



October 20, 2015

**RE: Vote NO on H.R. 10, the SOAR Reauthorization Act**

Dear Representative:

On behalf of the American Civil Liberties Union (ACLU), we write to urge you to vote “NO” on H.R. 10, the Scholarships for Opportunity and Results (SOAR) Reauthorization Act. This legislation would reauthorize the District of Columbia private school voucher program.

For nearly 100 years, the ACLU has been our nation’s guardian of liberty, working in courts, legislatures, and communities to defend and preserve the individual rights and liberties that the Constitution and the laws of the United States guarantee everyone in this country. With more than a million members, activists, and supporters, the ACLU is a nationwide organization that fights tirelessly in all 50 states, Puerto Rico, and Washington, D.C., for the principle that every individual’s rights must be protected equally under the law.

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 not be reauthorized. Multiple Department of Education studies<sup>1</sup> have concluded that the program has failed to improve educational outcomes for participating students, and two U.S. Government

AMERICAN CIVIL  
LIBERTIES UNION  
WASHINGTON  
LEGISLATIVE OFFICE  
915 15th STREET, NW, 6<sup>TH</sup> FL  
WASHINGTON, DC 20005  
T/202.544.1681  
F/202.546.0738  
[WWW.ACLU.ORG](http://WWW.ACLU.ORG)

KARIN JOHANSON  
DIRECTOR

NATIONAL OFFICE  
125 BROAD STREET, 18<sup>TH</sup> FL.  
NEW YORK, NY 10004-2400  
T/212.549.2500

OFFICERS AND DIRECTORS  
SUSAN N. HERMAN  
PRESIDENT

ANTHONY D. ROMERO  
EXECUTIVE DIRECTOR

ROBERT REMAR  
TREASURER

---

<sup>1</sup> US Dep’t of Educ., *Evaluation of the D.C. Opportunity Scholarship Program: Final Report* xv, xix, 34 (June 2010) (*Final US Dep’t of Educ. Report*); *Final US Dep’t of Educ. Report* at 34; US Dep’t of Educ., *Evaluation of the D.C. Opportunity Scholarship Program: Impacts After Three Years* 34 (March 2009) (*2009 US Dep’t of Educ. Report*); US Dep’t of Educ., *Evaluation of the D.C. Opportunity Scholarship Program: Impacts After Two Years* 34, 36-38 (June 2008) (*2008 US Dep’t of Educ. Report*); US Dep’t of Educ., *Evaluation of the D.C. Opportunity Scholarship Program: Impacts After One Year* xvii, 44, 46 (June 2007) (*2007 US Dep’t of Educ. Report*).

Accountability Office reports have also identified its repeated management and accountability failures.<sup>2</sup>

Additionally, under this program, taxpayer dollars have been provided to schools even though they infuse their curricular materials with specific religious content. 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. Congress should not reauthorize sending taxpayer dollars to fund the religious education of children.

### **Threatening Civil Rights and Undermining Constitutional Protections**

The voucher program strips students of civil rights protections. Despite receiving public funds, the private schools participating in the D.C. voucher program are not subject to all federal civil rights laws and do not adhere to religious freedom protections provided to public school students under the First Amendment of the U.S. Constitution. Moreover, these schools do not face the same public accountability standards that all public schools must meet, including those in Title VI, Title IX, the Individuals with Disabilities Education Act (IDEA), Title II of the Americans with Disabilities Act, and the Elementary and Secondary Education Act (ESEA). Schools that do not provide students with these basic civil rights protections should not receive taxpayer dollars.

### **Failure to Improve Education**

All four congressionally-mandated Department of Education studies that have analyzed the D.C. voucher program have concluded that it did not significantly

---

<sup>2</sup> U.S. Gov't Accountability Office, District of Columbia Opportunity Scholarship Program: Actions Needed to Address Weaknesses in Administration and Oversight, Publication No. GAO-13-805 (Nov. 2013) <http://www.gao.gov/assets/660/658416.pdf> [hereinafter 2013 GAO Report]; US Gov't Accountability Office, District of Columbia Opportunity Scholarship Program: Additional Policies and Procedures Would Improve Internal Controls and Program Operations, Pub. No. 08-9 at 26 (Nov. 2007) <http://www.gao.gov/new.items/d089.pdf> [hereinafter 2007 GAO Report].

improve reading or math achievement.<sup>3</sup> The 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> The studies also indicated that many of the students in the voucher program 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.<sup>5</sup> A program that has failed to improve the academic achievement or school experience of the students in the District of Columbia does not warrant reauthorization.

For all of these reasons, we urge you to oppose the SOAR Reauthorization Act (H.R. 10). Given the importance of this vote for civil liberties, it will be added to the ACLU's congressional scorecard.

Sincerely,



Karin Johanson  
Director, Washington Legislative Office



Ian Thompson  
Legislative Representative

---

<sup>3</sup> *Final US Dep't of Educ. Report* at xv, xix, 34; *2009 US Dep't of Educ. Report* at 39; *2008 US Dep't of Educ. Report* at 34, 36-38; *2007 US Dep't of Educ. Report* at xvii, 44, 46.

<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, 57; and *2007 US Dep't of Educ. Report* at xx, 53-55.

<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.