

November 13, 2017

Attn: Jennifer Bell-Ellwanger
U.S. Department of Education
400 Maryland Ave. SW., Room 6W231
Washington, DC 20202
Submitted Electronically

RE: Secretary's Proposed Supplemental Priorities and Definitions for Discretionary Grant Programs RIN 1894-AA09/ Docket ID ED-2017-OS-0078

The xx undersigned organizations write to voice opposition to Proposed Priority 1 of the Secretary's Proposed Supplemental Priorities for Discretionary Grant Programs. Specifically, we are concerned that the Secretary's first priority is to "maximize" "educational choice," for students, which includes enabling access to private or home-based educational programs—otherwise known as vouchers. Prioritizing access to private school vouchers would run counter to evidence-based models, would conflict with the Department's core mission, and would harm, rather than help, the groups of students targeted by Priority 1 itself.

The Department should not reward states for adopting voucher programs that do not serve all students, fail to improve academic achievement, undermine public education funding, harm religious freedom and lack critical accountability for taxpayers. Instead, the Department of Education's first priority should be funding, supporting, and strengthening our public schools, where 90% of our students attend.

Evidence-based Models Do Not Support Private School Vouchers

The Secretary's Proposed Priorities state that the Department intends to support States and districts offering "innovative and, where possible, evidence-based models of educational choice." Evidence-based models, however, demonstrate that private school vouchers fail students, parents, and taxpayers.

As defined by the Every Student Succeeds Act "evidence-based" activities, strategies and interventions are those that demonstrate "a statistically significant effect on improving student outcomes or other relevant outcomes based on strong . . . , moderate . . . , or promising evidence" from at least one well-designed and well-implemented experimental or quasi-experimental study, or a rationale based on high-quality research findings or a positive evaluation that suggests the intervention is likely to improve outcomes.¹

Yet, there is a growing body of evidence demonstrating that private school vouchers fail to improve educational outcomes. Instead, access to private school voucher programs leads to

¹ U.S. Dep't of Educ, [Non-Regulatory Guidance: Using Evidence to Strengthen Education Investments](#) 7 (Sept. 2016).

declines in student achievement. Recent studies of the Louisiana,² Indiana,³ Ohio,⁴ and the District of Columbia⁵ voucher programs have revealed that students in voucher programs perform worse academically than their peers. In addition, studies of long-standing voucher programs in Milwaukee⁶ and Cleveland⁷ found that students offered vouchers showed no improvement in reading or math over those not in the program. It is clear that private school voucher programs do not comport with the Department's priority of promoting evidence-based outcomes.

The Department's Core Mission Does Not Align with this Priority

The Secretary's Proposed Priorities state that the Department "will place a renewed focus on our core mission: serving the most vulnerable students, ensuring equal access for all students, protecting their path to a world class education, and empowering local educators to deliver for our students." The most vulnerable students, as enumerated in Proposed Policy 1, include: students living in rural communities, students with disabilities, students in poverty, students attending schools identified for comprehensive or targeted support, students who are academically far below grade level, English language learners, students from military-connected families, and American Indian students. Unfortunately, decades of reporting and analysis of private school voucher programs across the United States demonstrate that voucher programs do not actually serve these students or ensure them equal access.

Private School Vouchers Do Not Ensure Equal Access

Private school voucher programs, by design, do not provide equal access for all students. Unlike public schools, private schools accepting vouchers can reject students for a variety of reasons, including that a student has disabilities, is an English Learner (EL), is not academically performing at grade-level, identifies as LGBT, practices a different religion, or needs transportation due to large distances between home and school.

A 2016 report conducted by the Government Accountability Office found that of all the voucher programs across the country, only four required private schools to accept all students using

² Morgan Winsor, [Louisiana's Controversial Voucher Program Harms Poor Students, Lowers Grades, New Study Finds](#), Int'l Bus. Times (Jan. 10, 2016).

³ R. Joseph Waddington and Mark Berends, Notre Dame's Center for Research and Educational Opportunity, [Impact of the Indiana Choice Scholarship Program: Achievement Effects for Students in Upper Elementary and Middle School](#) 24 (June 2017).

⁴ David Figlio & Krzysztof Karbownik, Fordham Institute, [Evaluation of Ohio's EdChoice Scholarship Program: Selection, Competition, and Performance Effects](#) 32 (July 2016).

⁵ U.S. Dep't of Educ., [Evaluation of the D.C. Scholarship Program: Impacts After One Year](#) 11 (Apr. 2017).

⁶ E.g., Patrick J. Wolf, School Choice Demonstration Project, Univ. of Ark., [The Comprehensive Longitudinal Evaluation of the Milwaukee Parental Choice Program: Summary of Final Reports](#) (Apr. 2010). (Overall, there are no significant achievement gains of voucher students compared to public school students. "When similar MPCP and MPS students are matched and tracked over four years, the achievement growth of MPCP students compared to MPS students is higher in reading but similar in math. The MPCP achievement advantage in reading is only conclusive in 2010-11, the year a high-stakes testing policy was added to the MPCP.")

⁷ E.g., Jonathan Plucker et al., Center for Evaluation & Education Policy, Univ. of Ind., [Evaluation of the Cleveland Scholarship and Tutoring Program, Technical Report 1998-2004](#) 166 (Feb. 2006).

vouchers, space permitting.⁸ The other programs allowed private schools to deny students admission or grant preference to certain students for many reasons including disciplinary history, academic achievement, and religious affiliation. This is clearly not equal access.

In the end, it is the private schools, and not the parents or students, who have the real choice.

Private School Vouchers Do Not Adequately Serve the Most Vulnerable Students

Even if private schools accepting vouchers choose to accept all students, they often fail to serve students who are the most vulnerable, including students in poverty, students of color, students with disabilities, English-learners, and students in underperforming public schools. Awarding grants to states to encourage private school voucher schemes will not increase the likelihood that students will receive a better education or more educational resources; rather, private school vouchers will harm the very same population of students Proposed Priority 1 is intended to benefit.

Students Living in Rural Areas

Private school vouchers do not provide an actual choice for students living in rural areas, including students living on American Indian reservations, who have few, if any, access points to schools other than their local public schools. If students are able to use a voucher, they are generally required to endure long, costly commutes. In 2011-2012, only 8% of students in rural communities were able to enroll in a private school voucher program and only 21% had access to another public school option in their district.⁹ Because private schools located in more rural communities cannot frequently cover the cost of long bus rides, parents are responsible for transportation to and from school for children. If a parent does not have a reliable transportation method or cannot drop-off or pick-up a child due to their employment schedule, then a private school is not a viable option for the family.

Students with Disabilities

Private schools receiving vouchers do not adequately serve students with disabilities, often denying them admission or subjecting them to inappropriate or excessive suspensions or expulsions. Nor do they provide them the same quality and quantity of services available to students in public schools, including those mandated under each student's individualized education program (IEP). As a result, students with disabilities are systematically excluded from voucher programs.

For instance, most private schools in the Milwaukee voucher program have been found to "lack the full complement of educational programs that students with disabilities are

⁸ U.S. Gov't Accountability Office, GAO-16-712, [Private School Choice Programs Are Growing and Can Complicate Providing Certain Federally Funded Services to Eligible Students](#) 27 (2016).

⁹ Nat'l Ctr. for Educ. Statistics, [School and Staffing Survey](#) (2012).

entitled to if they receive their education in the public sector,”¹⁰ and as a result, students with disabilities have been discouraged or excluded from participating.¹¹ And, 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.¹²

Students Who Are English Learners

Private schools are not required to offer English as a Second Language (ESL) or other services for English Learner (EL) students. As a result, these schools are more likely to lack the professionals, training, and curriculum needed to ensure a student becomes proficient in English. A *Washington Post* investigation, for example, found that two-thirds of the private schools participating in the DC voucher program do not provide ESL services.¹³ As a result, EL students are often unable to use a voucher even if awarded one.¹⁴

Students in Schools in Need of Targeted or Comprehensive Improvement

For students attending a school in need of targeted or comprehensive improvement, accepting private school vouchers may only further decrease academic performance. Repeated studies of voucher programs across the country, including Ohio, Indiana, Louisiana, and DC, show that vouchers result in worse test scores for students.¹⁵ Voucher programs also fail to offer participating students greater educational resources. Students in the DC voucher program, for example, were less likely to have access to key services such as ESL programs, learning supports, special education supports and services, and counselors than students who were not part of the program.¹⁶ Similarly, a survey of the Milwaukee voucher program conducted in 2013 found that out of 110 Milwaukee voucher

¹⁰ Patrick J. Wolf et al., School Choice Demonstration Project, Univ. of Ark., [Special Education and the Milwaukee Parental Choice Program](#) 17 (2012)

¹¹ Ultimately, the Department of Justice had to act, requiring Wisconsin to implement policies and practices to eliminate discrimination against students with disabilities in its administration of the Milwaukee program. [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.

¹² U.S. Dep’t of Educ., [Evaluation of the D.C. Opportunity Scholarship Program: Final Report](#), 24-26 (June 2010). According to the report, 21.6% of parents who rejected a voucher that their child was offered did so because the school lacked the special needs services that their child needed, 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.

¹³ Mandy McLaren and Emma Brown, [Trump Wants to Spend Millions More on School Vouchers. But What’s Happened to the Millions Already Spent?](#), Wash. Post (July 15, 2017).

¹⁴ Tony Hanna, [How School Vouchers Affect English Learners](#), New America (July 24, 2017).

¹⁵ Mark Dynarski & Austin Nichols, [More Findings About School Vouchers and Test Scores, and They Are Still Negative](#), Brookings (July 13, 2017).

¹⁶ U.S. Dep’t of Educ., [Evaluation of the D.C. Scholarship Program: Final Report](#) 20 (June 2010).

schools surveyed, 39 reported having no art, music, physical education, library or technology specialist teachers.¹⁷

Students Living in Poverty

Private school vouchers also do not adequately serve low-income students because the cost of tuition and fees at schools that accept vouchers generally exceeds the amount of the voucher, making private voucher schools unaffordable for most low-income families. A 2016 Government Accountability Office report found that 13 out of 22 voucher programs it surveyed did not place a cap on private school tuition, allowing private schools to charge more than the voucher award.¹⁸ Thus, only families with the money to cover the cost of the rest of the tuition, and additional expenditures such as uniforms, transportation, books, and other supplies can use the vouchers. And for many low-income students, traveling outside their county or district to attend school every day – especially in rural areas – is not feasible. In the end, the families most likely to use a voucher are the ones who could already afford to send their kids to private schools.

Students of Color

Private school vouchers can also exacerbate racial segregation.¹⁹ Studies from across the country find that racial segregation is higher in private schools that accept vouchers than in the public schools. In addition, white students use taxpayer-funded vouchers more often than students of color. In Milwaukee in 2013-2014, more than 77% of African American students in the public schools attended “intensely segregated” schools,²⁰ but for African American students in the voucher program, that number rose to more than 85%. A 2010 study of Georgia’s tuition tax credit program revealed that while only 10% of white students in public schools attended “virtually segregated” schools, within the program at private schools, this rose dramatically to 53%.²¹ Furthermore, in Cleveland’s voucher program, minority students were much more likely than their peers to have never entered a voucher program²² or left their voucher program and returned to public schools.²³

¹⁷ Public Policy Forum, [Research Brief: Choice Schools Have Much In Common with MPS, Including School Performance](#) (Feb. 2013). The most recent survey conducted by Public Policy Forum included less detail in its findings and did not ask about music, physical education, library or technology specialist teachers. Nonetheless it found a similar result: of 86 voucher schools that responded to the survey, 31 did not employ full-time arts teachers. Public Policy Forum, [Milwaukee Parental Choice Program 2015](#) (June 2015).

¹⁸ U.S. Gov’t Accountability Office, GAO-16-712, [Private School Choice Programs Are Growing and Can Complicate Providing Certain Federally Funded Services to Eligible Students](#) 25 (2016).

¹⁹ See Halley Potter, [Do Private School Vouchers Pose a Threat to Integration?](#), The Century Foundation (Mar. 2017).

²⁰ Lisa Kaiser, [Still Separate, Still Unequal](#), Shepherd Express (May 14, 2014).

²¹ Alex Morris, [The Hidden War Against Gay Teens](#), Rolling Stone (Oct. 10, 2013).

²² Jonathan Plucker et al., Center for Evaluation & Education Policy, Univ. of Ind., [Evaluation of the Cleveland Scholarship and Tutoring Program, Technical Report 1998-2004](#) 31, 38, 45-46, 165 (Feb. 9, 2006); Kim K. Metcalf et al., Center for Evaluation & Education Policy, Univ. of Ind., [Evaluation of the Cleveland Scholarship and Tutoring Program, Technical Report 1998-2001](#) 52-53 (Mar. 2003).

²³ William G. Howell, [Dynamic Selection Effects in Means-Tested, Urban School Voucher Programs](#), 236, J. of Policy Analysis & Mgmt. (Spring 2004); Kim K. Metcalf et al., Center for Evaluation & Education Policy, Univ. of Ind., [Evaluation of the Cleveland Scholarship and Tutoring Program, Technical Report 1998-2001](#) 126 (Mar. 2003).

Students in Military-Connected Families

Private school vouchers also do not work for military-connected students. 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. In fact, the Military Interstate Children's Compact, which 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,"²⁴ does not extend to non-public schools. By using vouchers, these students would forfeit the benefits and services they would otherwise receive in public schools.

Conclusion

The Secretary's Proposed Priority 1 to maximize access to private school vouchers and other "educational choice" undermines the Department's commitment to providing high-quality education to students. Private school vouchers do not ensure equal access to education and do not serve the students most in need of educational opportunities. Instead, vouchers divert desperately-needed resources away from the public schools, which accept and serve all students.

The Department should not reward states for adopting voucher programs that fail students, parents, and the taxpayers. The government would better serve our children by using funds to make our public schools stronger.

²⁴ Military Interstate Children's Compact Commission, About MIC3, <http://mic3.net/pages/About/about.aspx>.