



Americans United for Separation of Church and State

ARKANSAS STATE CHAPTER

March 13, 2013

James McLean
Chair, House Education Committee
20 Mill Run Trail
Batesville, AR 72501

Ann V. Clemmer
Vice Chair, House Education Committee
7415 Camille Drive
Benton, AR 72019

Dear Chair McLean and Vice Chair Clemmer:

On behalf of our Chapter and the Arkansas members of Americans United for Separation of Church and State, we write to urge you to oppose HB 1897, which would create a voucher program, and SB 2260, which would create a voucher programs for students with special needs. Although we support the goal of improving educational opportunities for students, including those with special needs, vouchers are more likely to undermine rather than improve the education of these students. Voucher programs do not improve educational achievement. Instead they strip students of rights and protections that they are provided in the public schools, and they violate fundamental principles of religious freedom. Accordingly, we oppose this bill.

Vouchers Do Not Improve Student Achievement or Resources

According to multiple studies of the District of Columbia,¹ Milwaukee,² and Cleveland³ 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,⁴ 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.

¹U.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).

² 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).

³ 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).

⁴ 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.")



Vouchers for Students with Special Needs Do Not Improve Student Achievement or Resources and Undermine IDEA Protections

Moreover, vouchers limited to students with special needs, such as Florida's "McKay Scholarships for Students with Disabilities" or the Ohio voucher program for students with autism spectrum disorders, have also failed to improve the education of students with special needs.⁵ A March 2008 study of the Ohio autism voucher concluded that it is not "sound education policy," that it "exacerbates inequality," and that it "should not be emulated in other states."⁶ Similarly, a 2007 study found that the McKay voucher was "seriously flawed"⁷ and created "[m]ore [p]roblems [t]han [s]olutions."⁸

A voucher for students with special needs runs contrary to the Individuals with Disabilities Education Act's (IDEA) fundamental purpose as a civil rights law—to bring students with disabilities into the public school system, provide them access to the general education curriculum, and protect against the history of exclusion of students with disabilities from public schools. Vouchers place students in private schools—institutions that do not have to follow the same inclusionary practices as public schools—and thus may isolate students with disabilities from their nondisabled peers. With the Ohio autism voucher, for example, fully 75% of claims for vouchers were for use at providers "created to primarily or exclusively serve disabled students."⁹

In addition, students who leave the public schools with a voucher are considered to be parentally placed in the private school, and thus forfeit many of the protections provided to students under IDEA. For example, students accepting vouchers would not necessarily receive all of the services that are listed on their individualized education plans (IEPs) that they are currently receiving in their public school. Also, when members of the IEP team, which includes the parents, cannot agree on the services that a child should receive, the parents have the right to bring their concerns before a hearing officer and ultimately to take the school district to court. Students who are parentally placed in a private school through a voucher, however, do not have any similar due process protections. Finally, if a school district determines through the evaluation and IEP process that it cannot adequately provide the necessary services for a student with disabilities in its school system, then that child could be placed by the IEP team in a private school, with all the protections of IDEA and *at no cost to the student's family*. In contrast, when a student attends a private school using a voucher, the parent must pay all tuition and fees above the costs covered by the voucher.

⁵ Policy Matters Ohio, *Analyzing Autism Vouchers in Ohio*, Executive Summary, 2 (Mar. 2008), http://www.policymattersohio.org/pdf/AnalyzingAutismVouchers2008_0319.pdf; Sara Mead, *Information Underload: Florida's Flawed Special-Ed Voucher Program*, Education Sector 1 (June 2007), http://www.educationsector.org/usr_doc/McKay_Vouchers.pdf.

⁶ *Analyzing Autism Vouchers in Ohio*, 41 and Executive Summary, 2.

⁷ *Information Underload: Florida's Flawed Special-Ed Voucher Program*, at 1.

⁸ *Id.* at 6.

⁹ *Analyzing Autism Vouchers in Ohio* at 41.

The services, protections, and rights provided under SB 2260 are significantly weaker than those provided to students in the public schools.

Vouchers Lack Accountability

Most voucher programs lack sufficient accountability measures. They lack effective regulation, reporting, monitoring, and transparency. The current administrator of the D.C. voucher program, for example, admitted that quality control is “a dead zone, a blind spot” of the program.¹⁰ And a report issued by the Government Accountability Office (GAO) revealed that the D.C. program has failed to meet even basic statutory requirements. For example, the administrator permitted schools to participate—and allowed students to attend schools—even though they lacked a valid D.C. occupancy certificate, failed to submit required financial data, and failed to submit required annual operational reports with basic information on curriculum, teachers’ education, and school facilities.¹¹

Similarly, the state of Georgia has given out \$170 million in tuition tax credits since 2008, yet it is difficult to determine “how the money was spent and on whom.”¹² There is no way to determine whether the private schools funded are successful or failing, whether the program is serving low-income students, or whether the program is supplying tuition to kids who were and would be attending private schools regardless of the tuition tax program.¹³

The State cannot justify using taxpayer dollars on programs that are in no way accountable to the taxpayer.

Arkansas Taxpayers Should Not Be Forced to Fund Religious Schools and Education

We recognize the value of religious education and know that parochial schools can serve a valuable role for many children, but because most parochial schools either cannot or do not wish to separate the religious components of the education they offer from the academic programs, these schools must be funded by voluntary contributions, not the taxpayer. 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

¹⁰ Lyndsey Layton and Emma Brown, “Quality Controls Lacking for D.C. Schools Accepting Federal Vouchers,” *The Washington Post*, Nov. 17, 2012, <http://articles.washingtonpost.com/2012-11-17/local/35507144_1_voucher-program-voucher-dollars-private-schools>.

¹¹ US 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 34-35 (Nov. 2007) (GAO Report).

¹² Maureen Downey, “Private School Tax Credit: A \$170 million tax diversion that Georgia lawmakers cloak in secrecy. Why?” *The Atlanta Journal Constitution*, Feb. 17, 2012 <http://blogs.ajc.com/get-schooled-blog/2013/02/17/private-school-tax-credit-a-170-million-tax-diversion-that-georgia-lawmakers-cloak-in-secrecy-why/?cxntfid=blogs_get_schooled_blog>.

¹³ *Id.*

education. Parents certainly may choose such an education for their children, but no taxpayer should be required to pay for another's religious education.

In addition, religious organizations and schools that rely on voluntary participation and contributions are likely to flourish. Government funds, however, threaten to shift religious schools' monetary source from the followers of their religion to the government treasury. And, with that shift, they also risk losing their religious identity, teachings, and message. To remain healthy, a religious school should follow the dictates of its adherents rather than the dictates of a government uninterested in its religious mission. To do this, they must reject government funding.

Conclusion

Vouchers do not work and they strip special needs students of protections and rights provided to them in the public schools. Instead of sending taxpayer money to private schools, these funds should instead be invested in the public schools. If school districts are not following the legal requirements established by IDEA, the better solution is to find more effective ways to enforce the laws that already exist, not to create "carve outs" for a few students. The goal should be to help all families navigate the system rather than create a separate system with fewer protections and less accountability.

Accordingly, we urge you oppose HB 1897 and SB 2260. Thank you for your consideration of our views on this important issue.

Sincerely,

Elise Helgesen
State Legislative Counsel
Americans United for Separation of Church and State

Steve Warnock
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Jim McCollum
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