



March 4, 2009

**RE: Vote “NO” on Federally-Funded Private and Religious School
Vouchers – Senate Amendment No. 615**

Dear Senator:

On behalf of the American Civil Liberties Union (ACLU), a non-partisan organization with more than a half million activists and members and 53 affiliates nationwide, we urge you to oppose any amendment that would create, expand, or continue any federally-funded private and religious school voucher program, including Senator Ensign’s recently filed amendment number 615, as the Senate considers H.R. 1105, the Omnibus Appropriations Act of 2009. The Senate should not create, expand, or continue any program in the District of Columbia that would funnel scarce federal taxpayer funds to unaccountable private and religious schools.

Originally started as a five-year pilot program in 2004, making it the nation’s first and only federally-funded private and religious school voucher program, the D.C. voucher program should end. The federal voucher program is providing funds to schools that do the following: (1) infuse their school curriculum with specific religious content, (2) are not covered by many of the nation’s civil rights statutes that would otherwise protect students against discrimination, and (3) have shown no improvement in academic achievement between students receiving vouchers and similar students in public schools. Senator Ensign’s amendment would remove the requirements currently in H.R. 1105, which require congressional reauthorization and approval by the D.C. government in order for this voucher program to receive federal funding after the 2009-2010 academic year.

First, the Senate should not send taxpayer dollars to fund--directly or indirectly--the religious education of children. The principal recipients of these federal voucher funds are private religious schools that bring specific religious content into the curriculum. Private religious schools have a clear and undisputed right to include religious content in their school curriculum - when those schools are privately funded. Once taxpayer dollars enter the equation, it is impossible for the government to avoid funding religious activity or favoring one religious program over another or over non-religious programming. We urge the Senate to end this misuse of federal funds by opposing Senator Ensign’s amendment.

Second, federal funds should not be used to subsidize private and religious schools that do not have to comply with many federal, state and local civil rights laws. Private schools are exempt from many important civil rights

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laws, including the Individuals with Disabilities in Education Act (IDEA) and Title IX of the Education Amendments of 1972. Without holding private and religious schools to the same standards as we hold public schools, voucher programs could expose students to otherwise illegal discrimination, particularly on the basis of disability, sex, or religion. The federally-funded private and religious school voucher program in D.C. violates the long-standing principle of equal treatment for all students.

Finally, the federally-funded private and religious school voucher program in D.C. has not improved education for students. The federal voucher program has demonstrably failed to provide D.C. students with better educational opportunities. In fact, two congressionally-mandated federal evaluations in 2007 and 2008 both found no significant differences in overall academic achievement between voucher students and their peers in Washington, D.C. public schools.¹ It is clear from the government's own studies that the funding provided to the private and religious schools under this program could have been spent in far more useful ways that would serve all students in Washington, D.C.

For all of these reasons, we urge you to oppose any amendment that would create, expand, or continue the federally-funded private and religious school voucher program in D.C.

Sincerely,



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Director, Washington Legislative Office



Christopher Anders
Senior Legislative Counsel

¹ "Evaluation of the DC Opportunity Scholarship Program: Impacts After Two Years," Institute of Education Sciences, U.S. Department of Education, June 2008.