



Investing in Our Children: Public Funds for Public Education, Not Vouchers

Over the past several years, conservative members of Congress have repeatedly tried to weaken public education by diverting public funds to private or religious elementary and secondary schools through various voucher funding schemes. Education vouchers are generally defined as certificates for parents of students to use specifically to help finance the costs of attending a private or religious school instead of a community public school. Sometimes creatively referred to as scholarships, certificates, choice programs or tuition tax credits, these funding schemes are all in fact vouchers. The American Association of University Women stands firmly by the belief that the country should provide an excellent education for all children, not private school vouchers for a few.

AAUW believes a strong, free public education system is the foundation of a democratic society, and has long opposed diverting public funds to private or religious elementary and secondary schools. The 1937 AAUW legislative program called for "free public instruction of high quality available to all, since popular education is the basis for freedom and justice," and in 1955 stated "universal education is basic to the preservation of our form of government and to the well-being of our society." Today, AAUW's 2009-2011 Public Policy Program clearly states AAUW's "...opposition to the use of public funds for nonpublic elementary and secondary education."¹

While AAUW supports innovative techniques to improve America's schools, we believe voucher proposals fly in the face of our nation's commitment to public education. AAUW does not oppose public school choice programs, which allow students to choose a public school in their school district. However, in many areas of the country the notion of "private school choice" is misleading because there are few, if any, private schools or because the only private schools are religiously affiliated and not the appropriate denomination for the family.

From AAUW's perspective, regardless of the constitutionality of certain voucher programs, such schemes are not sound education policy.

AAUW Opposes Vouchers

- Private and religious schools are not required to observe federal nondiscrimination laws, such as Title IX. In fact, voucher proposals often contain language specifically intended to circumvent civil rights laws, and many proponents insist voucher funding does not flow to the school but instead to the parent or student precisely to avoid any civil rights obligations. This specificity in language allows private institutions to discriminate on the basis of religion, gender, disability and language proficiency. Further, private and religious schools can reject a student based on the school's own admissions criteria and discriminate against a student in access to classes, guidance counseling, extracurricular activities, and other aspects of education.

- Private and religious schools are not held to the same accountability and testing standards established in the No Child Left Behind Act (NCLB). Such schools do not have to hire “highly qualified” teachers, adhere to NCLB testing requirements and Adequate Yearly Progress, or disaggregate or publicly release student achievement results.
- Funding for NCLB is woefully inadequate, and the additional diversion of needed resources would further diminish public schools’ ability to meet mandated accountability standards and address achievement gaps among students. President George W. Bush’s budget for fiscal year 2009 allotted only \$24.7 billion for NCLB—nearly \$15 billion below the authorized amount. Over the course of its existence, NCLB has been underfunded to the tune of over \$85 billion.²
- Our country’s public schools already face teacher shortages, overcrowded classrooms, and increased accountability without adequate funding. Diverting critical resources from the school systems that educate 90 percent of America’s students is not a fiscally sound investment.³
- Private and religious school voucher programs weaken the public school system by diverting these already scarce funds that could otherwise be used for needed teacher training, smaller class sizes, expanded support services, and improved facilities.
- Private school vouchers do not raise student achievement. A recent study conducted by the National Center for Education Statistics of the U.S. Department of Education compared the effectiveness of public schools to that of private institutions. After controlling for critical demographic factors (parents’ income, education level, number of books in household), NCES found that public schools perform as well as, and even better in a few instances, than private schools.⁴ A 2001 GAO study confirmed that the official evaluations of Cleveland’s and Milwaukee’s voucher programs found no differences in the achievement of voucher students compared to public school students, despite built-in applicant screening advantages for private schools.⁵
- Vouchers are taxpayers’ dollars spent according to the policies of a private school board—not the decisions of a democratically elected and publicly accessible school board. Private and religious schools are not required to meet basic accountability provisions, such as open meetings and records laws, or to publicly release test scores, dropout rates, and other basic information. Because private schools are not accountable to the public at large, taxpayers lose public oversight for the expenditure of their tax dollars.
- Vouchers disproportionately help families with children already in private schools or those who have never attended public schools. At the inception of the Cleveland “Scholarship and Tutoring Program,” 39 percent of students used their vouchers to

continue their attendance in private or religious schools, and another 40 percent were attending school for the first time.⁶

Voucher Proposals Unpopular in Public Opinion Polls and Ballot Initiatives

- A 2001 poll conducted by the National School Boards Association and Zogby International revealed that voters preferred strategies to invest in public education like reducing class size (27 percent), improving teacher quality (27 percent), and increasing teacher training (23 percent) over voucher schemes (13 percent).⁷
- A 2006 Phi Delta Kappa/Gallup poll found that 71 percent of Americans would prefer improving existing public schools over “finding an alternative to the existing public school system.”⁸
- In November 2007, Utah voters rejected a voucher proposal that would have made vouchers available to all students. This marked 11 out of 11 tries that voucher state ballot initiatives have been decisively rejected by voters.⁹ In most cases, the \$3,000 voucher would not cover even half of private school tuition which is estimated to be as much as \$8,000 annually. The initiative was defeated by a 25 percentage point margin with every county in the state voting against the voucher proposal.¹⁰

Some Courts Have Found Voucher Programs Unconstitutional

- In December 2000, the U.S. Court of Appeals for the Sixth Circuit in *Zelman v. Simmons-Harris* upheld a lower court ruling that the school voucher program in Cleveland was unconstitutional. With 96 percent of the students who receive vouchers attending church-subsidized religious schools, the court found that the voucher program resulted in the funneling of government funds into religious schools. Government funding of private school tuition, ruled the court, “crosses the line separating church and state by promoting religious education.”¹¹ A sharply divided U.S. Supreme Court (5-4) ruled in *Zelman v. Simmons-Harris* in June 2002 that the voucher program in Cleveland did not violate the Establishment Clause of the federal Constitution, and allowed the program to continue.¹²
- In January 2006, the Florida Supreme Court struck down (5-2) a 1999 state law which created a statewide voucher program on the grounds that it violates the Education Clause of the Florida Constitution, which states that “adequate provision shall be made by law for a uniform, efficient, safe, secure, and high quality system of free public schools.”¹³ The Court stayed the operation of its ruling to allow current voucher students to finish the school year in their private schools.

Voucher Proponents Continue to Funnel Public Money into Private Schools

Tuition tax credits have already been established in the form of the Coverdell Education Savings Accounts. Proponents of tax credits inaccurately maintain that such benefits do not involve public money. Legally and economically, however, tax credits are public funds: when the

government grants such tax benefits, it forgoes income. Tax credits are the functional equivalent of vouchers: government paying tuition to private, including religious, schools.

While AAUW applauds efforts to make college costs more affordable, tuition tax credit programs are problematic when they are used to subsidize private K-12 education. Not only is this simply another form of voucher, draining public funds from public schools, but they provide little or no benefit to low- and middle-income families. Families who already have children in private and religious schools typically receive the majority of the tax subsidies, while families unable to save, including low-income and many middle-income families, typically receive little benefit. A study of the Cleveland voucher program found that 79 percent of the students receiving vouchers were already attending a private school or had never attended a Cleveland public school.¹⁴ Thus, the Coverdell accounts are a voucher-like program directing tax advantages mostly to people who already send their children to private schools.

Following the devastation of Hurricanes Katrina and Rita in August 2005, Congress enacted a private school voucher program to direct funding to students enrolled in both public and private schools. While AAUW was sympathetic to the needs of the children impacted by the disaster, AAUW opposed these efforts to create a voucher program to deliver educational aid. In fact, AAUW supported efforts to direct aid to students through mechanisms existing in current law but those proposals were rejected resulting in a national federally funded voucher program. However, efforts to extend the program beyond the 2005–2006 school year were rebuffed.

District of Columbia School Voucher Program

In 2003, a private school voucher program was created for the District of Columbia school system; it was intended as a five-year pilot research project scheduled to expire in 2008. This represents the first time in history that federal dollars have been used to fund private school vouchers. In the 109th Congress, several attempts to expand the program were proposed. While many of these attempts were thwarted, Congress did approve expanding eligibility for families already enrolled for the first two years of the program from 185 percent of the federal poverty level to 300 percent of FPL, turning what was pitched as a program to subsidize tuition for low-income families into a program that funds private education for middle-class families that often could afford the tuition anyway. With these precedents laid, voucher proponents have been emboldened to further divert taxpayer dollars to pay for private education. The program, which currently receives \$14 million, provides vouchers of up to \$7,500 a piece to about 1,700 students.

While implemented, the District of Columbia private school voucher “pilot” program has not performed in the ways the law was intended. A 2005 report found that fewer than 75 of the more than 1,300 students who received vouchers came from public schools that were determined to be most in need of improvement by federal law.¹⁵ At the same time, more than 200 students who received vouchers were already enrolled in private schools. The unfortunate irony is that the number of students already in private schools receiving vouchers is almost three times the number of students coming from schools in need of improvement—the

students who were purportedly the target of the program.¹⁶

In April 2009, the Department of Education released a new report which found no improvement in academic achievement for those students receiving vouchers from public schools in need of improvement – the target audience of the voucher program.¹⁷ An earlier report from June 2008 found that “after 2 years, there was no statistically significant difference in test scores in general between students who were offered an OSP [Opportunity Scholarship Program] scholarship and students who were not offered a scholarship.” In addition, while “the Program had a positive impact on overall parent satisfaction and parent perceptions of school safety ... [s]tudents had a different view of their schools than did their parents.” Overall, student satisfaction was unaffected by the voucher program.¹⁸

In addition, a November 2007 GAO report revealed numerous problems with the District of Columbia voucher program, including a lack of detailed fiscal policies and not adhering to procedures for making scholarship payments. The report also found that many of the participating schools conducted classes in unsuitable learning environments taught by teachers lacking bachelor’s degrees. In many cases, parents were not informed of these deficiencies.¹⁹

While AAUW was disappointed that 2009 Omnibus Appropriations Act (H.R.1105) included one additional year of funding for the District of Columbia Opportunity Scholarship Program, we are pleased the legislation included language to bring the program to an appropriate end. This program is the nation’s only federally-funded voucher program that funnels taxpayers’ dollars to private schools. While AAUW continues to oppose the voucher program, we believe the language offers a workable compromise in light of the program’s logistical deficiencies as well as the continued lack of evidence of increased student achievement since the program’s inception. The Omnibus language states that no additional funding will be provided without reauthorization of the program. This language requires a comprehensive look at the voucher program before any future funding is considered and puts DC families on notice that the future of the program is in question.

Conclusion

AAUW will continue to oppose all forms of private school voucher programs. Instead, AAUW believes the appropriate strategy for improving our nation’s schools is to direct resources toward improving public schools, rather than diverting public funds into private institutions.

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¹ American Association of University Women. (June 2009). *2009-11 AAUW Public Policy Program*. Retrieved July 9, 2009, from http://www.aauw.org/advocacy/issue_advocacy/principles_priorities.cfm.

² National Education Association. (February 4, 2008). *Funding Gap: No Child Left Behind*. Retrieved April 27, 2009, from <http://www.nea.org/assets/docs/fundinggap.pdf>.

³ National Center for Education Statistics. (2007). *The Condition of Education 2007*. Retrieved December 4, 2007, from <http://nces.ed.gov/pubs2007/2007064.pdf>. The 90 percent statistic is derived from this table, which shows total private school enrollment at 9.7 percent.

⁴ National Center for Education Statistics. (July 2006). *Comparing Private Schools and Public Schools Using Hierarchical Linear Modeling* Retrieved December 4, 2007, from <http://nces.ed.gov/nationsreportcard//pdf/studies/2006461.pdf> .

⁵ U.S. Government Accounting Office. (August 2001). *School Vouchers: Publicly Funded Programs in Cleveland and Milwaukee*. GAO-01-914 Retrieved December 5, 2007, from <http://www.gao.gov/new.items/d01914.pdf>.

⁶ Schiller, Zach and Policy Matters Ohio. (September 2001). *Cleveland School Vouchers: Where the Students Come From*. Retrieved December 5, 2007, from <http://www.policymattersohio.org/voucherintro.html>.

⁷ National School Board Association/Zogby International Poll. (September 25, 2001). *School Vouchers: What the Public Thinks and Why*. Retrieved December 5, 2007, from <http://www.nsba.org/MainMenu/Advocacy/FederalLaws/SchoolVouchers/VoucherStrategyCenter/NSBAAdvocacyToolsonVouchers/NSBAnationalpollonschoolvouchers.aspx>.

⁸ Phi Delta Kappa/Gallup Poll. (September 2006). *The 38th Annual Phi Delta Kappa/Gallup Poll on the Public's Attitudes Toward Public Schools*. Retrieved December 5, 2007, from <http://www.pdkintl.org/kappan/k0609pol.htm>.

⁹ National School Boards Association. (November 7, 2007). *Utah Voters' Defeat School Vouchers*. Retrieved January 2, 2008, from http://vocuspr.vocus.com/vocuspr30/Newsroom/Query.aspx?SiteName=NSBANew&Entity=PRAsset&SF_PRAssetPRAssetID_EQ=108422&XSL=PressRelease&Cache=False.

¹⁰ Crawford, Grigs, (November 7, 2007). *Taxes, Stem Cell Funding, School Vouchers Rebuffed in Ballot Measure Voting*. Retrieved December 5, 2007 from <http://www.cgpolitics.com/wmspage.cfm?parm1=5&docID=news-000002623685>.

¹¹ *Simmons-Harris v. Zelman*, 234 F.3d 945 (6th Cir. Ohio 2000).

¹² *Zelman v. Simmons-Harris*, 536 U.S. 639 (2002) 234 F.3d 945, reversed.

¹³ John Ellis "Jeb" Bush, Etc., Et Al. v. Ruth D. Holmes, Et Al.. Florida State Supreme Court: SC04-2323.

¹⁴ Schiller, Zach and Policy Matters Ohio. (September 2001). *Cleveland School Vouchers: Where the Students Come From*. Retrieved December 5, 2007, from <http://www.policymattersohio.org/voucherintro.html>.

¹⁵ People for the American Way Foundation. (February 2005). *Flaws and Failings: A Preliminary Look at the Problems Already Encountered in the Implementation of the District of Columbia's New Federally Mandated School Voucher Program*. Retrieved December 5, 2007, from http://site.pfaw.org/site/PageServer?pagename=report_flaws_and_failings.

¹⁶ People for the American Way Foundation. (February 2005). *Flaws and Failings: A Preliminary Look at the Problems Already Encountered in the Implementation of the District of Columbia's New Federally Mandated School Voucher Program*. Retrieved December 5, 2007, from http://site.pfaw.org/site/PageServer?pagename=report_flaws_and_failings.

¹⁷ U.S. Department of Education, Institute of Education Statistics. (April 2009). *Evaluation of the DC Opportunity Scholarship Program: Impact After Three Years*. Retrieved April 3, 2009 from <http://ies.ed.gov/ncee/pubs/20094050/pdf/20094050.pdf>.

¹⁸ U.S. Department of Education, Institute of Education Statistics. (June 2008). *Evaluation of the DC Opportunity Scholarship Program: Impacts After Two Years Executive Summary*. Retrieved June 16, 2008 from <http://ies.ed.gov/ncee/pdf/20084024.pdf>.

¹⁹ U.S. Government Accounting Office. (November 2007). *District of Columbia Opportunity Scholarship Program: Additional Politics and Procedures Would Improve Internal Controls and Program Operations*. GAO-08-9 Retrieved December 5, 2007, from <http://www.gao.gov/new.items/d089.pdf>.