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Senator Bill Galvano
Chair, Appropriations Subcommittee
on Education
326 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399

Senator Bill Montford
Vice-Chair, Appropriations Subcommittee
on Education
214 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399

RE: Oppose SB 1512 – A Bill Creating “Personal Accounts for Learning”

Dear Chair Galvano and Vice-Chair Montford:

On behalf of its Florida members and supporters, Americans United for Separation of Church and State, urges you to oppose SB 1512. This bill would create “personal accounts for learning” which would allow parents to use public funds to send their children with special needs to private sectarian schools, essentially creating a backdoor voucher program. Although we support the goal of improving educational opportunities for students with special needs, this backdoor voucher program would be more likely to undermine rather than improve the education of these students. This program would strip students with special needs of rights and protections that they are provided in the public schools, and would violate fundamental principles of religious freedom.

SB 1512 Would Undermine IDEA Protections

This personal account voucher 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. This program would 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.

In addition, this program would further deviate from the IDEA’s purpose of alleviating financial burdens on families with special needs students. Under IDEA, 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. For example, under Mississippi's Dyslexia Therapy Scholarship Program the vouchers given to dyslexic students to attend private schools only covered 62% of the cost of tuition.¹

Vouchers and Equivalent Programs Do Not Improve Student Education

According to multiple studies of the District of Columbia,² Milwaukee,³ and Cleveland⁴ school voucher programs, students offered vouchers do not perform better in reading and math than students in public schools. In fact, vouchers limited to students with special needs, such as Florida's own "McKay Scholarships for Students with Disabilities" or the Ohio voucher program for students with autism spectrum disorders, have 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

Vouchers and Equivalent Programs Lack Accountability

Most voucher programs lack sufficient accountability measures. They lack 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.⁹ 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

¹ *Mississippi Dyslexia Therapy Scholarship for Students with Dyslexia Program*, FRIEDMAN FOUNDATION FOR EDUCATIONAL CHOICE, <http://www.edchoice.org/Documents/Publication/2013/ABCs/2013-ABCs-of-School-Choice--Mississippi--Mississippi-Dyslexia-Therapy-Scholarship-for-Students-with-Dyslexia-Program.pdf> (2012).

² U.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).

³ 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 Educational 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).

⁴ 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).

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 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>.

information on curriculum, teachers' education, and school facilities.¹⁰ Indeed, some participating schools failed to submit information on accreditation or educational soundness, yet voucher students were directed to and attended those schools.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.

Backdoor Voucher Schemes Are Constitutionally Suspect and Harm Religious Liberty

Article I, Section 3 of the Florida Constitution states that "No revenue of the state . . . shall ever be taken from the public treasury directly or indirectly in aid of any church, sect, or religious denomination or in aid of any sectarian institution."¹⁴ Yet, these public dollars could be used to fund religious instruction and activities. Indeed, 81.5% of recipients of Florida's existing backdoor voucher program attend religious schools.¹⁵ This is because backdoor voucher programs incent families to use vouchers to attend religious schools: the amount of the voucher is more likely to pay the entire cost of tuition at religious private schools than at secular private schools, which often charge higher tuition rates than parochial schools.

Most religious primary and secondary schools are part of the ministry of the sponsoring church. Because religious indoctrination is an important part of these ministries, the schools integrate religion throughout their curriculum and require all students to receive religious instruction and attend religious services. The taxpayer money used for these "education accounts" are unrestricted and would certainly pay for religious instruction, activities (including worship and proselytization), and items (such as Bibles) and at these institutions.

SB 1512 Would Lead to Taxpayer Funded Discrimination

SB 1512 allows taxpayer funds to flow to schools that discriminate in hiring and admission. A religious school can limit admissions not just to co-religionists, but also to only those students—and the parents of students—who follow its teachings and tenets. For example, nearly a quarter of the participating schools in [the] Georgia [Tuition Tax Credit program]

¹⁰ 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).

¹¹ *Id.* at 34.

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.*

¹⁴ A Florida state court held that a regular voucher program, the Opportunity Scholarship Program, violated this provision of the Florida Constitution. *Bush v. Holmes*, 886 So. 2d 340, 344, 352-54 (Fla. App. 2004), *aff'd on other grounds*, 919 So. 2d 392 (Fla. 2006).

¹⁵ Fla. Dep't of Ed., *Corporate Tax Credit Scholarship Program February Quarterly Report 2014*, https://www.floridaschoolchoice.org/Information/CTC/quarterly_reports/ftc_report_feb2014.pdf.

require families to make a profession of religious faith, according to their websites.”¹⁶ These schools can also segregate students or apply different policies based on gender.

Allowing government money to flow to these institutions without demanding the schools follow non-discrimination policies is a clear violation of one of the central principles of our constitutional order: the government should not aid discrimination.”¹⁷ When funding any school, whether public or private, the government should not surrender the longstanding principle of equal treatment for all.

Religious schools can also use religious criteria in hiring. Thus, these schools can refuse to hire a teacher because he or she is an adherent to the wrong religion. They can also fire an unwed mother or a teacher going through a divorce, if either violates the religious teachings of the school. Florida taxpayer funds should never be used to fund jobs that have a religious test.

Conclusion

Vouchers and equivalent programs like “personal accounts,” 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 to oppose SB 1512.

Thank you for your consideration of this important matter.

Sincerely,



Amrita Singh
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¹⁶ Stephanie Saul, “Public Money Finds Back Door to Private Schools,” *The New York Times*, May 12, 2012, <<http://www.nytimes.com/2012/05/22/education/scholarship-funds-meant-for-needy-benefit-private-schools.html>>.

¹⁷ *Norwood v. Harrison*, 413 U.S. 455, 465-66 (1973).