



Nikolas Nartowicz
State Policy Counsel

(202) 466-3234
(202) 898-0955 (fax)
americansunited@au.org

1310 L Street NW
Suite 200
Washington, DC 20005

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The Honorable Manny Diaz, Jr.
Chair
Committee on Education
Florida Senate
404 S. Monroe Street
Tallahassee, Florida 32399

The Honorable Bill Montford
Vice Chair
Committee on Education
Florida Senate
404 S. Monroe Street
Tallahassee, Florida 32399

Re: Oppose SPB 7070 – Education Savings Accounts (Vouchers) Are Bad Education Policy

Dear Chair Diaz and Vice Chair Montford:

On behalf of the Florida chapters, members, and supporters of Americans United for Separation of Church and State, I write to urge you to oppose SPB 7070 insofar as it would create a new private school voucher program and expand the Florida Tax Credit Scholarship voucher program. In addition to the fact that voucher programs simply don't work, vouchers should be rejected because they violate the Florida Constitution.

Public funds should fund public schools, not private, mostly religious, schools. But Section 2 of the bill would create yet another voucher program in Florida called the Family Empowerment Scholarship Program. That would increase the number of vouchers in Florida to five. With each voucher program the state passes, it further undermines public schools.

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. Existing programs in Florida, for example, have led to dismal results, such as declining math and reading skills for students at more than 70 voucher schools.¹ And

¹ Leslie Postal, Beth Kassab, and Annie Martin, [Schools Without Rules: An Orlando Sentinel Investigation](#), Orlando Sentinel, Oct. 17, 2017.

studies of the Indiana,² Washington, DC,³ Louisiana,⁴ and Ohio⁵ voucher programs revealed that students who used vouchers actually performed worse on standardized tests than their peers not in voucher programs. Voucher schools in Florida also lack accountability: “Of 2,124 private schools participating in the state's private school choice programs, only 629—fewer than 30 percent—are accredited.”⁶ Please see the enclosed document for a fuller explanation of the many ways in which vouchers do not work.

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.

Section 2 Would Violate the Florida Constitution

Most voucher programs primarily fund religious schools. Nearly 80% of Florida's current voucher students, for example, are enrolled in religious schools.⁹ There is no reason to believe a new statewide voucher program would be different. Yet, one of the most fundamental principles of religious liberty is that government should not compel any citizen

² 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.

³ Perry Stein, [Study: Students In Only Federally Funded Voucher Program Perform Worse on Math](#), Washington Post, May 30, 2018; Mark Dynarski et al., [Evaluation of the DC Opportunity Scholarship Program: Impacts Two Years After Students Applied](#), 19, U.S. Dep't of Education, May, 2018.

⁴ 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.

⁵ 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.

⁶ Arianna Prothero, ['There Is No Oversight': Private-School Vouchers Can Leave Parents on Their Own](#), Education Week, Nov. 14, 2017

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.

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.

⁹ Postal et al., *supra* note 1.

to pay for someone else's religious education. Indeed, this principle is enshrined in the Florida Constitution.¹⁰ In *Bush v. Holmes*, a Florida Appellate Court overturned the Opportunity Scholarship Program, which provided state funding to parents to pay for private school.¹¹ The Court held that "the broad language of the no-aid provision [prohibits] the use of state revenues 'directly and indirectly' in aid of secular institutions."¹² The state Constitution, therefore, would prohibit the state from creating another voucher program to pay for tuition at religious K-12 schools.

The Florida Constitution also makes it a "paramount duty" of the state to provide for a "uniform, efficient, safe, secure, and high quality system of free public schools."¹³ The Florida Supreme Court held the Opportunity Scholarship Program violated this provision because the voucher "not only reduces public funds for a public education but also uses public funds to provide an alternative education in private schools that are not subject to the 'uniformity' requirements for public schools."¹⁴ Because the voucher program created by Section 2 of this bill provides funding in the same manner as the Opportunity Scholarship Program, it is similarly unconstitutional.

Conclusion

For all the above reasons, Americans United opposes SPB 7070. Thank you for your consideration on this important matter.

Sincerely,



Nikolas Nartowicz
State Policy Counsel

cc: Members of the Senate Committee on Education

¹⁰ FLA. CONST. ART. I, Sec. 3

¹¹ *Bush v. Holmes*, 886 So. 2d 340, 344 (Fla. App. 2004), *aff'd on other grounds*, 919 So. 2d 392 (Fla. 2006).

¹² *Id.* at 352-354.

¹³ FLA. CONST. ART. IX, Sec. 1(a)

¹⁴ *Bush v. Holmes*, 919 So. 2d 392, 412 (Fla. 2006).