

February 22, 2022

The Honorable Greg Hembree
Chair
Education Committee
South Carolina Senate
402 Gressette Building
Columbia, South Carolina 29201

Re: Oppose SB 935—Private School Vouchers Are Bad Education Policy

Dear Chair Hembree:

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 935. This bill would create an education savings account (ESA) program—also known as a private school voucher—that would fund private school education. This bill should be rejected because vouchers don't work, lack important accountability measures, and fund discrimination. Public dollars should fund public schools, which serve 90% of America's schoolchildren.

Voucher Programs Don't Work

Private school vouchers do not improve educational outcomes. Studies of the Indiana,¹ Louisiana,² and Ohio³ 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 Milwaukee,⁴ Cleveland,⁵ and Washington, DC⁶ found that students offered vouchers showed no improvement in reading or math over those not in the program. With a record proving they don't work, there is no justification for funneling more money into vouchers.

¹ Megan Austin, R. Joseph Waddington, and Mark Berends, [Voucher Pathways and Student Achievement in Indiana's Choice Scholarship Program](#), 22, Russell Sage Found., 2019.

² Jonathan N. Mills and Patrick J. Wolf, [The Effects of the Louisiana Scholarship Program on Student Achievement after Four Years](#), 2, Univ. of Ark., May. 2019.

³ David Figlio and Krzysztof Karbownik, [Evaluation of Ohio's EdChoice Scholarship Program: Selection, Competition, and Performance Effects](#), 32, Fordham Inst., Jul. 2016.

⁴ 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.

⁵ 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.

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

SB 935 Lacks Important Oversight and Accountability Measures

SB 935 fails to provide proper oversight and accountability measures for the private schools that take government money. The bill does not require these schools to employ certified teachers or teach to the state's curricular standards.⁷ It also lacks any provisions to ensure that funds are being spent appropriately. The bill merely requires random audits of accounts and has no mechanisms to report misuse. This is particularly problematic considering that vouchers have a history of fraud and abuse. In Arizona, for example, parents made more than 900 purchases at unapproved merchants totaling more than \$700,000 in just one year.⁸ And in Milwaukee, a principal at a voucher school cashed checks made out to students who didn't attend the school and used voucher funds to buy two cars.⁹

Voucher Programs Fund Discrimination

Public schools are open to and must serve all students. Private schools accepting vouchers, however, often deny students admission or expel them for a number of reasons, including based on their religion, sexual orientation, gender identity, academic abilities, or disability status. And private schools do not have to abide by federal civil rights laws that apply to public schools. For example, students with disabilities that use a voucher would forfeit many of the protections provided to students under the Individuals with Disabilities Education Act (IDEA) because they are considered parentally placed in private schools and lose the quality and quantity of services available to students in public schools.

Moreover, private religious schools can discriminate against employees by claiming an exemption from employment nondiscrimination provisions under Title VII of the Civil Rights Act and the ministerial exception.¹⁰ Private religious schools have used religion as a basis to fire teachers for their reproductive health choices,¹¹ refuse to hire a teacher because of the belief that a mother should stay at home with her children,¹² and fire a teacher because he is in a same-sex marriage.¹³ No school that receives public funds should be able to discriminate against a student or employee because of who they are.

⁷ U.S. Dep't of Educ., [South Carolina State Regulations](#) (Aug. 18, 2016).

⁸ Ariz. Auditor Gen. Rep. 16-107, [24-Month Follow-Up Report](#), 3, Oct. 2018.

⁹ Lindsay Wagner, [School Vouchers: A Pathway Toward Fraud and Abuse of Taxpayer Dollars](#), *NC Policy Watch*, Apr. 24, 2013.

¹⁰ See 42 U.S.C § 2000e-1; *Hosanna-Tabor Evangelical Lutheran Church & Sch. v. E.E.O.C.*, 565 U.S. 171, 194 (2012) (teacher considered a minister for purposes of ministerial exception was barred from bringing an employment discrimination suit under the ADA); see also *Our Lady of Guadalupe Sch. v. Morrissey-Berru*, 140 S. Ct. 2049 (2020).

¹¹ See, e.g., *Herx v. Diocese of Ft. Wayne-South Bend Inc.*, 48 F. Supp. 3d 1168 (N.D. Ind. 2014); *Ganzy v. Allen Christian Sch.*, 995 F. Supp. 340 (E.D.N.Y 1998).

¹² See *Ohio Civil Rights Comm'n v. Dayton Christian Schs., Inc.*, 477 U.S. 619 (1986).

¹³ See Dep't of Justice, [Justice Department Files Statement of Interest in Indiana Lawsuit Brought by Former Teacher Against Archdiocese](#) (Sept. 27, 2019).

Conclusion

For all the above reasons, Americans United opposes SB 935. 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,

A handwritten signature in black ink, appearing to read "Nikolas Nartowicz". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Nikolas Nartowicz
State Policy Counsel

cc: Members of the Senate Education Committee