2016).

of long-standing voucher programs in Milwaukee,⁴ Cleveland,⁵ and the District of Columbia⁶ found that students who received vouchers showed no improvement in reading or math over those not in the program.

Private School Voucher Programs Strip Students of Rights

Private schools that receive voucher students also do not adhere to the same 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, and the Every Student Succeeds Act. For example, many private schools turn students away on the basis of a student's religion, sexual orientation, gender identity, disciplinary history, or disability. And, students who attend private schools using vouchers are stripped of the First Amendment, due process, and other constitutional and statutory rights guaranteed to them in public schools, including, for students with disabilities, the right to a free and appropriate education.

Private School Vouchers Do Not Offer Students a Real Choice

Including a private school voucher priority as part of the Demonstration Grant program would not provide actual and meaningful choices for students outside of public schools, which 93% of American Indian students currently attend.⁷ This is in large part because there are few private school options for American Indian students to choose. In fact, a report published by the Government Accountability Office in 2019 found that 84% of the school districts that enrolled at least 25% of American Indian students had no school choice options available aside from their traditional public school.⁸ With few public school options available, it is unlikely that there would be many private schools from which to choose.

And, the challenge of finding reliable transportation for students living on reservations or in rural areas⁹ would prove difficult, if not impossible, for many students. Indeed, students in rural areas tend to face more arduous commutes with worse roads than non-rural students, and their lengthy commutes can lead to negative consequences, including less time to participate in extracurricular activities, do their homework, or help out at home, as well as increased safety issues for children leaving for school and arriving home in the dark.¹⁰ Poor roads and long commutes have also been found to be a barrier to attendance for students.¹¹ These problems

⁴ E.g., Patrick J. Wolf, School Choice Demonstration Project, Univ. of Ark., [The Comprehensive Longitudinal Evaluation of the Milwaukee Parental Choice Program: Summary of Final Reports](#) (Apr. 2010) (Overall, there are no significant achievement gains of voucher students compared to public school students. "When similar MPCP and MPS students are matched and tracked over four years, the achievement growth of MPCP students compared to MPS students is higher in reading but similar in math. The MPCP achievement advantage in reading is only conclusive in 2010-11, the year a high-stakes testing policy was added to the MPCP.").

⁵ E.g., Jonathan Plucker et al., Ctr. for Evaluation & Educ. Policy, Univ. of Ind., [Evaluation of the Cleveland Scholarship and Tutoring Program, Technical Report 1998-2004](#) 166 (Feb. 2006).

⁶ U.S. Dep't of Educ., [Evaluation of the DC Opportunity Scholarship Program: Impacts Three Years After Students Applied](#) (May 2019); U.S. Dep't of Educ., [Evaluation of the D.C. Opportunity Scholarship Program: Impacts Two Years After Students Applied](#) (June 2018); U.S. Dep't of Educ., [Evaluation of the D.C. Opportunity Scholarship Program: Impacts After One Year](#) (June 2017). Studies in 2017 and 2018 found that students using vouchers performed worse academically in math test scores. However, a study in 2019 found that the voucher program had no effect on student achievement.

⁷ Erin McIntyre, [Ambitious Plans to Improve Native and Indigenous Ed Meet Skepticism](#), *Education Dive* (Nov. 15, 2015).

⁸ Gov't Accountability Office, [Public School Choice: Limited Options Available for Many American Indian and Alaska Native Students](#), Publication No. GAO-19-226 at 36 (Jan. 2019) (2019 GAO Report).

⁹ See *id.* at 6. The Report found that 58% of American Indian students attend public school in a rural area.

¹⁰ See Aimee Howley & Craig Howley, [Rural School Busing: ERIC Digest](#) (2001); 2019 GAO Report at 10.

¹¹ Gov't Accountability Office, [Tribal Transportation: Better Data Could Improve Road Management and Inform Indian Student Attendance Strategies](#), Publication No. GAO-17-423 at 7 (May 2017).

would be exacerbated if students traveled far outside of their school district to find a private school.

Private School Voucher Programs Do Not Ensure that Public Funds Are Appropriately Spent

Voucher 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. If included in the grant program, federal funds could be used at private schools or homeschools lacking these accountability standards. Indeed, a parent could use these federal funds to educate their child using an unaccredited, homeschool curriculum, even if the curriculum is far inferior to what the child would receive in a public school.

Furthermore, sending students to private schools undermines a stated goal of this program, which is to provide assistance to help meet the unique needs of American Indian students, “so that such students can meet the challenging State academic standards.”¹² Using federal funds for education at private schools that lack the same standards for curriculum, testing, and accreditation as public schools will not ensure that students are able to meet challenging State academic standards.

Conclusion

For these reasons and more, we oppose adding the proposed “choice” priority to the Demonstration Grant program that would fund education at private schools.

Sincerely,

AASA: The School Superintendents Association
ADL (Anti-Defamation League)
African American Ministers In Action
American Atheists
American Federation of School Administrators
American Federation of Teachers
American Humanist Association
Americans United for Separation of Church and State
The Arc of the United States
Association of School Business Officials International (ASBO)
Baptist Joint Committee for Religious Liberty
Center for Inquiry
Clearinghouse on Women's Issues
Council for Exceptional Children
Council of the Great City Schools
Education Law Center
Feminist Majority Foundation
Freedom From Religion Foundation

¹² 20 U.S.C. §7402 (2015).

NAACP
National Association of Federally Impacted Schools
National Association of Secondary School Principals
National Center for Learning Disabilities
National Education Association
National Organization for Women
National PTA
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
Southern Poverty Law Center
Union for Reform Judaism