

The National Coalition for Public Education

September 28, 2010

The Honorable Carl Levin
Chair, Committee on Armed Services
228 Russell Senate Office Building
United States Senate
Washington, DC 20510

The Honorable Jim Webb
Chair, Subcommittee on Personnel
228 Russell Senate Office Building
United States Senate
Washington, DC 20510

Dear Chairmen Levin and Webb:

The undersigned members of the National Coalition for Public Education (NCPE) write to respectfully express our opposition to Section 583 of the National Defense Authorization Act for Fiscal Year 2011 (S. 3454), which would create a private school voucher¹ for military dependent children with special education needs. While we genuinely share your goal of improving educational opportunities for military children with special needs, the voucher program established in Section 583 is more likely to undermine—rather than improve—the education of these students.

Vouchers Do Not Improve Education

Multiple studies of the system-wide voucher programs in the District of Columbia,² Milwaukee,³ and Cleveland⁴ have demonstrated that vouchers do not improve student education. Indeed, the U.S. Department of Education's final study of the D.C. voucher pilot concluded that it has failed to have any statistically-significant impact on overall student achievement in math or reading, on student engagement or motivation, or on student reports of safety and satisfaction.⁵

Vouchers limited to students with special needs, such as Florida's "McKay Scholarships for Students with Disabilities" or the Ohio autism voucher, have also failed to improve the education of students with special needs.⁶ A March 2008 study of the Ohio autism voucher concluded that it is not "sound education policy," that it "exacerbates inequality," and that it "should not be emulated in other states."⁷ Similarly, a 2007 study found that the McKay voucher was "seriously flawed"⁸ and created "[m]ore [p]roblems [t]han [s]olutions."⁹

¹Under this program, schools eligible to receive a voucher include private schools, public schools, and public charter schools. The National Defense Authorization Act for Fiscal Year 2011 Sec. 583(a)(2).

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

³Witte, 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 Educational 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).

⁴Plucker, 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).

⁵2010 U.S. Dep't of Ed. Report at xxvi-xxvii, 19-20, 35-4, 44-52.

⁶Policy Matters Ohio, *Analyzing Autism Vouchers in Ohio*, Executive Summary, 2 (Mar. 2008), http://www.policymattersohio.org/pdf/AnalyzingAutismVouchers2008_0319.pdf; Sara Mead, *Information Underload: Florida's Flawed Special-Ed Voucher Program*, Education Sector 1 (June 2007), http://www.educationsector.org/usr_doc/McKay_Vouchers.pdf.

⁷*Analyzing Autism Vouchers in Ohio*, 41 and Executive Summary, 2.

⁸Sara Mead, *Information Underload: Florida's Flawed Special-Ed Voucher Program*, Education Sector 1 (June 2007) http://www.educationsector.org/usr_doc/McKay_Vouchers.pdf.

⁹*Id.* at 6.

Vouchers Undermine IDEA Protections

A voucher for students with special needs runs contrary to IDEA's fundamental purpose as a civil rights law—to bring students with disabilities into the public school system, provide them access to the general education curriculum, and protect against the history of exclusion of students with disabilities from public schools. Vouchers place students in private schools—institutions that do not have to follow the same inclusionary practices as public schools—and thus may isolate students with disabilities from their nondisabled peers. With the Ohio autism voucher, for example, fully 75% of claims for vouchers were for use at providers “created to primarily or exclusively serve disabled students.”¹⁰

In addition, students who leave the public schools with a voucher are considered to be parentally placed in the private school, and thus forfeit many of the protections provided to students under IDEA. For example, students accepting vouchers would not necessarily receive all of the services that are listed on their individualized education plans (IEPs) that they are currently receiving in their public school.¹¹ Also, when members of the IEP team, which includes the parents, cannot agree on the services that a child should receive, the parents have the right to bring their concerns before a hearing officer and ultimately to take the school district to court. Students who are parentally placed in a private school through a voucher, however, do not have any similar due process protections. Finally, if a school district determines through the evaluation and IEP process that it cannot adequately provide the necessary services for a student with disabilities in its school system, then that child could be placed by the IEP team in a private school, with all the protections of IDEA and *at no cost to the student's family*. In contrast, when a student attends a private school using a voucher, the parent must pay all tuition and fees above the costs covered by the \$7,500 voucher.

Vouchers Would Reduce Impact Aid for All Federally Connected Schools

A voucher for students of military families would reduce the payments provided under the Federal Impact Aid Program, which currently funds school districts with concentrations of federally-connected students. A voucher for students of military families would reduce the number of military students in the public schools, thereby reducing the percentage of federally-connected students and decreasing the amount of Impact Aid funding provided. At the same time, even with some students leaving for private schools, public schools would be unable to reduce administrative costs or eliminate teacher positions. Thus, vouchers would place a great financial burden on the local community, which would be left to fund the public schools both with an already low level of state and local tax revenue and with reduced or possibly no Impact Aid whatsoever.

The voucher would not just affect school districts with military bases; it would also reduce overall Impact Aid funding. Fewer students in public schools would, according to the statutorily-required calculations, reduce the overall funding of the program. The result would be a decrease in payments for all federally-connected school districts, including districts serving residents on Indian Lands.

NCPE believes that instead of sending federal money to private schools, money should instead 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 abide by the same public accountability standards, including those in the No Child Left Behind (NCLB) Act, that all public schools must meet. We also believe that vouchers raise serious religious liberty concerns because when vouchers fund religious schools, taxpayer dollars support the schools' religious education and mission, violating the consciences of those taxpayers who disagree with the religious teachings of those schools.¹²

If schools are not following the legal requirements established by IDEA, the better solution is to find more effective ways to enforce the laws that already exist, not to create redundant protections. The goal should be to help all families navigate the system rather than create a separate system with fewer protections and less accountability. Indeed, the funding proposed for the voucher program could be better used to make systematic

¹⁰ *Id.*

¹¹ Letter from Susan Bowers, Acting Deputy Assistant Secretary for Civil Rights, & Patricia J. Guard, Acting Dir., Office of Special Ed. Programs, U.S. Dep't of Ed., to John Bowen, Attorney for Pinellas County, Fla., Sch. Bd., www.ed.gov/policy/speced/guid/idea/letters/2001-1/bowen3302001fape.doc.¹² For example, 80 percent of the students in the D.C. voucher program attend faith-based schools. *2010 U.S. Dep't of Ed. Report* at 17-18.

¹² For example, 80 percent of the students in the D.C. voucher program attend faith-based schools. *2010 U.S. Dep't of Ed. Report* at 17-18.

improvements that would help far more children and families. For example, the funds could be transferred to the budget line items for Impact Aid for Students with Disabilities or Impact Aid for Students with Severe Disabilities, or could be used to staff the Office of Support for Military Families with Special Needs.

Accordingly, we oppose the creation of this voucher and respectfully ask that you remove it from the National Defense Authorization Act for Fiscal Year 2011.

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 Civil Liberties Union (ACLU)
American Federation of Teachers
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
Center for Inquiry
Christian Education Ministry of Disciples Home Missions, Christian Church (Disciples of Christ)
Council for Exceptional Children
Disciples Justice Action Network
Equal Partners in Faith
Family and Children's Ministries, Disciples Home Missions, Christian Church (Disciples of Christ)
Interfaith Alliance
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 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
Secular Coalition for America
Union for Reform Judaism
United Church of Christ Justice & Witness Ministries
Women of Reform Judaism