

December 14, 2020

RE: Oppose Public Funds for Private Schools

Dear President-Elect Biden and Vice President-Elect Harris:

We write as members of the National Coalition for Public Education (NCPE), a coalition of national organizations dedicated to supporting public schools and opposing private school vouchers in any form. Open and nondiscriminatory in their acceptance of all students, our public schools, which serve the vast majority of our nation's students, are a unifying factor among diverse communities in our society. We thank you for your long-standing commitment to supporting public education and look forward to working with your administration to ensure that public dollars fund public schools.

Led by Secretary of Education Betsy DeVos, the Trump administration has been brazen in its intent to privatize public education. To protect our public school system, the Biden administration must reverse course and rescind guidance, policies, and grant priorities that encourage federal funding for private school voucher programs. In particular, we urge your administration to oppose funding private schools through the next COVID relief legislation, phase out the DC voucher program, and support regulatory changes to close tax loopholes that incentivize funding for private schools through state tax credit voucher programs.

### **Private School Vouchers Undermine Our Public Schools**

Private school voucher programs undermine our nation's public schools by diverting desperately needed resources away from the public school system to fund the education of a few, select students in private, often religious, schools.

Voucher programs have proven ineffective in improving students' academic achievement,<sup>1</sup> lack accountability,<sup>2</sup> and fail to provide students with the rights and protections they would receive in public schools.<sup>3</sup> Voucher programs are also insufficient in providing adequate services for students

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<sup>1</sup> E.g., Jonathan N. Mills & Patrick J. Wolf, Univ. of Ark., [The Effects of the Louisiana Scholarship Program on Student Achievement After Four Years](#) (Apr. 2019); Megan Austin et. al., Russell Sage Found. J. of the Social Sciences, [Voucher Pathways and Students Achievement in Indiana's Choice Scholarship Program](#) (2019); David Figlio & Krzysztof Karbownik, Fordham Institute, [Evaluation of Ohio's EdChoice Scholarship Program: Selection, Competition, and Performance Effects](#) (July 2016); U.S. Dep't of Educ., [Evaluation of the DC Opportunity Scholarship Program: Impacts Three Years After Students Applied](#) (May 2019).

<sup>2</sup> E.g., U.S. Gov't Accountability Office, GAO-16-712, [Private School Choice Programs Are Growing and Can Complicate Providing Certain Federally Funded Services to Eligible Students](#) (2016); U.S. Gov't Accountability Office, GAO-13-805, [District of Columbia Opportunity Scholarship Program: Actions Needed to Address Weaknesses in Administration and Oversight](#) (2013).

<sup>3</sup> Julie F. Mead & Suzanne E. Eckes, Nat'l Educ. Policy Ctr., [How School Privatization Opens the Door for Discrimination](#) (Dec. 2018); Bayliss Fiddiman & Jessica Yin, Ctr for Amer. Progress, [The Danger Private School Voucher Programs Pose to Civil Rights](#), (May 13, 2019).



most in need, including students with disabilities, low-income students, and students who are English learners.

Private school voucher programs have a sordid history, rooted in attempts to evade desegregation orders in the wake of *Brown v. Board of Education*,<sup>4</sup> and they still fund discrimination today. Unlike public schools, which are open to all students, private schools accepting vouchers often deny students admission or expel them for a number of reasons, including based on their religion, sexual orientation, gender identity, academic abilities, disciplinary history, disability, or ability to pay tuition. Private schools also do not provide the same rights and protections for students including those in federal civil rights laws such as in Titles IV and VI of the Civil Rights Act, Title IX of the Education Amendments Act of 1972, the Individuals with Disabilities Education Act, and Title II of the Americans with Disabilities Act. And students who attend private schools do not have the same free speech and religious freedom protections under the First Amendment, the same due process or other constitutional and statutory rights guaranteed to them as in public schools, or the same clear systems for oversight, reporting violations, or enforcing penalties for noncompliance as children and families attending public schools.

### **The Biden Administration Must Prioritize Funding for Public Schools, Not Private Schools**

Secretary DeVos's Department of Education adopted a strategic plan that included "expand[ing] school choice" as its top priority. It followed through on that promise, adopting priorities to promote education privatization and inserting private school vouchers into existing grant programs; promoting legislation that would have authorized the Education Freedom Scholarship program, a federally funded tax credit voucher program; advocating to expand the DC voucher program; and supporting a private school voucher program for military-connected students. The Department also recently manipulated the CARES Act in many ways, including creating a "microgrants" voucher program, attempting to funnel additional federal funding to private schools through the equitable services provision before federal courts blocked that effort, and allowing governors in some states to misuse funding from the Governor's Emergency Education Relief (GEER) fund to prop up their existing private school voucher programs.

The Biden administration should make public schools its top priority and oppose private school vouchers.

### **The Biden Administration Must Support Public Schools in the Next COVID Relief Package**

COVID-19 relief legislation introduced in the 116th Congress and supported by the Trump administration would fund private schools with federal funds—both through direct grants and

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<sup>4</sup> Chris Ford, et al., [The Racist Origins of Private School Vouchers](#), Ctr. for Am. Progress (July 12, 2017).

through tax credit voucher programs. The Trump administration continues to push for vouchers even though Congress has already provided billions of dollars to private schools through the Paycheck Protection Program as part of the CARES Act.<sup>5</sup> We recognize the hardship many students and families are currently facing as a result of the COVID-19 pandemic. It is during this challenging time, however, that the federal government should focus on providing more resources to our public schools and public school educators, which serve the vast majority of our nation's students, particularly students from under-resourced communities and students of color, rather than siphoning limited resources to private schools.

The Biden administration should support a COVID-19 relief bill that includes federal funding for public schools, not private schools.

### **The Biden Administration Must Zero Out Funding for the DC Voucher Program**

The DC private school voucher program is the only federally funded private school voucher program. It began as a pilot program in 2004, but continues to exist; in fact, it was recently reauthorized, with support from the Trump Administration, through FY 2023 despite evidence that the program is ineffective. For example, multiple Congressionally mandated Department of Education studies of the DC voucher program have demonstrated that the program does not improve the academic achievement of students in the program.<sup>6</sup> And, reports conducted by the Government Accountability Office document that the DC voucher program has repeatedly failed to meet basic and even statutorily required accountability measures.<sup>7</sup> A special investigation conducted by the *Washington Post* also found that many of the private schools in the program are not quality schools.<sup>8</sup>

The federal government should not allocate millions of taxpayer dollars to an unsuccessful and poorly managed program. The Biden administration should phase out the DC voucher program.

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<sup>5</sup> Samantha Sokol, et al., Ams. United for Separation of Church & State, [The Paycheck Protection Program Has Provided Billions in Federal Funds to Private and Religious Schools](#), 5 (Jul. 29, 2020). Under PPP, private schools received between \$2.67 billion and \$6.47 billion, with some private schools receiving millions more in federal dollars under the PPP program than the entire public school district in which they are located received under the CARES Act.

<sup>6</sup> 2019 U.S. Dep't of Educ. Report; U.S. Dep't of Educ., [Evaluation of the D.C. Opportunity Scholarship Program: Impacts Two Years After Students Applied](#) (June 2018) (2018 U.S. Dep't of Educ. Report); U.S. Dep't of Educ., [Evaluation of the D.C. Opportunity Scholarship Program: Impacts After One Year](#) (June 2017) (2017 U.S. Dep't of Educ. Report); U.S. Dep't of Ed., [Evaluation of the D.C. Scholarship Program: Final Report](#) (June 2010) (2010 U.S. Dep't of Educ. Report); U.S. Dep't of Ed., [Evaluation of the D.C. Scholarship Program: Impact After 3 Years](#) (Apr. 2009) (2009 U.S. Dep't of Educ. Report); U.S. Dep't of Ed., [Evaluation of the D.C. Scholarship Program: Impact After 2 Years](#) (June 2008) (2008 U.S. Dep't of Educ. Report); U.S. Dep't of Ed., [Evaluation of the D.C. Scholarship Program: Impact After 1 Year](#) (June 2007) (2007 U.S. Dep't of Educ. Report).

<sup>7</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) (2013 GAO Report); U.S. 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) (2007 GAO Report).

<sup>8</sup> Lyndsey Layton, [D.C. School Voucher Program Lacks Oversight](#), *GAO Says*, Wash. Post (Nov. 15, 2013).

## **The Biden Administration Must Strengthen Regulations Governing Donations to State Tax Credit Voucher Programs**

In 2019, the IRS issued a final rule that was a major step toward closing down a tax shelter that allowed taxpayers to financially benefit from donations to state tax credit voucher programs.<sup>9</sup> The regulations, however, still contain a loophole that could allow certain businesses to continue to turn a profit by donating to state tax credit voucher programs. We urge this administration to revise the regulation to ensure that no donor may receive inappropriate tax benefits by donating to private school voucher programs.

### **Conclusion**

We welcome the opportunity to work together to strengthen our country's public schools and oppose private school voucher programs. For more information about our coalition, contact NCPE co-chairs Maggie Garrett at [garrett@au.org](mailto:garrett@au.org) and Sasha Pudelski at [spudelski@aasa.org](mailto:spudelski@aasa.org).

Sincerely,

AASA, The School Superintendents Association  
African American Ministers In Action  
American Atheists  
American Federation of State, County, and Municipal Employees (AFSCME)  
American Federation of Teachers  
American Humanist Association  
Americans United for Separation of Church and State  
Anti-Defamation League  
The Arc of the United States  
Association of Educational Service Agencies  
Association of School Business Officials International (ASBO)  
Baptist Joint Committee for Religious Liberty (BJC)  
Center for Inquiry  
Central Conference of American Rabbis  
Clearinghouse on Women's Issues  
Council for Exceptional Children  
Council of Administrators of Special Education  
Council of Great City Schools  
Feminist Majority Foundation  
Freedom From Religion Foundation  
GLSEN  
Hindu American Foundation  
In the Public Interest

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<sup>9</sup> Contributions in Exchange for State or Local Tax Credits, 84 Fed. Reg. 27,513 (Jun. 16, 2019) (to be codified at 26 C.F.R. pt. 1).

Interfaith Alliance  
Learning Disabilities Association of America  
NAACP  
National Association of Elementary School Principals  
National Association of Federally Impacted Schools  
National Association of Secondary School Principals  
National Association of School Psychologists  
National Center for Learning Disabilities  
National Council of Jewish Women  
National Disability Rights Network (NDRN)  
National Education Association  
National PTA  
National Rural Education Advocacy Collaborative  
National Rural Education Association  
National School Boards Association  
Network for Public Education  
Pastors for Children  
People For the American Way  
Public Funds Public Schools  
Secular Coalition for America  
SPLC Action Fund  
Union for Reform Judaism  
Women of Reform Judaism