March 1, 2019

The Honorable Amy Sinclair  
The Honorable Chris Cournoyer  
Chair  
Vice Chair  
Committee on Education  
Committee on Education  
Iowa Senate  
Iowa Senate  
1007 East Grand Avenue  
1007 East Grand Avenue  
Des Moines, Iowa 50319  
Des Moines, Iowa 50319

Re: Oppose SF 372 – Education Savings Accounts (Vouchers) Are Bad Education Policy

Dear Chair Sinclair and Vice Chair Cournoyer:

On behalf of the Iowa members and supporters of Americans United for Separation of Church and State, I write to urge you to oppose SF 372. This bill would create an education savings account (ESA) program—also known as a private school voucher—that would subsidize private school education. In addition to the fact that voucher programs simply don’t work, this bill should be rejected because it violates the Iowa Constitution.

Voucher Programs Don’t Work

Private school vouchers divert desperately needed public resources away from public schools to fund the education of a few students at private schools; yet they do not improve educational outcomes. In fact, studies of the Indiana,1 Washington, DC,2 Louisiana,3 and Ohio4 voucher programs revealed that students who used vouchers actually performed worse on standardized tests than their peers not in voucher programs. Voucher programs also lack oversight. For example, the Iowa Department of Revenue does not verify5 that students who

receive funds from the School Tuition Organization (STO) Tax Credit program fall within the proscribed income limit.⁶

Private schools that benefit from vouchers also do not abide by federal civil rights laws that apply to public schools. For example, students who use this program would no longer be covered by Title IX, which prohibits discrimination based on sex. And they would forfeit many of the protections provided under the Individuals with Disabilities Education Act (IDEA) because students are considered parentally placed in private schools and lose the quality and quantity of services available to students in public schools. As a result, voucher programs systematically exclude students with special needs, both intentionally⁷ and because participating schools do not offer the services these students need.⁸ Students would also be stripped of their First Amendment, due process, and other constitutional and statutory rights that would be offered to them and guaranteed in public schools.

**Voucher Programs Don’t Serve Rural Students**

More than half of Iowa’s schools are located in rural districts, and these schools serve more than one-third of the state’s students.⁹ Vouchers, however, don’t provide an actual choice for students in these districts. Rural communities have few, if any, private school options, and students aren’t guaranteed access to these schools because they have limited enrollment and may deny admission based on religion, disability status, or sexual orientation. If students are able to use a voucher, they are generally required to endure long, costly commutes. Vouchers are also especially harmful to the public school systems serving large rural areas because costs for facilities, transportation, administration, and instruction stay constant while state funding decreases.

**SF 372 Would Violate the Iowa Constitution**

Most voucher programs primarily fund religious schools. For the 2014-15 school year, 132 of 137 participating schools in Iowa’s STO program, for example, were religious.¹⁰ There is no reason to believe this voucher would be different. Yet, one of the most fundamental principles of religious liberty is that government should not compel any citizen to pay for someone else’s religious education.

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⁶ **IOWA CODE § 422.11S (2014).**

⁷ Students with disabilities were discouraged or excluded from participating in the Milwaukee voucher program, which caused the Department of Justice to require Wisconsin to implement policies and practices to eliminate the discrimination. [Letter to Tony Evers, State Superintendent, Wisc. Dep't of Pub. Instruction, from U.S. Dep't of Justice, Civil Rights Div., Educ. Opportunities Section, Apr. 9, 2013.](https://www.justice.gov/crt/file/79938/download)

⁸ A 2010 US Department of Education report on the Washington, DC voucher program showed that a main reason why students didn’t use a voucher offered to them was that they were unable to find a participating school with services for their learning or physical disability or other special needs. [U.S. Dep't of Educ., Evaluation of the D.C. Scholarship Program: Final Report 24-26, June 2010.](https://www2.ed.gov/rsch stat/reports/pubs/dcFinal.pdf)


¹⁰ Jordan, *supra*, note 5.
Indeed, this principle is enshrined in the Iowa Constitution. In *Knowlton v. Baumhover*, the Iowa Supreme Court held that the Constitution prohibits the state from, “directly or indirectly,” using “public funds for the support or in aid of [a] parochial school.” A 1965 Attorney General opinion relied on that decision to determine that the Constitution also forbids the government from providing tuition grants to students to attend private religious colleges. The Attorney General concluded “surely there is presently little or no difference between the State’s handing public funds directly to a private school and handing them to the pupil to do so.” Similarly, the state constitution would prohibit the state from creating a voucher to pay for tuition at religious K-12 schools.

**Conclusion**
For all the above reasons, Americans United opposes SF 372. I have enclosed with this letter two documents outlining further some of the problems associated with vouchers. Thank you for your consideration on this important matter.

Sincerely,

[Nikolas Nartowicz]
State Policy Counsel

cc: Members of the Senate Education Committee

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11 *Iowa Const. Art. I, Sec. 3*  
14 *Id.*