



November 3, 2015

Senator Ron Johnson
Chairman
Senate Committee on Homeland Security and Governmental Affairs
U.S. Senate
Washington, D.C. 20510

Senator Thomas Carper
Ranking Member
Senate Committee on Homeland Security and Governmental Affairs
U.S. Senate
Washington, D.C. 20510

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ROBERT REMAR
TREASURER

RE: Hearing re: D.C. Opportunity Scholarship Program

Dear Chairman Johnson and Ranking Member Carper:

On behalf of the American Civil Liberties Union (ACLU), we write in advance of this week's committee hearing entitled "The Value of Education Choices for Lower-Income Families: Reauthorizing the D.C. Opportunity Scholarship Program" to explain why we oppose this program and efforts in Congress to reauthorize it. Specifically, we are opposed to S. 2171, the Scholarships for Opportunity and Results (SOAR) Reauthorization Act.

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 studies¹ have concluded that the program has failed to improve educational outcomes for participating students, and two U.S. Government Accountability Office reports have also identified its repeated management and accountability failures.²

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 – but only 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 improve reading or math

¹ 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*).

² 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].

achievement.³ The studies further found that the voucher program had no effect on student satisfaction, motivation or engagement, or student views on school safety.⁴ 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.⁵ 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 are opposed to the SOAR Reauthorization Act (S. 2171).

Sincerely,



Karin Johanson
Director, Washington Legislative Office



Ian Thompson
Legislative Representative

Cc: Senate Committee on Homeland Security and Governmental Affairs

³ *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.

⁴ *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.

⁵ *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.