

The National Coalition *for* Public Education

June 23, 2014

Chairman Tom Udall
Subcommittee on Financial Services and
General Government
U.S. Senate Appropriations Committee
United States Senate
Washington, DC 20510

Ranking Member Mike Johanns
Subcommittee on Financial Services and
General Government
U.S. Senate Appropriations Committee
United States Senate
Washington, DC 20510

RE: FY15 Funding for the D.C. school voucher program

Dear Senators Udall and Johanns:

The 45 undersigned members of the National Coalition for Public Education (NCPE) write to voice opposition to the funding of the District of Columbia private school voucher program in the FY2015 Financial Services Appropriations bill. We oppose this and all private school voucher programs because public funds should be spent on public schools, not private schools. But the D.C. program, in particular, has proven ineffective and unaccountable to taxpayers. Not only have multiple Department of Education studies¹ found that the program has failed to improve educational outcomes for participating students, but two U.S. Government Accountability Office (GAO) reports have also identified serious management and accountability failures.² Congress should not allocate millions of taxpayer dollars to an unsuccessful and poorly managed program.

Accordingly, we ask that you eliminate funding for the D.C. voucher program altogether. At a minimum, the Senate should allocate no more than \$3 million to the program, because the Office of Management and Budget has said that is all it needs, plus “the amount carried forward from prior fiscal years,” to have sufficient funding to meet costs through the 2015–2016 school year.³

The Program Does Not Improve Education

All four of the congressionally mandated U.S. Department of Education (USED) studies that have analyzed the D.C. voucher program concluded that it did not significantly improve reading or math

¹ US Dep’t of Educ., *Evaluation of the D.C. Opportunity Scholarship Program: Final Report* xv, xix, 34 (June 2010) (*Final US Dep’t of Educ. Report*); *Final US Dep’t of Educ. Report* at 34; US Dep’t of Educ., *Evaluation of the D.C. Opportunity Scholarship Program: Impacts After Three Years* 34 (March 2009) (*2009 US Dep’t of Educ. Report*); US Dep’t of Educ., *Evaluation of the D.C. Opportunity Scholarship Program: Impacts After Two Years* 34, 36-38 (June 2008) (*2008 US Dep’t of Educ. Report*); US Dep’t of Educ., *Evaluation of the D.C. Opportunity Scholarship Program: Impacts After One Year* xvii, 44, 46 (June 2007) (*2007 US Dep’t of Educ. Report*).

² U.S. Gov’t Accountability Office, *District of Columbia Opportunity Scholarship Program: Actions Needed to Address Weaknesses in Administration and Oversight*, Publication No. GAO-13-805 (Nov. 2013) <http://www.gao.gov/assets/660/658416.pdf> (2013 GAO Report); 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 26 (Nov. 2007) <http://www.gao.gov/new.items/d089.pdf> (2007 GAO Report).

³ “The [FY2015] Budget provides \$3.0 million for the D.C. Opportunity Scholarship program, a private school voucher program re-authorized in 2011, to carry-out the evaluation and administration activities of the program. Between this request and the amount carried forward from prior fiscal years, the program is expected to have sufficient funding to meet costs through the 2015–2016 school year.” Office of Management and Budget, *The President’s Budget for Fiscal Year 2015*, Appendix, <http://www.whitehouse.gov/sites/default/files/omb/budget/fy2015/assets/oia.pdf>.

achievement, leaving no justification for continuing its funding.⁴ The USED studies further found that the voucher program had no effect on student satisfaction, motivation or engagement, or student views on school safety.⁵ The studies also indicated that many of the students in the voucher program 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.⁶ Having failed to improve the academic achievement and school experience of the students in the voucher program, it clearly does not warrant continued funding.

The Program Has Lacked Sufficient Oversight

The program has also repeatedly failed to meet basic and even statutorily required accountability standards. In 2013, in what the *Washington Post* called a “scathing report,” the GAO found significant “weaknesses in administration and oversight”⁷ of the D.C. voucher program. The GAO report found that the program’s administrator, the D.C. Children and Youth Investment Trust Corporation (Trust), had failed to ensure the program operated with basic accountability measures and quality controls. For example, the Trust failed to maintain adequate records on its financial accounting from 2010-2012. It did not file any annual financial reports during that period,⁸ nor did it track its administrative expenses prior to 2012.⁹ Even the interim executive director of the Trust at that time admitted that “quality oversight of the program as sort of a dead zone, a blind spot.”¹⁰

Many Participating Schools are of Poor Quality

A special investigation conducted by the *Washington Post* found that many of the private schools in the program are not quality schools.¹¹ It described one school that consisted entirely of voucher students as existing in just two classrooms in “a soot-stained storefront” where students used a gymnasium two miles down the road.¹² Another voucher school was operated out of a private converted home with facilities so unkempt that students had to use restrooms in an unaffiliated daycare center downstairs.¹³ And yet another school, where 93% of the students had vouchers, used a “learning model known as “Suggestopedia,” an obscure Bulgarian philosophy of learning that stresses learning through music, stretching and meditation.”¹⁴

During site visits of ten of the private voucher schools with the most voucher students, the GAO uncovered several schools that were violating basic SOAR Act requirements. For example, nine of the ten schools examined failed to maintain valid certificates of occupancy. This is particularly troubling because, in response to the 2007 GAO report’s finding that several schools receiving vouchers lacked

⁴ *Final US Dep’t of Educ. Report* at xv, xix, 34; *2009 US Dep’t of Educ. Report* at 39; *2008 US Dep’t of Educ. Report* at 34, 36-38; *2007 US Dep’t of Educ. Report* at xvii, 44, 46.

⁵ *Final US Dep’t of Educ. Report* at 43-47; *2009 US Dep’t of Educ. Report* at xxvi, xviii, 35, 44-45, 49-50; *2008 US Dep’t of Educ. Report* at 42-43, 50, 57; and *2007 US Dep’t of Educ. Report* at xx, 53-55.

⁶ *Final US Dep’t of Educ. Report* at 20; *2009 US Dep’t of Educ. Report* at xxii, 17; *2008 US Dep’t of Educ. Report* at xviii, 16.

⁷ Lyndsey Layton, *D.C. School Voucher Program Lacks Oversight, GAO Says*, WASH. POST (Nov. 15, 2013) http://www.washingtonpost.com/local/education/D.C.-school-voucher-program-lacks-oversight-gao-says/2013/11/15/9bb8c35e-4e3d-11e3-be6b-d3d28122e6d4_story.html.

⁸ 2013 GAO Report at 28.

⁹ *Id.* at 25.

¹⁰ Layton, *supra* note 7.

¹¹ Lyndsey Layton, *D.C. School Voucher Program Lacks Oversight, GAO Says*, WASH. POST (Nov. 15, 2013) http://www.washingtonpost.com/local/education/D.C.-school-voucher-program-lacks-oversight-gao-says/2013/11/15/9bb8c35e-4e3d-11e3-be6b-d3d28122e6d4_story.html.

¹² *Id.* (revealing details about Academia de la Recta Porta).

¹³ *Id.* (discussing Muhammad University of Islam, which enrolled one-third voucher students).

¹⁴ *Id.* (discussing the Academy for Ideal Education).

valid certificates of occupancy,¹⁵ Congress included a provision in the SOAR Act specifying that private schools accepting vouchers must obtain and maintain one. This not only demonstrates that many of the participating schools do not deserve public dollars, but that the accountability provisions in the SOAR Act have been unsuccessful at deterring such violations.

The Voucher Program Endangers Civil Rights and Undermines Constitutional Protections

Despite receiving public funds, the private schools participating in the D.C. Voucher program are not subject to all federal civil rights laws and public accountability standards, including those in Title VI, Title IX, the Individuals with Disabilities Education Act (IDEA), Title II of the Americans with Disabilities Act and the Elementary and Secondary Education Act (ESEA), that all public schools must meet. Students who attend private schools with vouchers are stripped of their First Amendment, due process, and other constitutional and statutory rights provided to them in public schools. Schools that do not provide students with these basic civil rights protections should not be funded with taxpayer dollars.

Conclusion

The findings of all of the-above referenced objective reports do not support spending millions of dollars of public funds on the D.C. private school voucher program. For these reasons and more, NCPE opposes the funding of the D.C. voucher program in the FY2015 Financial Services Appropriations bill. If any funding is provided in the FY15 appropriations measure, Congress should fund the program at no more than \$3 million, which is the amount that the Office of Management and Budget has said is needed to fund it for the 2015-2016 school year.

Thank you for your consideration of our views.

AASA: The School Superintendents Association
AFL-CIO
African American Ministers In Action
American Association of University Women (AAUW)
American Civil Liberties Union
American Federation of School Administrators, AFL-CIO
American Federation of Teachers, AFL-CIO
American Humanist Association
American Jewish Committee (AJC)
Americans for Democratic Action (ADA)
Americans for Religious Liberty
Americans United for Separation of Church and State
Anti-Defamation League
Association of Education Service Agencies
Baptist Joint Committee for Religious Liberty
Center for Inquiry
Council for Exceptional Children
Council of the Great City Schools

¹⁵ 2007 GAO Report at 34.

Disciples Justice Action Network
Equal Partners in Faith
Family and Children's Ministries, Disciples Home Missions, Christian Church (Disciples of Christ)
Feminist Majority Foundation
Hindu American Foundation
Institute for Science and Human Values, Inc.
Interfaith Alliance
Lawyers' Committee for Civil Rights Under Law
National Alliance of Black School Educators
National Association of Elementary School Principals (NAESP)
National Association of Federally Impacted Schools
National Association of Secondary School Principals
National Association of State Directors of Special Education
National Black Justice Coalition
National Council of Jewish Women
National Education Association
National Parent Teacher Association
National Rural Education Advocacy Coalition
National Rural Education Association
National School Boards Association
People For the American Way
School Social Work Association of America
Secular Coalition for America
Texas Faith Network
Texas Freedom Network
The Solomon Project
Union for Reform Judaism