

# The National Coalition

for

## Public Education

### OPPOSE THE “CHOICE Act”

This bill would funnel more than \$11 billion dollars of taxpayer money to private schools. It would turn IDEA into a voucher, reduce Impact Aid, and expand the failing DC voucher program, all the while, stripping vital civil rights protections and basic accountability standards. Instead, Congress should invest these dollars in the public schools, which serve all students regardless of gender, disability, economic status, or educational achievement.

#### **This Bill Would Allow the States to Use IDEA Funds for Private School Vouchers, Undermining the Core Principles behind IDEA and Stripping Students of Important Rights.**

- One goal of IDEA is 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, in contrast, place students in private schools that do not have to follow the same inclusionary practices as public schools, allowing students with disabilities to be isolated 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.”<sup>1</sup>
- 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. Students accepting vouchers would not necessarily receive all of the services 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 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. However, students who are parentally placed in a private school through a voucher do not have similar due process protections.
- 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—the disparity between the voucher amount and the actual cost of the student’s education is usually significant and cost prohibitive for most parents.
- Contrary to the rhetoric surrounding this bill, it won’t provide parents with high quality school choices. Most students with disabilities won’t be able to find the same level of service in the private schools as they do in the public schools. For example, the final Department of Education report on the D.C. voucher showed that one of the main reasons why students didn’t use a voucher offered to them was that they were unable to find a participating school that offered services for their learning or physical disability or other special needs. Indeed, 21.6% of the parents who rejected a voucher that was offered to their child did so because the school lacked the special needs services that their child needed,<sup>2</sup> and, 12.3% of the parents who accepted a voucher for their child but then left the program cited a lack of special needs services at the school they had chosen.<sup>3</sup>

#### **This Bill Allows Private Schools to Take Taxpayer Money but Deny Rights to Students and Teachers**

- Proponents maintain that civil rights laws apply under this bill, but they fail to explain that many of the private schools that are eligible to take vouchers are exempt from key provisions in civil rights laws. These schools do

<sup>1</sup> Policy Matters Ohio, *Analyzing Autism Vouchers in Ohio*, Executive Summary, 41; 24–25 (Mar. 2008), [http://www.policymattersohio.org/pdf/AnalyzingAutismVouchers2008\\_0319.pdf](http://www.policymattersohio.org/pdf/AnalyzingAutismVouchers2008_0319.pdf).

<sup>2</sup> US Dep’t of Educ., *Evaluation of the DC Opportunity Scholarship Program: Final Report 24-26* (June 2010) (*Final US Dep’t of Educ. Report*)

<sup>3</sup> *Id.*

not face the same public accountability standards as public schools, including those in Title IX, IDEA, and ESEA. And religious schools can discriminate against students based on gender and teachers based on religion.

### **This Bill Would Create a Voucher for Students of Military Families, Reducing Impact Aid for All Federally Connected Schools**

- Supporting military families is a top priority for the Department of Defense. There are educational resources for students, grant programs for public schools, and systems in place – such as compassionate post assignments – to ensure the needs of military families are met. Military families, by attending a non-public school, would forfeit certain benefits. For example, the Military Interstate Children’s Compact is an agreement among states and school districts that “addresses key educational transition issues encountered by military families including enrollment, placement, attendance, eligibility, and graduation.”<sup>4</sup> The compact, adopted by 46 states, does not extend to non-public schools.
- Those school districts serving military dependent children, and the students themselves, face unique challenges such as the emotional stress that children and families face when a parent is deployed. These challenges are recognized by public school districts, which offer a complex system of support, including professional development for school counselors, to ensure a safe and healthy learning environment. A voucher program for military families would reduce or even eliminate funding for Impact Aid - which provides a payment to school districts with concentrations of federally-connected students – for public school districts near military installations. Diverting federal funding to non-public schools will reduce the Impact Aid funding currently going to these districts, and would also place a great financial burden on the local community, which would be left to fund public schools with an already low level of state and local tax revenue.
- The voucher would not just affect school districts with military installations. Currently, Impact Aid is funded only at 58-percent of need. A voucher program could cause an erosion of payments for all federally connected school districts, including districts serving Indian Lands and children in federal low-rent housing.

### **This Bill Would Expand the DC Voucher Program, Even Though Studies Show It Doesn’t Work**

- 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 achievement,<sup>5</sup> had no effect on student satisfaction, motivation or engagement, or student views on school safety.<sup>6</sup>
- Two Government Accountability Office (GAO) Reports<sup>7</sup> and a *Washington Post* investigation have all strongly criticized the DC voucher program for its utter lack of accountability. A “scathing”<sup>8</sup> November 2013 GAO report said that “the local agency that administers D.C.’s school vouchers . . . has so many faulty internal systems and missing policies that it can’t manage the program.” Indeed, the Administrator itself, has been quoted as saying that quality control is “a dead zone, a blind spot” of the program.<sup>9</sup>
- Proponents of the DC voucher often tout graduation rates as the reason to expand the program. But the USED study did not report graduation rates based on school records nor did it track individual students as they advanced through the program. It also did not report how many years, if even full years, these students used a voucher. Instead, the report was based only on “telephone surveys with parents of students in the study forecasted to have completed the 12th grade by the summer of 2009” and was completed by only 316 respondents.<sup>10</sup> Such a process appears less than determinative and reliable.

<sup>4</sup> Military Interstate Children’s Compact Commission. <http://mic3.net/pages/About/about.aspx>

<sup>5</sup> *Final Report Final US Dep’t of Educ. Report* at xv, xix, 34; US Dep’t of Educ., *Evaluation of the DC 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 DC 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 DC Opportunity Scholarship Program: Impacts After One Year* xvii, 44, 46 (June 2007) (2007 US Dep’t of Educ. Report).

<sup>6</sup> *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.

<sup>7</sup> US Gov’t Accountability Office, District of Columbia Opportunity Scholarship Program: Action Needed to Address Weaknesses in Administration and Oversight, Pub. No. 13-805 (Sept. 2013); 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 5,36 (Nov. 2007).

<sup>8</sup> Lyndsey Layton, “D.C. School Voucher Program Lacks Oversight, GAO says” *The Washington Post*, Nov. 15, 2013, available at [http://www.washingtonpost.com/local/education/dc-school-voucher-program-lacks-oversight-gao-says/2013/11/15/9bb8c35e-4e3d-11e3-be6b-d3d28122e6d4\\_story.html](http://www.washingtonpost.com/local/education/dc-school-voucher-program-lacks-oversight-gao-says/2013/11/15/9bb8c35e-4e3d-11e3-be6b-d3d28122e6d4_story.html)

<sup>9</sup> Lyndsey Layton, “Quality Controls Lacking for D.C. Schools Accepting Federal Vouchers,” *The Washington Post*, Nov. 17, 2012, available at [http://www.washingtonpost.com/local/education/quality-controls-lacking-for-dc-schools-accepting-federal-vouchers/2012/11/17/062bf97a-1e0d-11e2-b647-bb1668e64058\\_story.html](http://www.washingtonpost.com/local/education/quality-controls-lacking-for-dc-schools-accepting-federal-vouchers/2012/11/17/062bf97a-1e0d-11e2-b647-bb1668e64058_story.html)

<sup>10</sup> 2010 U.S. Dep’t of Educ. Report at xx fn. 6 and A-6.