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The Honorable Shane Massey  
Chair  
Education Subcommittee  
South Carolina Senate  
404 Gressette Building  
Columbia, South Carolina 29202

**Re: Oppose SB 556 – Education Savings Accounts (Vouchers) Are Bad Education Policy**

Dear Chair Massey:

On behalf of the South Carolina members and supporters of Americans United for Separation of Church and State, I write to urge you to oppose SB 556. This bill would create an education savings account (ESA) program—also known as a private school voucher—that would fund private school education. In addition to the fact that voucher programs simply don't work, this bill should be rejected because it violates the South Carolina 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. Studies of the Indiana,<sup>1</sup> Louisiana,<sup>2</sup> and Ohio<sup>3</sup> voucher programs revealed that students who used vouchers actually performed *worse* on standardized tests than their peers not in voucher programs. And studies of long-standing voucher programs in

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<sup>1</sup> Margaret Fosmoe, [Study: Math Scores Drop For Low-Income Students Who Use Vouchers For Private Schools](#), South Bend Tribune, Sep. 3, 2018; Mark Berends and R. Joseph Waddington, [School Choice in Indianapolis: Effects of Charter, Magnet, Private, and Traditional Public Schools](#), 22, University of Notre Dame, Aug. 2018.

<sup>2</sup> Morgan Winsor, [Louisiana's Controversial Voucher Program Harms Poor Students, Lowers Grades, New Study Finds](#), International Business Times, Jan. 10, 2016; Atila Abdulkadiroglu et al., [Free to Choose: Can School Choice Reduce Student Achievement?](#), 2, Nat'l Bureau of Economic Research, Dec. 2015.

<sup>3</sup> Patrick O'Donnell, [Tuition Vouchers Aren't Helping Ohio Kids Learn More, New Study Finds](#), Cleveland.com, July 11, 2016; David Figlio and Krzysztof Karbownik, [Evaluation of Ohio's EdChoice Scholarship Program: Selection, Competition, and Performance Effects](#) 32, Fordham Institute, Jul. 2016.

Milwaukee,<sup>4</sup> Cleveland,<sup>5</sup> and Washington, DC<sup>6</sup> found that students offered vouchers showed no improvement in reading or math over those not in the program.

In addition, private schools that benefit from vouchers are not governed by the same rules as public schools. For example, under SB 556, private school teachers would not even have to be certified.<sup>7</sup> And private voucher schools would not have to abide by federal civil rights laws that apply to public schools, so, for example, students who use this program would no longer benefit from protections offered by Title IX, which prohibits discrimination based on sex. Students would also be stripped of their First Amendment, due process, and other constitutional and statutory rights that would be guaranteed in public schools.

### **Voucher Programs Don't Serve Students With Disabilities**

This bill would steer students with disabilities to private schools, yet the bill requires parents to waive their rights under the Individuals with Disabilities Education Act (IDEA). This federal civil rights law ensures that students with disabilities are provided with a Free Appropriate Public Education (FAPE) that is tailored to their individual needs. Students who leave public schools with a voucher will lose the quality and quantity of services available to students in public schools, including those mandated under each student's individualized education program (IEP). In the end, private school voucher programs discriminate against students with special needs, because participating schools do not offer the services these students need and sometimes even intentionally.<sup>8</sup>

### **Voucher Programs Don't Serve Rural Students**

Nearly half of South Carolina's schools are located in rural districts, and these schools serve more than one-third of the state's students.<sup>9</sup> 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.

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<sup>4</sup> Patrick J. Wolf, [The Comprehensive Longitudinal Evaluation of the Milwaukee Parental Choice Program: Summary of Final Reports](#), 7, School Choice Demonstration Project, Univ. of Ark., Apr. 2010.

<sup>5</sup> Jonathan Plucker et al., [Evaluation of the Cleveland Scholarship and Tutoring Program, Technical Report 1998-2004](#), 166, Ctr. for Evaluation & Educ. Policy, Univ. of Ind., Feb. 2006.

<sup>6</sup> Ann Webber et al., [Evaluation of the DC Opportunity Scholarship Program: Impacts Three Years After Students Applied](#), 4, U.S. Dep't of Education, May 2019.

<sup>7</sup> U.S. Dep't of Educ., [State Regulation of Private Schools](#) 247, Jul. 2009.

<sup>8</sup> 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.

<sup>9</sup> Jerry Johnson et al., [Why Rural Matters 2013-2014](#), 81, Rural School and Community Trust, May 2014.

### **SB 556 Would Violate the South Carolina Constitution and Religious Freedom**

Most voucher programs send taxpayer funds primarily to religious schools. 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. Indeed, this principle is enshrined in the South Carolina Constitution, which prohibits the use of state funds "for the direct benefit of any religious . . . educational institution."<sup>10</sup> SB 556, however, would use public funds to pay for tuition costs at private religious schools.

### **Conclusion**

For all the above reasons, Americans United opposes SB 556. I have enclosed with this letter three documents outlining further some of the problems associated with vouchers. Thank you for your consideration on this important matter.

Sincerely,



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State Policy Counsel

cc: Members of the Senate Education Subcommittee

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<sup>10</sup> S.C. CONST. art. XI, § 4.