

Written Testimony  
of the  
National Coalition for Public Education  
Submitted to the  
Senate Committee on Homeland Security &  
Government Affairs  
for the Hearing on  
“The Value of Education Choices: Saving  
the D.C. Opportunity Scholarship Program”  
February 16, 2011

The National Coalition for Public Education (NCPE) submits this testimony to the Senate Committee on Homeland Security and Government Affairs for its hearing on “The Value of Education Choices: Saving the D.C. Opportunity Scholarship Program.” The National Coalition for Public Education is comprised of more than 50 education, civic, civil rights, and religious organizations devoted to the support of public schools. Founded in 1978, NCPE opposes the funneling of public money to private and religious schools through such mechanisms as tuition tax credits and vouchers. Although the priorities of NCPE’s member organizations greatly vary, we are united in our position against expanding the DC voucher program and, therefore, in opposing S. 206, the Scholarships for Opportunity Results Act.

We strongly believe that the D.C. Opportunity Scholarship Program should not be reauthorized. The four federal Department of Education studies<sup>1</sup> and the 2007 General Accountability Office (GAO) study<sup>2</sup> prove that the program is not improving student achievement, access to student resources, student motivation, or student perceptions of safety. Rather than continuing to spend millions of dollars on a program that has proven ineffective and that is geared towards only helping a small fraction of D.C. students, we believe that the money should be redirected to programs that help improve public education for all students in the District.

We acknowledge that the Committee may be able to point to some students who have gone to exemplary schools and seen improvement from the program. But according to government studies, these students are, unfortunately, the exception rather than the rule.

First, according to the GAO study, only 3% of the students in the program attended the elite D.C. schools that cost \$20,000 or more a year.<sup>3</sup> And, the reason students can attend these schools is not so much the \$7,500 voucher as it is the additional \$12,500-plus they receive in scholarships from private programs or the private school itself. A more complete examination of the program, such as that which the GAO performed in 2007, shows that some children in the program have instead been sent to schools without occupancy certificates and to schools where over half the teachers lack bachelor’s degrees.<sup>4</sup> Surely this is not a program that is serving the students well.

Second, the Department of Education studies show that the voucher program has not caused significant gains in academic achievement, increased educational resources, or improved the school environment. Accordingly expanding the program is not justified.

### **The DC Voucher Program**

The five-year pilot program was authorized to provide private school vouchers worth up to \$7,500 to approximately 1,700 students, at an annual cost of \$14 million. Although the program

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<sup>1</sup> U.S. Dep’t of Ed., *Evaluation of the D.C. Scholarship Program: Final Report* (June 2010) (2010 U.S. Dep’t of Educ. Report); U.S. Dep’t of Ed., *Evaluation of the D.C. Scholarship Program: Impact After 3 Years* (Apr. 2009) (2009 U.S. Dep’t of Educ. Report); U.S. Dep’t of Ed., *Evaluation of the D.C. Scholarship Program: Impact After 2 Years* (June 2008) (2008 U.S. Dep’t of Educ. Report); U.S. Dep’t of Ed., *Evaluation of the D.C. Scholarship Program: Impact After 1 Year* (June 2007) (2007 U.S. Dep’t of Educ. Report).

<sup>2</sup> U.S. Gov’t Accountability Office, *District of Columbia Opportunity Scholarship Program: Additional Policies and Procedures Would Improve Internal Controls and Program Operation*, Publication No. 08-9, 34 (Nov. 2007) (GAO Report).

<sup>3</sup> *Id.* at 31.

<sup>4</sup> *Id.* at 34-35.

was scheduled to expire in 2008, the FY 2009, and FY 2010 appropriations bills and the 2011 continuing resolutions provided additional funding to allow for a smooth transition for students currently participating in the program. These appropriations bills stipulated that no new students could enter the program, but students already in the voucher program could maintain a voucher through high school graduation. The program now receives approximately \$13 million dollars a year to provide vouchers worth up to \$7,500 to approximately 1,000 students.

S. 206 would increase the amount of each voucher and, therefore, the cost of the program overall. It would also lift the ban on new students, reviving the program even though Congress has previously decided to wind down the program due to its poor results.

### **The Value of Public Schools**

Open and non-discriminatory in their acceptance of all students, American public schools are a unifying factor among the diverse range of ethnic and religious communities in our society. Public schools are the only schools that must meet the needs of all students. They do not turn children or families away. They serve children with physical, emotional, and mental disabilities, those who are extremely gifted and those who are learning challenged, right along with children without special needs.

Vouchers undermine this vital function, however, by placing some of the most motivated students into private schools, leaving the students who are most difficult to educate behind in the public schools. Voucher programs also divert desperately needed resources away from the public school system to fund the education of a few voucher students. The government would better serve our children by using these funds to make the public schools stronger and safer.

Public schools are not failing. Rather, they are striving to respond to the swift, substantive changes in society and the calls for reform. We, as citizens, must create an environment of support so public schools can continue to change and improve. We must shift from attacking public schools to empowering continual public school improvement. Only then can we create the public will and motivation to accomplish for true reform.

### **The DC Voucher Program Has Not Improved Student Education**

US Department of Education studies of the District of Columbia,<sup>5</sup> like those studies of the Milwaukee<sup>6</sup> and Cleveland<sup>7</sup> school voucher programs, have concluded that students offered vouchers do not perform better in reading and math than students who are not part of the voucher program. The Department of Education studies also demonstrate that students who

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<sup>5</sup> 2010 U.S. Dep't of Educ. Report; 2009 U.S. Dep't of Educ. Report (Although the 2009 study showed a marginal gain for some students in reading (but notably, not for the program's targeted group, students from schools in need of improvement), the 2010 Final Report said "[t]here is no conclusive evidence that the [program] affected student achievement" and earlier findings of modest gains "could be due to chance" and were no longer statistically significant); 2008 U.S. Dep't of Educ. Report; 2007 U.S. Dep't of Educ. Report.

<sup>6</sup> Witte, Wolf, et al., *MPCP Longitudinal Educational Growth Study Third Year Report* (Apr. 2010); Witte, Wolf, et al., *MPCP Longitudinal Educational Growth Study Second Year Report* (Mar. 2009); Witte, Wolf, et al., *MPCP Longitudinal Education Growth Study Baseline Report* (Feb. 2008); Witte, *Achievement Effects of Milwaukee Voucher Program* (Feb. 1997); Witte, et al., *Fifth Year Report Milwaukee Parental Choice Program* (Dec. 1995).

<sup>7</sup> Plucker, et al., *Evaluation of the Cleveland Scholarship and Tutoring Program, Summary Report 1998-2004* (Feb. 2006); *Evaluation of the Cleveland Scholarship and Tutoring Program, Executive Report 1998-2002* (Feb. 2006).

entered the DC program from “schools in need of improvement” (SINI)—the program’s targeted students—also failed to show improvement in reading or math.<sup>8</sup>

According to these studies of the DC program, many of the children who left the DC voucher program actually did so because the voucher schools did not provide the academic support they needed: Of the students who left the voucher program in the first year, 45% stated that it was because the “child did not get the academic support he/she needed at the private school.”<sup>9</sup> The number shot to 54% in the second year and was at 39% in the third year.<sup>10</sup>

Empirical evidence shows that students in the DC voucher program show no statistically significant improvement in academic achievement. At a time when Congress is considering major cuts in the federal domestic budget, these results do not justify new funding or an expansion of the program to new students.

### **The DC Voucher Program Has Not Improved Access to Academic Resources or the Learning Environment**

Proponents of the DC voucher programs argue that the vouchers allow students to attend schools that are safer, provide better resources, and create a better learning environment. Again, studies of the programs prove this theory wrong.

Although the US Department of Education studies of the DC program show that parents believe that students in the voucher program are safer at school than those who did not participate, students have reported that participating in the program has had no impact on their actual school experience with dangerous activities.<sup>11</sup>

Participation in the DC voucher program has also had no impact on student motivation and engagement.<sup>12</sup> The Department of Education studies found that participating in the program has had no statistically significant impacts on students’ aspirations for the future, frequency of doing homework, time spent reading for fun, engagement in extracurricular activities, or attendance or tardiness rates.<sup>13</sup>

In addition, the DC voucher program fails to offer participating students greater educational resources. In fact, the Department of Education studies of the DC voucher show that students participating in the program are actually less likely to have access to ESL programs, learning support and special needs programs, tutors, counselors, cafeterias, and nurse’s offices than students not in the program.<sup>14</sup>

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<sup>8</sup> 2010 US Dep’t of Educ. Report at 34; 2009 US Dep’t of Educ. at 34; 2008 US Dep’t of Educ. Report at 34, 36-38; 2007 US Dep’t of Educ. Report at 36-38; xvii, 44, 46.

<sup>9</sup> 2009 US Dep’t of Educ. Report at 25.

<sup>10</sup> *Id.* The option of “child did not get the academic support he/she needed at the private school” was not listed in the 2010 study.

<sup>11</sup> 2010 U.S. Dep’t of Ed. Report at xvi, 44-52; 2009 U.S. Dep’t of Ed. Report at xxvi, xxviii, 44-45, 49-50; U.S. Dep’t of Ed. Report at 42-43, 50; 2007 U.S. Dep’t of Ed. Report at xx, 1-4.

<sup>12</sup> 2010 U.S. Dep’t of Ed. Report at xxvii, 19-20; 56-60; 2009 U.S. Dep’t of Ed. Report at xxxii, 55-56; 2008 U.S. Dep’t of Ed. Report at xxvi, 57-58, F-6.

<sup>13</sup> 2010 U.S. Dep’t of Ed. Report at xxvii, 19-20; 56-60; 2009 U.S. Dep’t of Ed. Report at xxxii, 55-56; 2008 U.S. Dep’t of Ed. Report at xxvi, 57-58, F-6.

<sup>14</sup> Final US Dep’t of Educ. Report at 20; 2009 US Dep’t of Educ. Report at xxii, 17; 2008 US Dep’t of Educ. Report at xviii, 16. The 2010 Report found a decrease in access to tutors, but no “significant” reduction in tutors. Final US Dep’t of Educ. Report at 20.

Furthermore, voucher programs do not provide participating students with better teachers than are available at the public schools. To the contrary, the report issued by the GAO found that, at some schools, less than half of the teachers had even obtained a bachelor's degree.<sup>15</sup> And, the 2009 Department of Education study revealed that the students participating in the voucher program rated their teacher's attitude no better than students who did not participate in the program.<sup>16</sup>

Again, proponents' claims are not supported by the federal studies. Voucher schools provided no better resources to students than the public schools. In fact, voucher schools, in many areas, offered DC students fewer resources. Again, the program results do not justify renewal and expansion of the program.

### **The DC Voucher Program Lacks Oversight, Accountability, and Internal Controls**

The DC voucher program also has serious accountability problems. First, the GAO found that the grant Administrator had not ensured that the participating schools adhered to the rules of the program or even DC laws. For example, the administrator permitted schools to participate—and allowed students to attend schools—even though they lacked a valid DC occupancy certificate, failed to submit required financial data, and failed to submit required annual reports on operational reports with basic information on curriculum, teachers' education, and school facilities.<sup>17</sup> Indeed, some participating schools failed to submit information on accreditation or educational soundness, yet voucher students were directed to and attended those schools.<sup>18</sup>

The grant administrator also paid tuition for students to schools that actually did not charge tuition and made disbursements to other schools without requiring them to submit the proper paperwork.<sup>19</sup>

The GAO report also criticized the grant administrator for providing inaccurate, misleading, and incomplete information to parents about the participating schools.<sup>20</sup> Indeed, the administrator incorrectly reported information on some schools that could have significantly affected parents' choice of schools, such as the percentage of teachers who had at least a bachelor's degree and tuition rates.<sup>21</sup>

### **Students Using Vouchers at Private Schools Lose Rights and Protections**

Despite receiving public money, private schools that participate in DC voucher programs are not subject to all federal civil rights laws, and do not face the same public accountability standards, including those in the No Child Left Behind (NCLB) Act, Title IX, and IDEA that all public schools must meet. Private religious schools may discriminate in hiring on the basis of religion and on gender in admissions.<sup>22</sup> Private religious schools also are not subject to the DC Human Right Act.

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<sup>15</sup> U.S. Gov't Accountability Office, *District of Columbia Opportunity Scholarship Program: Additional Policies and Procedures Would Improve Internal Controls and Program Operation*, Publication No. 08-9, 34 (Nov. 2007) (*GAO Report*).

<sup>16</sup> 2009 U.S. Dep't of Ed. *Report* at xxxii, 25, 55-56.

<sup>17</sup> *GAO Report* at 34-35.

<sup>18</sup> *Id.* at 34.

<sup>19</sup> *Id.* at 22-23, 33.

<sup>20</sup> *Id.* at 36.

<sup>21</sup> *Id.*

<sup>22</sup> P.L. 108-199 Stat. 3 (2004).

Private voucher schools also do not have to comply with the same teacher standards, curriculum, and testing requirements as the public schools. And, students who attend private schools with vouchers are stripped of their First Amendment, due process, and other constitutional and statutory rights offered to them in public schools. Unfortunately, many parents and students are not even aware of this when they accept the voucher.

### **Voucher Schools Can Pick and Choose Among Students**

Voucher schools can reject students based on prior academic achievement, economic background, English language ability, or disciplinary history. Also, under the program, religious schools can discriminate against students on the basis of gender.<sup>23</sup> In contrast, public schools serve all students in DC

Certain groups of DC students have less access to voucher schools than others. For example, students with special needs often cannot find a private school that can or want to serve them: The Department of Education Reports show that a significant number of students had to reject their voucher because they were “unable to find a participating school that offered services for their child’s learning or physical disability or other special needs.”<sup>24</sup> Indeed, the Final Department of Education Report concluded that 21.6% of the parents who rejected a voucher that was offered to their child did so because the school lacked the special needs services that their child needed.<sup>25</sup> 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.<sup>26</sup>

High school students also have less access to voucher schools: “For the school year 2005-2006, only about 70 openings were available at the high school level.”<sup>27</sup>

Students seeking non-religious schools also “have a limited number to choose from, since most participating private schools were Catholic or Protestant, and these schools offered the most openings. The remaining schools included some that were Afro-centric or Muslim, or offered only early childhood education.”<sup>28</sup> Indeed, the final Department of Education report found that 80% of the students in the program attended a faith-based school.<sup>29</sup>

### **Vouchers Primarily Fund Religious Schools**

Many of the members of our coalition object to taxpayer funds going towards religious education. Although the religious groups in our coalition value religious education and recognize that parochial schools can serve a valuable role for many children, they also recognize that because most parochial schools either cannot or do not wish to separate the religious components of the education they offer from the academic programs, these schools must be funded by voluntary contributions, not taxation.

One of the most dearly held principles of religious liberty is that government should not compel any citizen to furnish funds in support of a religion with which he or she disagrees, or even a

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<sup>23</sup> P.L. 108-199 Stat. 3 (2004).

<sup>24</sup> 2008 US Dep’t of Educ. Report at 22.

<sup>25</sup> Final US Dep’t of Ed. Report at 24-26.

<sup>26</sup> *Id.*

<sup>27</sup> GAO Report at 31.

<sup>28</sup> *Id.*

<sup>29</sup> Final US Dep’t of Educ. Report at 18.

religion with which he or she does agree. Voucher programs, however, violate that central tenet: they use taxpayer money to fund primarily religious education. Indeed, approximately 80% of the students participating in the DC voucher program attend religious schools. Parents certainly may choose such an education for their children, but no taxpayer should be required to pay for another's religious education.

Religious organizations and schools that rely on voluntary participation and contributions are likely to flourish. Government funds, however, threaten to shift religious schools' monetary source from the followers of their religion to the government treasury. And, with that shift, they also risk losing their religious identity, teachings, and message. To remain healthy, a religious school should follow the dictates of its adherents rather than the dictates of a government uninterested in its religious mission. To do this, they must reject government funding.

### **Conclusion**

For all of the above reasons, NCPE opposes the reauthorization of the DC voucher program. In these times, when Congress is considering major cuts in the federal domestic budget, we believe that this is one program that has not demonstrated success and that reauthorizing and increasing the funding for new students to enter the program is not the best use of limited federal funds

For more information on the organizations opposing the DC voucher, please see the attached letter signed by 47 diverse organizations.

Thank you for the opportunity to offer written testimony on this important matter.

# The National Coalition *for* Public Education

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February 8, 2011

Re: Oppose Restarting and Expanding the DC Voucher Program

Dear Senator:

**The undersigned members of the National Coalition for Public Education (NCPE) strongly urge you to oppose and not co-sponsor S. 206, the Scholarships for Opportunity Results (SOAR) Act, which would restart and expand the failed Washington, DC private school voucher pilot program.** All five of the federal studies that have analyzed the program concluded that the program is ineffective, leaving no justification for renewing it. Rather than extending the voucher program, federal funding should be spent in more useful ways that would serve all students in Washington, DC. Given the program's ineffectiveness, which is demonstrated conclusively and consistently as described below, and inappropriateness, given the disproportionate funding allocated to relatively few students while the needs of the majority of DC public school students go unmet, it is clear that there is no justification for supporting this bill.

The five-year pilot program was authorized to provide private school vouchers worth up to \$7,500 to approximately 1,700 students, at an annual cost of \$14 million. Although the program was scheduled to expire in 2008, the FY 2009, and FY 2010 appropriations bills and the 2011 continuing resolutions provided additional funding to allow for a smooth transition for students currently participating in the program. These appropriations bills stipulated that no new students could enter the program, but students already in the voucher program could maintain a voucher through high school graduation. The program now receives approximately \$13 million dollars a year to provide vouchers worth up to \$7,500 to approximately 1,300 students.

Despite proponents' claims that the voucher program would improve the academic achievement of DC students, especially students from "schools in need of improvement" (SINI), congressionally mandated Department of Education studies have concluded that the voucher program has had no effect on the academic achievement of students who use vouchers.<sup>1</sup> Indeed, the final Department of Education report, issued in 2010, concluded that the use of a voucher had no statistically significant impact on overall student achievement in math or reading.<sup>2</sup> Furthermore, according to all four Department of Education studies, students in the program who came from SINI schools also have shown no significant improvement in math or reading.<sup>3</sup> **Having failed to improve the academic achievement of the students in the program—including the targeted students from SINI schools—the voucher program clearly does not warrant reauthorization.**

The Department of Education studies further found that the voucher program had no effect on student satisfaction, motivation, or engagement, or student views on school safety.<sup>4</sup> And, they revealed that many of the students in the voucher program were **less likely** to have access to key services—such as ESL programs,

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<sup>1</sup> US Dep't of Educ., *Evaluation of the DC Opportunity Scholarship Program: Final Report* at xv, xix, 34 (June 2010) (*Final US Dep't of Educ. Report*).  
<sup>2</sup> *Id.*

<sup>3</sup> *Final US Dep't of Educ. Report* at 34; US Dep't of Educ., *Evaluation of the DC Opportunity Scholarship Program: Impacts After Three Years* at 34 (March 2009) (*2009 US Dep't of Educ. Report*); US Dep't of Educ., *Evaluation of the DC Opportunity Scholarship Program: Impacts After Two Years* at 34, 36-38 (June 2008) (*2008 US Dep't of Educ. Report*); and US Dep't of Educ., *Evaluation of the DC Opportunity Scholarship Program: Impacts After One Year* at xvii, 44, 46 (June 2007) (*2007 US Dep't of Educ. Report*).

<sup>4</sup> *Final US Dep't of Educ. Report* at 43-47; *2009 US Dep't of Educ. Report* at xxvi, xviii, 35, 44-45, 49-50; *2008 US Dep't of Educ. Report* at 42-43, 50, and 57; and *2007 US Dep't of Educ. Report* at xx, 53-55.

learning support and special needs programs, and counselors—than students who were not part of the program.<sup>5</sup> Perhaps that is why students with physical or learning disabilities are underrepresented in the program compared to the public schools.<sup>6</sup> **The program’s inability to improve the school experience of students in the voucher program further demonstrates that the program should not be reauthorized.**

In addition to the lack of evidence supporting an improvement in academic achievement or school experience, **a 2007 Government Accountability Office Report also documented several accountability shortcomings in the program.** Examples include federal taxpayer dollars funding tuition at private schools that do not even charge tuition, schools that lacked city occupancy permits, and schools employing teachers without bachelor’s degrees.<sup>7</sup> Also, some of the information provided to parents regarding the private schools, including information that “could have significantly affected parents’ choice of schools,” was “misleading,” “incorrect,” and “incomplete.”<sup>8</sup>

NCPE believes that instead of sending federal money to private schools, these funds should be invested in the public schools. We also note that despite receiving public money, the participating private schools are not subject to all federal civil rights laws, and do not face the same public accountability standards, including those in the No Child Left Behind (NCLB) Act, that all public schools must meet. Finally, we also believe this program continues to raise problems under the First Amendment of the Constitution.

The objective evidence does not support restarting and expanding the federally funded DC school voucher program. Therefore, **we urge you to oppose and not co-sponsor the Scholarships for Opportunity Results Act.**

Thank you for your consideration of our views on this important issue.

Sincerely,

African American Ministers in Action  
American Association of School Administrators  
American Association of University Women (AAUW)  
American Association of University Women, Washington DC Branch  
American Civil Liberties Union (ACLU)  
American Federation of Labor-Congress of Industrial Organizations (AFL-CIO)  
American Federation of Teachers  
American Federation of State, County and Municipal Employees  
American Humanist Association  
American Jewish Committee  
Americans for Democratic Action  
Americans for Religious Liberty  
Americans United for Separation of Church and State  
Anti-Defamation League  
Association of Educational Service Agencies  
Baptist Joint Committee for Religious Liberty  
Council for Exceptional Children  
Center for Inquiry  
Council of the Great City Schools  
Disciples Justice Action Network  
Equal Partners in Faith

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<sup>5</sup> *Final US Dep’t of Educ. Report at 20; 2009 US Dep’t of Educ. Report at xxii, 17; 2008 US Dep’t of Educ. Report at xviii, 16.* The 2010 Report found a decrease in access to tutors, but no “significant” reduction in tutors. *Final US Dep’t of Educ. Report at 20.*

<sup>6</sup> U.S. Government Accountability Office (GAO), *District of Columbia Opportunity Scholarship Program at 30* (Nov. 2007).

<sup>7</sup> *Id.* at 22-23, 33-35.

<sup>8</sup> *Id.* at 36.

Feminist Majority  
Interfaith Alliance  
International Reading Association  
Lawyers' Committee for Civil Rights Under Law  
NA'AMAT USA  
National Alliance of Black School Educators  
National Association for the Advancement of Colored People (NAACP)  
National Association of Elementary School Principals  
National Association of Federally Impacted Schools  
National Association of Secondary School Principals  
National Association of State Directors of Special Education  
National Center for Lesbian Rights  
National Council of Jewish Women  
National Education Association  
National Organization for Women  
National Parent Teacher Association  
National Rural Education Advocacy Coalition  
National Rural Education Association  
National School Boards Association  
People For the American Way  
School Social Work Association of America  
Secular Coalition for America  
Southern Poverty Law Center  
Union for Reform Judaism  
United Church of Christ Justice and Witness Ministries  
Women of Reform Judaism