

*The American Association of University Women strongly supports providing an excellent education for all children, not private school vouchers for a few.*

High-quality public education is the foundation of a democratic society and the key to economic prosperity, college and career readiness, and gender equality. Open and nondiscriminatory in their acceptance of all students, American public schools are a unifying factor among the diverse range of students with or without disabilities, LGBTQ students, and students from different racial, ethnic, and religious groups in our society. Vouchers undermine education for all by diverting desperately needed resources away from the public school system to fund the education of a few students at private or religious schools that do not improve academic achievement or adhere to students' civil rights.

#### **Vouchers Weaken Public Education**

AAUW recognizes the fundamental right to education and the reciprocal benefits of inclusive public education to society. Voucher schemes fail students and taxpayers by providing neither.

School funding typically comes from a combination of three sources: local, state, and federal funds. Federal funds are targeted to closing achievement gaps in student populations, including for students with disabilities, low-income students, and minority students. There are no existing federal funds that can easily be turned into universal vouchers to pay private tuition for all students currently in public schools.<sup>1</sup> State and local money for education varies greatly, but at least 31 states cut state funding per student in the 2014 school year compared with the 2008 school year, before the recession took hold. In at least 15 states, the cuts exceeded 10 percent.<sup>2</sup> Total local funding nationally also declined.<sup>3</sup>

Given the severe education budget crisis we see at all levels, it is both impractical and unwise to gamble limited funds on vouchers for a few students. The government should use these funds to make public schools stronger by supporting programs that have been shown to improve student outcomes, such as teacher training, smaller class sizes, expanded support services, and improved facilities. Diverting critical resources from public schools, which educate 90

percent of America's students, is not a fiscally sound investment.<sup>4</sup>

#### **Vouchers Do Not Improve Academic Achievement**

Repeated studies of voucher programs show that vouchers do not result in better outcomes for students. Recent studies of both the Louisiana<sup>5</sup> and Ohio<sup>6</sup> voucher programs revealed that students who used vouchers actually performed worse on standardized tests than their peers who are not in the voucher programs. Repeated studies of the voucher programs in the District of Columbia,<sup>7</sup> Milwaukee,<sup>8</sup> and Cleveland<sup>9</sup> revealed similar findings: Students who are offered vouchers do not perform better in reading and math than those not in the programs.

These results should not be surprising because many voucher schools are permitted to take taxpayer money without implementing any requirements for teacher qualifications or student outcomes. Some states do not even require private school teachers to hold bachelor's degrees.<sup>10</sup> In addition, only 11 states require accreditation for private schools,<sup>11</sup> thus taxpayer-funded vouchers are regularly used to pay for tuition at unaccredited schools. Many voucher schools fail to offer participating students greater educational resources. Students in the District of Columbia voucher program, for example, 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>12</sup>

Because voucher schools do not ensure quality education for all students, it is a mistake to divert taxpayer funds to unaccountable schools. Our country's ability to provide a workforce that is globally competitive depends on making public schools stronger, not syphoning taxpayer money to voucher programs.

#### **Private School Vouchers Do Not Offer Real Choice**

Vouchers give a choice to private schools rather than to parents and students. Voucher programs are governed by different laws in different states, but most allow private schools to accept taxpayer dollars yet reject students with vouchers for a variety of reasons.

A 2016 report conducted by the U.S. Government Accountability Office found that, of all voucher programs across the country, only four required private schools to accept all students with vouchers, space permitting. All other voucher programs allowed private schools to deny students admission or grant preference for many reasons, including disciplinary history, academic achievement, and religious affiliation.<sup>13</sup>

Vouchers also fail rural students and families.<sup>14</sup> The expense of running isolated religious or for-profit schools in less densely populated communities often outweighs any market-driven approach to education. For these communities, fully funded public schools are critical, since the local public schools may be rural students' only option.<sup>15</sup>

Vouchers fail students from middle-class and low-income families as well. Many voucher programs do not place a cap on private school tuition, meaning that a voucher may not cover the actual cost of attending private schools in the state.<sup>16</sup>

Most voucher programs also permit schools to discriminate in their admission policies and to not accept students with disabilities. As a result, students with disabilities are systematically excluded from voucher programs.<sup>17</sup> Private schools are not required to provide the same quality and quantity of services available to students with disabilities in public schools, including those mandated under each student's individualized education plan.<sup>18</sup>

### **Civil Rights Are Not Guaranteed at Voucher Schools**

AAUW believes that civil rights laws should be strictly adhered to in education. Many parents and even legislators fail to realize that private voucher schools do not provide the same rights and protections to students as public schools, such as the protections in Title VI of the Civil Rights Act, Title IX, the Individuals with Disabilities Education Act, Title II of the Americans with Disabilities Act, and the Every Student Succeeds Act. 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.

Students in private voucher schools can be denied Title IX enforcement by the U.S. Department of Education and the federal courts, even when schools fail to create

climates safe from sexual harassment and assault, discriminate against pregnant and LGBTQ students, discriminate in hiring teachers, limit or deny women and girls athletic opportunities, and more. The government should not support private schools that are allowed to ignore students' civil rights.

Unfortunately, vouchers have a long history of facilitating discrimination and having discriminatory effects. Vouchers were one of the strategies states and local school districts used to maintain racial segregation in their schools in the wake of the U.S. Supreme Court *Brown v. Board of Education* decision.<sup>19</sup> Although these vouchers based on the race of the students were found unconstitutional in the 1964 decision *Griffin v. County School Board*,<sup>20</sup> vouchers can still have discriminatory effects. At least one study of Milwaukee's voucher system showed as recently as 1995 that students were routed into private schools that were divided along racial lines.<sup>21</sup>

The U.S. Supreme Court upheld the constitutionality of vouchers to religious schools where "state aid reaches religious schools solely as a result of the numerous independent decisions of private individuals" and the program "does not have the purpose or effect of advancing or inhibiting religion."<sup>22</sup> Today, about 80 percent of schools using vouchers are religiously affiliated.<sup>23</sup> Most of these religious schools integrate religion throughout their curriculum (including ideology far outside the mainstream, such as creationism in lieu of evolution and controversial ideas about other religions, the role of women in society, gay rights, and more) and often require all students to receive religious instruction and attend religious services.<sup>24</sup> In other words, vouchers force Americans to pay taxes to support religion. This runs counter to the First Amendment's guarantee of religious liberty. Thirty-seven states have state constitutional provisions, called Blaine Amendments, that ban the expenditure of public money on religiously affiliated schools. In 2015, the Colorado Supreme Court struck down a voucher program that used taxpayer money to send children to religious schools because it conflicted with that state's Blaine Amendment.<sup>25</sup> An appeal to the U.S. Supreme Court is pending.

### **Additional Resources**

National Coalition for Public Education  
[www.ncpecoalition.org](http://www.ncpecoalition.org)

- <sup>1</sup> *New York Times*. (2016). "Why Trump's Education Pick Won't Be Able to Privatize U.S. Schools." [www.nytimes.com/2016/11/23/upshot/why-donald-trumps-education-pick-would-face-barriers-for-vouchers.html?\\_r=0](http://www.nytimes.com/2016/11/23/upshot/why-donald-trumps-education-pick-would-face-barriers-for-vouchers.html?_r=0)
- <sup>2</sup> Center on Budget and Policy Priorities. (2016). "Most States Have Cut School Funding, and Some Continue Cutting." <http://www.cbpp.org/research/state-budget-and-tax/most-states-have-cut-school-funding-and-some-continue-cutting>
- <sup>3</sup> Id
- <sup>4</sup> National Center for Education Statistics. (2016). Private School Enrollment. [http://nces.ed.gov/programs/coe/indicator\\_cac.asp](http://nces.ed.gov/programs/coe/indicator_cac.asp)
- <sup>5</sup> *International Business Times*. (2016). "Louisiana's Controversial Voucher Program Harms Poor Students, Lowers Grades, New Study Finds" <http://www.ibtimes.com/louisianas-controversial-voucher-program-harms-poor-students-lowers-grades-new-study-2258417>;
- <sup>6</sup> Fordham Institute. (2016). *Evolution of Ohio's EdChoice Scholarship Program: Selection, Completion, and Performance Effects*. <https://edexcellence.net/publications/evaluation-of-ohio%E2%80%99s-edchoice-scholarship-program-selection-competition-and-performance>
- <sup>7</sup> U.S. Department of Education. (2016). *Evaluation of the D.C. Scholarship Program: Final Report*. <http://ies.ed.gov/ncee/pubs/20104018/pdf/20104018.pdf>
- <sup>8</sup> Institute of Education Services. (2010). *MPCP Longitudinal Educational Growth Study Third-Year Report*. <http://eric.ed.gov/?id=ED511697>; Legislative Audit Bureau. (2011). *Test Score Data for Pupils in the Milwaukee Parental Choice Program (Report 4 of 5)*, 17. [http://legis.wisconsin.gov/lab/reports/11-schoolchoice\\_ltr.pdf](http://legis.wisconsin.gov/lab/reports/11-schoolchoice_ltr.pdf)
- <sup>9</sup> Fordham Institute. (2016). *Evaluation of Ohio's EdChoice Scholarship Program: Selection, Competition, and Performance Effects*, 32. <https://edexcellence.net/publications/evaluation-of-ohio%E2%80%99s-edchoice-scholarship-program-selection-competition-and-performance> ; Center for Evaluation and Education Policy (2006). *Evaluation of the Cleveland Scholarship and Tutoring Program, 1998–2004*. [http://schottfoundation.org/sites/default/files/resources/200602\\_Clev\\_Tech\\_Final.pdf](http://schottfoundation.org/sites/default/files/resources/200602_Clev_Tech_Final.pdf); Institute of Education Services (2002) *Evaluation of the Cleveland Scholarship and Tutoring Program, 1998–2001*. <http://eric.ed.gov/?id=ED479162>
- <sup>10</sup> U.S. Government Accountability Office. (2016). *Private School Choice Programs Are Growing and Can Complicate Providing Certain Federally Funded Services to Eligible Students*, 24. <http://www.gao.gov/products/GAO-16-712>
- <sup>11</sup> EdChoice. (2016). "School Choice FAQs: Are Participating Private Schools Held Accountable?" [https://www.edchoice.org/school\\_choice\\_faqs/are-participating-private-schools-held-accountable](https://www.edchoice.org/school_choice_faqs/are-participating-private-schools-held-accountable)
- <sup>12</sup> U.S. Department of Education. (2010). *Evaluation of the D.C. Opportunity Scholarship Program: Final Report*. <http://ies.ed.gov/ncee/pubs/20104018/pdf/20104018.pdf>
- <sup>13</sup> U.S. Government Accountability Office. (2016). *Private School Choice Programs Are Growing and Can Complicate Providing Certain Federally Funded Services to Eligible Students*, 27. <http://www.gao.gov/products/GAO-16-712>
- <sup>14</sup> *Education Week*. (2016). "Would Donald Trump's Giant Voucher Proposal Work For Rural Students?" [http://blogs.edweek.org/edweek/campaign-k-12/2016/12/trump\\_wants\\_a\\_massive\\_voucher\\_.html?qs=vouchers+rural](http://blogs.edweek.org/edweek/campaign-k-12/2016/12/trump_wants_a_massive_voucher_.html?qs=vouchers+rural)
- <sup>15</sup> High Plains Public Radio. (2016). "An Education Expert Questions the Value of School Vouchers for Rural Students." <http://hprr.org/post/education-expert-questions-value-school-vouchers-rural-students>
- <sup>16</sup> U.S. Government Accountability Office. (2016). *Private School Choice Programs Are Growing and Can Complicate Providing Certain Federally Funded Services to Eligible Students*, 27. <http://www.gao.gov/products/GAO-16-712>
- <sup>17</sup> Council of Parent Attorneys and Advocates. (2016). "School Vouchers and Students with Disabilities: Examining Impact in the Name of Choice." [http://c.ymcdn.com/sites/www.copaa.org/resource/resmgr/2016\\_Conference/COPAA\\_Voucher\\_paper\\_final\\_R6.pdf](http://c.ymcdn.com/sites/www.copaa.org/resource/resmgr/2016_Conference/COPAA_Voucher_paper_final_R6.pdf)
- <sup>18</sup> National Center for Learning Disabilities. (2014). "Issue Brief: Voucher Programs." <http://www.nclld.org/wp-content/uploads/2014/11/Voucher-brief-in-LJ-template.pdf>
- <sup>19</sup> Lawyers Committee for Civil Rights under Law. (2013). "Access Denied? A Civil Rights Perspective on School Vouchers." <https://lawyerscommittee.org/2013/09/access-denied-a-civil-rights-perspective-on-school-vouchers>
- <sup>20</sup> Id.
- <sup>21</sup> Id. Milwaukee routed students into private schools that were divided along racial lines. From 1994 to 1995, four schools participating in the program had student bodies that were exclusively black, four additional schools were more than 70 percent black, and one school was 93 percent Latino. The student bodies at the remaining three schools participating in Milwaukee's voucher program were mostly white.
- <sup>22</sup> Id; *Zelman v. Simmons-Harris*, 536 U.S. 639. (2002); Id, 655
- <sup>23</sup> National Center for Education Statistics. (2016). *Characteristics of Private Schools in the United States: Results from the 2013–14 Private School Universe Survey*. <http://nces.ed.gov/pubs2016/2016243.pdf>
- <sup>24</sup> National Coalition for Public Education. (2016) <https://www.ncpecoalition.org>
- <sup>25</sup> The Supreme Court of the State of Colorado. (2015). *Taxpayers for Public Education v. Douglas County School District*. 2015 CO 50. [https://www.courts.state.co.us/userfiles/file/Court\\_Probation/Supreme\\_Court/Opinions/2013/13SC233.pdf](https://www.courts.state.co.us/userfiles/file/Court_Probation/Supreme_Court/Opinions/2013/13SC233.pdf)