

October 9, 2023

The Honorable Dan Patrick
Lieutenant Governor
Texas Senate
P.O. Box 12068
Austin, TX 78711

The Honorable Dade Phelan
Speaker of the House
Texas House of Representatives
P.O. Box 2910
Austin, TX 78768

Re: Private School Vouchers Are Bad Education Policy

Dear Lieutenant Governor Patrick and Speaker Phelan:

On behalf of the Texas members and supporters of Americans United for Separation of Church and State, we write at the start of this special session to urge you to oppose any bill that would create a private school voucher program, including an education savings account voucher program. Vouchers fail our communities on so many levels: they decrease academic achievement, invite fraud and abuse, fail to serve rural students, fund discrimination, and violate religious freedom. Public dollars should fund public schools, which serve more than 90% of Texas schoolchildren.

Voucher Programs Don't 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. In fact, the learning losses in Louisiana and Ohio are worse than those caused by the COVID-19 pandemic.⁴ And studies of long-standing voucher

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 Parag A. Pathak & Christopher R. Walters, [Free to Choose: Can School Choice Reduce Student Achievement?](#), 10, Am. Econ. Journal: Applied Econ., Jan. 2018.

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

⁴ Math scores dropped by 0.4 standard deviations in Louisiana and 0.5 standard deviations in Ohio, while the pandemic lowered scores by 0.2-0.27 standard deviations. Megan Kuhfeld, et al., [The Pandemic Has Had Devastating Impacts on Learning. What Will It Take to Help Students Catch Up?](#), Brookings Inst. (Mar. 3, 2022).

programs in Milwaukee,⁵ Cleveland,⁶ and Washington, DC⁷ found that students offered vouchers showed no improvement in math over those not in the program. With a record proving they don't increase academic achievement, there is no justification for creating a voucher program.

Voucher Programs Invite Fraud and Abuse

Voucher programs have a history of fraud and abuse. In North Carolina, for example, an investigation found that the state lost approximately \$2.3 million to fraud by sending voucher funds to private schools to pay for students who don't exist and to private schools that are currently closed.⁸ And in Arizona, parents used voucher funds on non-educational expenses including swimming pools, pizza ovens, kayaks, SeaWorld tickets, and trampolines.⁹ The state Auditor General reported that parents used voucher money to make more than 900 purchases at unapproved merchants totaling more than \$700,000 in just one year.¹⁰

Voucher Programs Don't Serve Rural Students

Vouchers don't provide an actual choice for students in rural districts. Nearly 1.4 million Texas students attend public school in a county that has no private schools.¹¹ Even if a rural student does have a school in their area, they aren't guaranteed access because the schools have limited enrollment and may deny admission for a number of reasons. Students who are able to find a school to take their voucher are generally still required to endure long, costly commutes, which can impact attendance rates and tardiness and could also have a negative effect on student achievement.¹²

Vouchers are also especially harmful to rural public school systems. Even if only a few students at a rural school use a voucher, the school will likely still take a financial hit. The school's total state funding would decrease while costs for facilities, transportation, administration, and instruction stay constant. In addition, rural districts often rely heavily on state funding. When voucher programs are implemented, state funding will drop as it is siphoned away from rural districts to pay for voucher students in cities and suburbs.

⁵ 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., Feb. 2012.

⁶ 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.

⁷ 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.

⁸ Kris Nordstrom, [New Analysis Shows Many Private Schools in N.C. Have More Vouchers Than Students](#), North Carolina Justice Center (June 16, 2023).

⁹ Caroline Hendrie, [As Many More States Enact Education Savings Accounts, Implementation Challenges Abound](#), Education Next (June 2023).

¹⁰ Ariz. Auditor Gen. Rep. 16-107, [24-Month Follow-Up Report](#), 3, Oct. 2018.

¹¹ 59 percent of Texas counties have no private schools. Matt Worthington, [Commentary: School Choice Initiatives Would Increase Education Disparities](#), *San Antonio Express-News*, Mar. 10, 2023.

¹² Andrew D. Catt, [Commuting Concerns: A Survey of U.S. Parents on K-12 Transportation Before & During the COVID-19 Pandemic](#), *EdChoice* (Nov. 2020).

Voucher Programs Fund Discrimination

Public schools are open to and must serve all students. Private schools, however, don't abide by federal civil rights laws that apply to public schools and 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.

A lack of nondiscrimination protections puts many students at risk. For example, students with disabilities who use a voucher 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, sometimes even intentionally.¹³

LGBTQ students also often face discrimination. In Florida, for example, a 2019 investigation uncovered 156 private schools with anti-LGBTQ views that educated more than 20,800 students with state-funded vouchers.¹⁴ Of these schools, 83 had policies that allowed the schools to deny admission or expel LGBTQ students, and 73 called being gay or transgender a “biblical sin.”¹⁵ Students who are secular or religious minorities are also often discriminated against: many private schools discriminate against students based on their or their families' religious beliefs,¹⁶ and some condition admissions on adherence to certain religious principles and church attendance.¹⁷

Taxpayer dollars should not fund discrimination at private schools.

Voucher Programs Violate Religious Freedom

Voucher programs around the country primarily fund religious schools,¹⁸ and there is no reason to believe a voucher bill in Texas 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

¹³ 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.

¹⁴ Leslie Postal & Annie Martin, [Anti-LGBT Florida Schools Getting School Vouchers](#), *Orlando Sentinel* (Jan. 23, 2020).

¹⁵ *Id.*

¹⁶ Kimberly Quick, Century Found., [Second Class Students: When Vouchers Exclude](#) (Jan. 11, 2017) (“For example, according to its written policy, a North Carolina private school accepting vouchers denies admission to “those in cults, i.e. Mormons, Jehovah Witness, Christian Science, Unification Church, Zen Buddhism, Unitarianism, and United Pentecostal.”).

¹⁷ See, e.g., GAO-16-712, [Private School Choice Programs Are Growing](#) at 27 (voucher school that required all students in fourth grade and above to follow a list of religious principles); Leslie Postal, [Florida's New Voucher Program Could Prompt Lawsuit](#), *Orlando Sentinel*, May 28, 2019 (private school that “enrolls about 300 voucher students...demands parents abide by a ‘lifestyle policy’ that forbids ‘homosexual and transgender orientation’”).

¹⁸ For example, 81% of students using a voucher in Washington, DC attend private religious schools. Jill Feldman et al., [Evaluation of the DC Scholarship Program: An Early Look at Applicants and Participating Schools Under the SOAR Act](#), U.S. Dep't of Educ., 29, Oct. 2014.

in the Texas Constitution.¹⁹ Passing a voucher bill would send money to religious schools in violation of this core religious freedom protection.

Conclusion

For all the above reasons, Americans United opposes any effort to enact a private school voucher program. Thank you for your consideration on this important matter.

Sincerely,

Nikolas Nartowicz
State Policy Counsel
Americans United for
Separation of Church and State

David Marcus
President
Join Us for Justice
El Paso Chapter, Americans United

Nancy Friedman
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Houston Chapter, Americans United

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cc: Members of the Texas Senate and Texas House of Representatives

¹⁹ Tex. Const. art. I, §§ 6, 7; art. VII, § 5.