



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 Holly Rehder
Chair
Committee on Rules – Administrative
Oversight
Missouri House of Representatives
201 W. Capitol Ave.
Jefferson City, MO, 65101

The Honorable Sheila Solon
Vice-Chair
Committee on Rules – Administrative
Oversight
Missouri House of Representatives
201 W. Capitol Ave.
Jefferson City, MO, 65101

Re: Oppose HB 2068 –Private School Vouchers Are Bad Education Policy

Dear Chair Rehder and Vice-Chair Solon:

On behalf of the Missouri chapter, members, and supporters of Americans United for Separation of Church and State, I write to urge you to oppose HB 2068. This bill would create a tuition tax credit (TTC) program—also known as a private school voucher—that would funnel up to \$25 million a year to private schools. In addition to the fact that voucher programs simply don't work, this bill should be rejected because it violates the Missouri Constitution. Instead, the legislature should ensure that public money funds public schools, which serve 90% of American schoolchildren.

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,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

¹ 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, Univ. Notre Dame, Aug. 2018.

² 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 Econ. Research, Dec. 2015.

³ 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 Inst., Jul. 2016.

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. And under HB 2068, private schools that accept vouchers need not administer Missouri Assessment Program exams that public schools must give⁷ nor must they obtain accreditation.⁸

Voucher Students Lose Important Protections Found in Public Schools

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. And, 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.

HB 2068 Would Violate the Religious Freedom Provisions in the Missouri Constitution

Most voucher programs fund primarily religious schools,⁹ and 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, three separate Missouri state constitutional provisions¹⁰ explicitly prohibit the state from even indirectly funding religious schools and religious education. HB 2068, however, would permit the Missouri government to indirectly fund religious schools and education.

In *Brusca v. State of Mo. ex rel. State Bd. of Ed.*, a group of parents argued that their religious beliefs required them to provide their children a religious education and that that state was obligated to pay for that education.¹¹ A U.S. District Court in Missouri disagreed—and the

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.

⁷ Missouri private school students are not subject to the same statewide assessments public school students, and HB 2068 does not require schools that accept vouchers to administer statewide tests. See Mo. Rev. Stat. §160.518.

⁸ U.S. Dep't of Educ., [State Regulation of Private Schools](#) 326-27, Jul. 2009.

⁹ 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.

¹⁰ Mo. Const. art. I, §6 (no one can be compelled to "support any . . . teacher of any sect, church, creed or denomination of religion"); art. I, §7 (public funding may not be given, "directly or indirectly, in aid of any church, sect or denomination of religion . . . or teacher thereof"); art. IX, §8 (no public funding or payments shall "support or sustain any private . . . school . . . controlled by any religious creed").

¹¹ 332 F. Supp. 275 (E.D. Mo. 1971), *aff'd sub nom. Brusca v. State Bd. of Educ.*, 405 U.S. 1050 (1972).

United States Supreme Court affirmed its interpretation—holding that such funding was prohibited by the State Constitution: “[b]y their State Constitution, the people of Missouri have decided that they will not permit the use of state funds, *directly or indirectly*, in aid of religion or religious institutions.”¹² The Court acknowledged that the State Constitution is “a bar to any financial assistance to the parents” for the funding of a religious school. Similarly, the State Constitution would bar tuition tax credits like those in HB 2068 that would fund religious schools.

Conclusion

For all the above reasons, Americans United opposes HB 2068. I have enclosed with this letter a document outlining further some of the problems associated with vouchers. Thank you for your consideration on this important matter.

Sincerely,



Nikolas Nartowicz
State Policy Counsel

cc: Members of the House Committee on Rules – Administrative Oversight

¹² *Id.* at 277 (emphasis added).