

# The National Coalition *for* Public Education

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August 7, 2009

The Honorable Carl Levin  
Chairman  
Senate Armed Services Committee  
228 Russell Senate Office Building  
Washington, D.C. 20510-6050

The Honorable Ike Skelton  
Chairman  
House Armed Services Committee  
2120 Rayburn House Office Building  
Washington, D.C. 20515

Re: Conferees Should Strike Section 535 from HR 2647, the National Defense Authorizations Act for Fiscal Year 2010

Dear Chairman Levin and Chairman Skelton:

The undersigned members of the National Coalition for Public Education (NCPE) write to **ask the members of the Conference Committee on the National Defense Authorizations Act for Fiscal Year 2010 (HR 2647) to strike Section 535 of the bill.** Section 535, which was passed only by the Senate, would authorize a study of private school vouchers for military families. Yet vouchers already have proven ineffective at improving student academic achievement and public education. At a time when Congress and the President have urged the elimination of wasteful government programs, we urge you to reject mandating a government study aimed at justifying the creation of a school voucher program when such school voucher schemes have already proven unsuccessful.

Studies of voucher schemes in Milwaukee, Cleveland, and the District of Columbia have shown that vouchers provide no significant improvement of student academic achievement.<sup>1</sup> For example, all three of the congressionally mandated Department of Education studies of the D.C. voucher program have concluded that the voucher program has had no effect on the academic achievement of the target students—students from “schools in need of improvement”—and no effect on students overall in math.<sup>2</sup> These federal studies further found that the voucher program had no significant effect on student satisfaction, motivation, or engagement, or on student views on school safety.<sup>3</sup> And, they revealed that many of the students in the voucher program were actually less likely to have access to

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<sup>1</sup> See e.g., US Dep’t of Educ., *Evaluation of the DC Opportunity Scholarship Program: Impacts After Three Years* (April 2009) (2009 US Dep’t of Educ. Report) (showing no improvement in the third year for students from “schools in need of improvement” or in math overall); US Dep’t of Educ., *Evaluation of the DC Opportunity Scholarship Program: Impacts After Two Years*, 12 (June 2008) (2008 US Dep’t of Educ. Report) (showing no improvement in the second year for students overall in reading or math); US Dep’t of Educ., *Evaluation of the D.C. Opportunity Scholarship Program: Impacts After One Year* (June 2009) (2007 US Dep’t of Educ. Report) (showing no improvement in the second year for students overall in reading or math); Witte, Wolf, et al., *MPCP Longitudinal Educational Growth Study Second Year Report* (Mar. 2009) (demonstrating that voucher students showed no significant improvement in reading or math when compared to similarly situated public school students); Witte, *Achievement Effects of Milwaukee Voucher program* (Feb. 1997); Witte, Stern, & Thorn, *Fifth Year Report Milwaukee Parental Choice Program* (Dec. 1995) (same); Plucker, Muller, et al., *Evaluation of the Cleveland Scholarship and Tutoring Program, Summary Report 1998-2004* (Feb. 2006) (same); *Evaluation of the Cleveland Scholarship and Tutoring Program, Executive Report 1998-2002* (Dec. 2003) (same).

<sup>2</sup> 2009 U.S. Dep’t of Ed. Report at xviii, xxvi, xxiv-xxx, 35, & 40; 2008 U.S. Dep’t of Ed. Report at 34-38; & 2007 U.S. Dep’t of Ed. Report at 44, 46, xviii, & xx.

<sup>3</sup> 2009 US Dep’t of Ed. Report at xxvi, xviii, 35, 40, 44-45, & 49-50; 2008 US Dep’t of Ed. Report at 42-43, 50, & 57; & 2007 US Dep’t of Ed. Report at xix & 1-4.

key services—such as ESL programs, learning support and special needs programs, and counselors—than students who were not part of the program.<sup>4</sup>

Vouchers do nothing to improve education for all students or improve our public education system. For example, rather than helping to ensure that there is a qualified teacher in every public school classroom, that public school teachers receive continuing professional development, or that schools engage in efforts to attract and retain well qualified teachers for our public school students, voucher schemes pay for students to attend schools that lack the teacher quality requirements and “No Child Left Behind” standards currently placed on public schools.<sup>5</sup> Private schools do not have to accept students with disabilities and even if they do accept them, under the Individuals with Disabilities Education Act (IDEA) and state regulations, these students are only entitled to receive a proportionate share of the comprehensive educational and related services they would have received in public school and thus, may not receive all the educational supports that are essential to ensuring their progress in school. Indeed, many private schools that accept vouchers fail to provide the services that students with disabilities need.<sup>6</sup> Essentially, voucher schemes pull select children (and government funds) out of the public school system so that they can be educated at schools that have less, if any, accountability to the taxpayers and protections for students. Instead of funding studies of programs that help a few students attend schools less accountable to the public, Congress should study real reforms that would improve public schools.

Vouchers also have the potential of seriously affecting public school districts serving military dependent students, as any loss of students would result in a loss of Impact Aid funding, a program that currently funds on average only slightly over 60% of a district’s need. Because a district’s funding is based on the percentage of federal students, any reduction in students would translate into reduced payments, putting an even greater burden on the communities served by federally connected districts.

In addition, vouchers would not provide “school choice” to military families. Instead, the “choice” would go to private schools, which retain the ability to pick and choose among student applicants. Private voucher schools take government funds but maintain the ability to apply their admission standards, allowing them to reject students based on such criteria as prior academic achievement and gender.

Private and religious schools also 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. This specificity in language allows private institutions to discriminate on the basis of religion, gender, disability and language proficiency. In addition, private and religious schools can discriminate against a student in access to classes, guidance counseling, extracurricular activities, and other aspects of education.

Furthermore, most vouchers do not cover the full tuition of private schools. Thus, only military families who could cover the difference between the voucher amount and the tuition could actually use

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<sup>4</sup> 2009 U.S. Dep’t of Ed. Report at xxii, & 17; 2008 U.S. Dep’t of Ed. Report at xvii, & 16; 2007 U.S. Dep’t of Ed. Report at 21.

<sup>5</sup> For example, the United States Government Accountability Office found that “at least 3 of 52 schools that participated [in the D.C. voucher program in 2004-05] indicated that at least half of their teachers did not have at least a bachelor’s degree, and 6 schools indicated that about 10 to 20 percent of their teachers lacked at least a bachelor’s degree.” 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 34 (Nov. 2007) (GAO Report).

<sup>6</sup> According to the 2007 Department of Education study of the D.C. voucher program, 21% of the students who were offered but rejected a school voucher did so because they were “unable to find a participating school that offered services for their child’s learning or physical disability or other special needs.” 2009 US Dep’t of Educ. Report at 22-23. In addition, students participating in the D.C. voucher program were less likely to have access to “learning support and special needs programs.” 2009 US Dep’t of Educ. Report at xxii & 17; 2008 US Dep’t of Educ. Report at xvii & 16.

the voucher. Vouchers, therefore, do not guarantee that a student will actually be able to attend a private school, let alone the school of his or her choice.<sup>7</sup>

Finally, we would like to note that voucher programs continue to raise significant religious liberty problems under the First Amendment of the Constitution. This is both because voucher programs predominately fund religious schools and education<sup>8</sup> and because religious voucher schools are often permitted to discriminate in hiring on the basis of religion and gender in student admission, allowing taxpayer money to fund religious discrimination.<sup>9</sup>

Vouchers are clearly not the right solution to ensure every student, including students from military families, the highest quality education. Thus, Congress should not waste government funds studying the use of vouchers. Instead, Congress should fund or study real education reform—education reform that improves the education of all students— rather than spending public funds to provide vouchers for a few students. Accordingly, we ask you to remove Section 535 from the conference report on National Defense Authorizations Act for Fiscal Year 2010.

Sincerely,

American Association of School Administrators  
 American Association of University Women (AAUW)  
 American Association of University Women, Washington D.C. Branch  
 American Civil Liberties Union  
 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  
 Council of the Great City Schools  
 Interfaith Alliance  
 National Association of Elementary School Principals  
 National Association of Secondary School Principals  
 National Association of State Directors of Special Education  
 National Education Association  
 National Rural Education Advocacy Coalition  
 National School Boards Association  
 People For the American Way  
 Secular Coalition for America

<sup>7</sup> For example, the 2008 Department of Education study of the D.C. voucher program shows that 46% of the students offered a voucher in the first two years of the program did not use it at all or gave it up after attending a voucher school. *2008 US Dep't of Educ. Report* at xvii. Of those, 29% claimed there was a lack of space in the school the parents wanted the child to attend. *Id.* 17% claimed the participating voucher schools couldn't serve the needs of the child's learning or physical disability. *Id.*

<sup>8</sup> For example, the percentage of students participating in the D.C. voucher program who attended a faith-based school was 82% in year one, 77% in year two, and 82% in year three. *2009 U.S. Dep't of Ed. Report* at 16; *2008 U.S. Dep't of Ed. Report* at 14; *2007 U.S. Dep't of Ed. Report* at 19.

<sup>9</sup> *See, e.g.*, P.L. 108-199 Stat. 3 (2004) (allowing religious schools participating in the D.C. voucher program to discriminate in hiring on the basis of religion and in admission on the basis of gender).

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Union for Reform Judaism  
United Church of Christ Justice and Witness Ministries

cc: Members of the House and Senate Armed Services Committees