Debunking Myths About the DC Voucher Program

MYTH: Voucher students get a better education than DC public school students.

FACT: The Department of Education issued reports analyzing the DC voucher program in 2007, 2008, 2009, and 2010. The findings in each of these reports demonstrate that the voucher program is not improving student achievement. These findings are consistent with studies of private school voucher programs in Milwaukee\(^1\) and Cleveland\(^2\), which have all revealed that vouchers do not improve math or reading achievement.

First, the Department of Education studies of the DC program have concluded that the use of a voucher had no statistically significant impact on overall student achievement in math or reading\(^3\).

Second, students from “schools in need of improvement” (SINI), which are the students targeted by the program, have shown no improvement in reading or math due to the voucher program.\(^4\)

Third, the Department of Education reports also found that many of the children who left the DC voucher program did so because the voucher schools did not provide the academic support they needed: Of the students who left the voucher program in the first year, 45% stated that it was because the “child did not get the academic support he/she needed at the private school.”\(^5\) The number shot to 54% in the second year and was at 39% in the third year.\(^6\)

Finally, the 2007 Report by the Government Accountability Office (GAO) also debunks the myth that voucher schools improve academic achievement. That report found that “many of the [voucher] schools [examined by the GAO] were not accredited, and there is no evidence they submitted evidence of educational soundness.”\(^7\) Another troubling conclusion in the GAO Report is that “at least 3 of 52 schools that participated [in 2004-05] indicated that at least half of their teachers did not have at least a bachelor’s degree, and 6 schools indicated that about 10 to 20 percent of their teachers lacked at least a bachelor’s degree.”\(^8\)

MYTH: The program is a great help to students from “schools in need of improvement.”

FACT: In this program, priority is supposed to be given to students attending SINI schools. Yet, according to the 2007 GAO Report, these students are “underrepresented” in the program: In the 2006-2007 school year, even though 52% of DC public school students attended SINI schools, only 24% of voucher students came from such schools.\(^9\) Plus, the 2007, 2008, 2009 and the Final Department of Education Reports all show that students who entered the voucher program from SINI schools have shown no improvement in academic achievement.\(^10\)

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\(^{1}\) Witte, Wolf, et al., MPCP Longitudinal Educational Growth Study Second Year Report (Mar. 2009); Witte, Achievement Effects of Milwaukee Voucher program (Feb. 1997); Witte, Stern, & Thorn, Fifth Year Report Milwaukee Parental Choice Program (Dec. 1995).


\(^{6}\) Id.

\(^{7}\) GAO Report at 34.

\(^{8}\) Id.

\(^{9}\) GAO Report at 26, 28.

**MYTH:** The DC voucher program is popular.

**FACT:** The citizens of the District of Columbia did not ask for the voucher program—they opposed it. In 1981, DC voters soundly rejected referendum on a tuition tax credit (which is a different form of private school vouchers) with **89% opposed and only 11% in favor.** DC citizens again clearly expressed their opposition to vouchers in an opinion poll conducted in **November 2002**—prior to Congress’ enactment of the DC voucher program. In that poll, **75% of District voters opposed** private school vouchers.\(^{11}\)

In addition, the **District’s only congressional representative**, Congresswoman Eleanor Holmes Norton, along with DC Council members,\(^{12}\) and other congressional leaders, **strongly opposed** the congressional effort to impose vouchers on the District of Columbia. Congresswoman Norton, Mayor Vincent Gray, and DC Council members continue to oppose it today. The creation of the DC voucher program contradicts the principle of local control of education by imposing on citizens, who lack a vote in Congress, a program for which they and their elected representatives expressed opposition.

Even in Congress the program passed with the narrowest margin possible—one vote (209-208).\(^{13}\) The narrowness of the vote in the House is even more remarkable considering the vote was taken in a Republican-led Congress, was taken while numerous Representatives who opposed vouchers were attending a presidential primary debate in Baltimore, and was held open for an unusually long 40-minute period.\(^{14}\) Among the “no” votes were 14 Republicans.\(^{15}\)

In the Senate, the voucher program was stripped from the DC Appropriations bill before it hit the Senate floor because it was clear the bill could not pass with the voucher language.\(^{16}\) The voucher program became law, nonetheless, when it was later inserted into the conference report of a $280 billion omnibus appropriations bill.\(^{17}\) In short, the Senate never even voted on the measure because it could not pass on a floor vote.\(^{18}\)

**MYTH:** Voucher students are safer than public school students.

**FACT:** Although certain voucher advocates go so far as to argue that attendance at DC public schools leads students to join gangs,\(^{19}\) there is no evidence that voucher schools are safer than public schools. To the contrary, the 2007, 2008, 2009, and the Final Department of Education Reports all found that although participation in the voucher program had a substantial impact on parents’ views of school safety, it did not have any impact on a students’ actual school experience with dangerous activities.\(^{20}\)

**MYTH:** Voucher schools increase student motivation and engagement.

**FACT:** According to the 2008 and 2009 Department of Education Reports, participation in the voucher program **provided no statistically significant impacts** on a students’ “aspirations for the future”; “frequency of doing homework”, “time spent reading for fun”; “engagement in extracurricular activities”; or “attendance” or “tardiness rates.”\(^{21}\)

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\(^{11}\) Zogby International poll for NSBA, Nov. 2002.


\(^{14}\) Id.


\(^{16}\) Robert Marus, supra, note 15.

\(^{17}\) Id.

\(^{18}\) Id.


MYTH: Many of the students in the program go to the most expensive and elite private schools in DC

FACT: Proponents of the bill like to tout certain elite private schools that are participating in the program. What they do not say is that “only 3 percent [of voucher students] attended the most expensive schools that charged $20,000 or more.”22 Indeed, the Final Department of Education Report issued in 2010 found that only 14% of students in the program23 were attending a school with tuition above the $7,500 tuition cap.24

Looking at the participating schools,25 rather than the number of students attending those schools, is also instructive. In year two, only 38.8% of the schools participating charged an average tuition of more than $7,500. In contrast, 73.7% of the non-participating schools charged more than $7,500.26 And in year three, only 22% of participating schools charged an average tuition of more than $7,500.27 The Final Report concluded that only “37 percent of consistent participants charged more than [$7,500].”28 Thus, data shows that the vast majority of the students in the program do not attend the most elite schools in the city.

MYTH: Voucher schools offer students better educational resources.

FACT: Students participating in the DC voucher program are significantly LESS likely to go to a school with ESL programs, learning support and special needs programs, tutors, counselors, cafeterias, and nurse’s offices than students not in the program.29 And, students in the program experienced no increase in before-and-after-school programs.30

MYTH: Voucher schools offer students better resources for students with special needs.

FACT: The 2007, 2008, 2009, and Final Department of Education Reports found that students in the program were less likely “to attend a school that offered special programs for students who may be academically challenged.” Students in the program also “experienced a lower likelihood that their school offered special programs for students with learning problems,” and “special programs for English language learners.”31

The Final Department of Education Report also found that 21.6% of the parents who rejected a voucher that was offered to their child did so because the school lacked the special needs services that their child needed.32 And, 12.3% of the parents who accepted a voucher for their child but then left the program cited a lack of special needs services.33

MYTH: Voucher schools have smaller class sizes.

FACT: The 2009 and Final Department of Education Report found that participation in the DC voucher program had no significant effect on the “student/teacher ratio.”34

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22 GAO Report at 31-32.
21 In accordance with the methodology of the Department of Education Reports, students are considered to be “in the program” when they are offered a voucher, regardless of whether they use the voucher.
29 The Department of Education Reports consider a school to be “in the program” when they choose to accept voucher students. However, not all participating schools actually accept or enroll students each year. For example, in the second year of the program, only 83% of “participating schools” actually had voucher students enrolled. 2008 US Dep’t of Educ. Report at 12.
33 Id.
MYTH: Voucher students get access to better teachers than students in DC public schools.

FACT: First, the teachers in many of the voucher schools lack the qualifications that public school teachers have. For example, the GAO Report found that “at least 3 of 52 schools that participated [in 2004-05] indicated that at least half of their teachers did not have at least a bachelor’s degree, and 6 schools indicated that about 10 to 20 percent of their teachers lacked at least a bachelor’s degree.” In addition, students in the DC voucher program “rated their teacher’s attitude” no better than students who did not participate in the program.

MYTH: The program gives DC students a “choice” of private schools.

FACT: To the contrary, not all public school students can even gain access to a voucher school, as voucher schools are permitted to maintain their admissions standards and, thus, can essentially reject any public school student they choose. Voucher schools can reject students based on prior academic achievement, economic background, English language ability, or disciplinary history. Also, under the program, all voucher schools can reject students on the basis of gender, and religious schools can discriminate against teachers based on their religion. In contrast, public schools serve all students in DC.

Certain groups of DC students have less access to voucher schools than others. For example, students with special needs often cannot find a private school that can or want to serve them: The Department of Education Reports show that a significant number of students had to reject their voucher because they were “unable to find a participating school that offered services for their child’s learning or physical disability or other special needs.” Indeed, the Final Department of Education Report concluded that 22 percent of parents who were offered but declined a voucher, did so because they were “unable to find a participating school that offered services for their child’s special needs.”

High school students also have less access to voucher schools: “For the school year 2005-2006, only about 70 openings were available at the high school level.”

Students seeking non-religious schools also “have a limited number to choose from, since most participating private schools were Catholic or Protestant, and these schools offered the most openings. The remaining schools included some that were Afro-centric or Muslim, or offered only early childhood education.” Indeed, in year one, nearly two-thirds of students attended a Roman Catholic school, 17 percent attended a non-Catholic faith-based school, and only 18% were enrolled in nonsectarian private schools. In year two, 77% of students in the program attended a faith-based school and in year three, 82% of students in the program attended a faith-based school. The Final Report found that 80% or the students in the program attended a faith-based school.

Furthermore, the 2008 study revealed that 8% of the students who left their voucher school did so because “religious activities at the private school made the child uncomfortable.” That same study found that 2% of students didn’t even accept a voucher because they did not want to attend a school that provided religious instruction. The Final Report found that was true for 2.3% of students who never used the voucher offered to them.
MYTH: Voucher schools do not need to be accountable to taxpayers because they are accountable to parents.

FACT: The 2007 GAO Report demonstrates that the voucher program is not even accountable to the parents of participating students. The report concluded that although the organization that administered the voucher program at the time compiled an annual directory to help parents during the selection process, “it did not collect or omitted or incorrectly reported some information that would have helped parents evaluate the quality of participating schools.”49 And, “[s]ome information [the administration organization] did provide to parents may have been misleading.”50 In fact, it “incorrectly reported information on some schools that could have significantly affected parents’ choice of schools, primarily the percentage of teachers who had at least a bachelor’s degree and tuition rates.”51

Even if the program were accountable to parents, however, that should not excuse the program from also being accountable to taxpayers. The program has cost taxpayers approximately $14 million of federal money annually, yet the schools are exempt from student testing, teacher qualification, and non-discrimination requirements, as well as open records and meetings laws that apply to public schools. And, according to the GAO Report, the program has not even adhered to the rules imposed on it. For example, tuition was paid to schools that do not even charge tuition, payments were made to schools without the proper authorization and documentation, and schools lacked required occupancy certifications.52 It is simply bad government to fund a program without providing oversight and without requiring metrics, like student testing, that allow clear evaluation of the program.

MYTH: This program is constitutional.

FACT: The DC voucher program is constitutionally suspect. Although the United States Supreme Court did uphold the constitutionality of the Cleveland voucher program in Zelman v. Simmons-Harris,53 the DC voucher scheme differs from the Cleveland program in significant ways.

First, unlike the Ohio voucher scheme, which prohibited voucher schools from engaging in all forms of discrimination, the DC scheme permits religious schools to discriminate on the basis of religion in hiring and on the basis of gender in admission.54 In addition to diverging from the facts of Zelman, this violates other constitutional case law, which holds that “the Constitution does not permit the state to aid discrimination.”55

Also, Zelman permitted the voucher scheme in Cleveland because it found that the program did not use financial incentives to skew students towards religious schools. This is because any student choosing to accept a voucher was required to copay a portion of the private school tuition. (The Cleveland vouchers were capped at the either 75% or 90% of the school tuition (depending on the family income) or $2,500, whichever was less.) Attending a private school (with a copay), therefore, would be more costly than attending a public school (for free). In fact, the Court concluded that there was a disincentive to go to a religious school because attending the secular public school would cost a student nothing, but attending a religious school would, in all cases, require a copay.56 The DC scheme, however, does not require a copay. Thus, in some instances, students attend private religious schools at no additional cost because the $7,500 voucher covers the entire tuition. Thus, DC parents can get a free religious education at taxpayer expense. Unlike the Cleveland program, therefore, there is no disincentive to attend the private religious school.

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49 GAO Report at 36.
50 Id.
51 Id. at 36-37
52 Id. at 20-23, 33, 35.
56 Zelman, 536 US at 653-54.
Furthermore, in *Zelman*, though a copay was required, the copay that schools could charge was capped for students below the poverty level. Thus, for those priority students, attending private religious schools would cost about the same as attending a private secular school. In DC, there is no copay cap. For DC students accepting a voucher, however, there is an **incentive** to choose a religious private school over a secular private school. Religious schools are traditionally less expensive than secular private schools. Thus, while the $7,500 may cover tuition at a religious private school, it is unlikely to cover the tuition at a secular private school. Thus, attending a religious school will cost a parent less (with little or no copay) than attending a secular private school (with a large copay). The incentive to attend a religious school is highlighted by the fact that approximately 75% of all students in the program attend private religious schools.

**MYTH:** Ending the DC voucher program would be a shock to voucher recipients.

**FACT:** As explained above, the program will not end for students currently receiving vouchers.

Furthermore, the program was intended to only be a “pilot” program with a slated end date. The statutory authority creating the DC voucher program permitted the federal government to offer vouchers “for a period of not more than 5 years.”58 District of Columbia law also states that funding for the program shall be “for a period of not more than 5 years.”59 Press reports have also been clear that the voucher program was a five-year pilot program. Indeed, many articles dating back to the enactment of the program note that the program would end after five-years.

Yet, it appears the Washington Scholarship Fund (WSF), which administered the program at the time Congress stopped admitting new students to the program, did not take steps to educate parents and students of this. To the contrary, the WSF sent out letters admitting **new students** into the program for the 2009-2010 school year,60 even though the program had not been reauthorized and the explanatory language accompanying the FY2009 Omnibus Appropriations Bill61 stated that no new students should be admitted into the program for the 2009-2010 school year.

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59 DC Code 38-1851.03(b).
61 The accompanying language states: “Funding provided for the private scholarship program shall be used for currently-enrolled participants rather than new applicants.”