

## **Reject the “CHOICE Act” Private School Voucher Amendment to the NDAA**

### **Vouchers for military-connected students erode military students’ protections & threaten their educational opportunities in public schools**

An amendment based on HR 691, the “Creating Hope and Opportunity for Individuals and Communities through Education” (CHOICE) Act, would establish a pilot voucher program for the children of military personnel who live on military installations.

Military-connected families should not be forced to choose between sending their child to an under-resourced local school or opting into an untested voucher scheme with unregulated private schools.

#### **This Amendment Would Hurt the Majority of Military Students in Public Schools**

- Supporting military families is a top priority for our school districts, whose leaders understand that education is a quality of life issue for military families. School districts with significant numbers of military dependents understand their unique challenges, particularly related to parental deployment and mobility, and offer the academic and emotional supports necessary to support these students, including educational programs, counseling, and other programs specifically designed for military students. Further, these public school districts are often considered part of the military community. School and installation leadership work closely together to support military students. This includes school liaison officers and school transition specialists. In some communities, military leaders serve as ex-officio members of the school board. Private schools educating a few military-connected students may not be well-equipped to provide similar services, including peer support, and they are not integrated into the military community in the same way.
- The Military Interstate Children’s Compact is an agreement among the 50 states that “addresses key educational transition issues encountered by military families including enrollment, placement, attendance, eligibility and graduation.”<sup>1</sup> Students leaving their assigned school to attend a private school with this voucher would not necessarily be covered by the provisions of the Compact, since it applies only to public schools.

#### **Vouchers for Highly Mobile Students Are Impractical**

- Military children will, on average, attend between six and nine schools from grades K-12.<sup>2</sup> The high mobility rate of this population makes the implementation of a voucher impractical for both students and school districts. The installation-based lottery system and immediate loss of the voucher if a family is relocated to a different installation will make it difficult to maintain educational continuity for that child, implement the program, and account for federal dollars. Given how mobile military families are, it will be especially difficult to ensure that dollars are captured and recouped when students leave a school year mid-year.

#### **Even If Not Funded with Impact Aid, Vouchers for Military Students Would Reduce Impact Aid Funding**

- Even though this legislation is not funded with Impact Aid, it will have a negative effect on Impact Aid funding. The Impact Aid program provides funding to public school districts based on the number of military-connected children enrolled, those living on and off the installation. Reducing these funds as a result of students leaving to participate in a voucher program would reduce the ability of public schools to

---

<sup>1</sup> Military Interstate Children’s Compact Commission: <http://mic3.net/pages/About/about.aspx>

<sup>2</sup> National Military Family Association: <http://www.militaryfamily.org/get-info/military-kids/education/>

provide a high-quality education to the students they serve, including military connected students who remain in public schools.

### **Funds Are Better Spent on the Impact Aid Program, Rather Than a New Voucher Program**

- Under the amendment, ten million dollars is authorized for each of the five years of the pilot program. Consider that Impact Aid has not been fully funded since 1969 and current funding levels are meeting only 56-percent of need. A better use of these dollars would be to fully fund Impact Aid. A \$50 million investment in the Impact Aid program over five years would go a long way toward restoring the erosion of funds due to stagnant appropriations, ease the burden on local taxpayers and ultimately benefit all students, including military connected students, in the school district.

### **This Amendment Would Not Practically Increase Educational Choices for Families**

- Families already have the option to homeschool or choose an alternative school for their children, whether or not they reside on or off a military installation. Children aren't assigned to a school district and families don't have to live on a military installation. They can choose to live anywhere in the community.
- Furthermore, there's no guarantee that if a family wants to use a voucher to attend a private school that the private school will choose to educate their child. Private schools can reject students for a variety of reasons: academics, religion, disability status, inability to pay full tuition, lack of transportation, discipline history, language proficiency, LGBT status, etc. In addition, most vouchers do not cover the full cost of attending a private school. There are no guarantees that the private school would pick up the difference in cost between the voucher and the cost of educating students, including students with disabilities, leaving the remainder up to the family.

### **This Amendment Would Privilege Those Students Living on Military Installations**

- Eligible students covered by this legislation are those who attend public schools and currently live on military installations selected to participate in the voucher program. In most cases, families are not forced to live on military installations; they choose to do so because it offers more convenience, better housing quality, or the quality of the schools, etc. Many families may want to live on the installation, but there's a waiting list. The Secretary of Defense would need to determine a process for random selection (lottery) if there are more applications than funding. Further, what kind of signal does it send civilian students and military students not in the voucher program who attend schools DoD deems to be of low quality? This educational divide would undermine military cohesion among those serving as well weaken the bonds between the military and civilian community.

### **Private School Vouchers Strip Students of the Rights and Protections They Have in Public Schools**

- Private schools that receive voucher students do not enforce all federal civil rights laws, adhere to religious freedom protections provided under the First Amendment of the U.S. Constitution, or face the same public accountability standards that all public schools must meet, including those in Title IX, IDEA, and ESEA.<sup>3</sup>
- Students with disabilities who elect to use a voucher to attend a private school forfeit their due process rights and other rights under the Individuals with Disabilities Education Act (IDEA). By accepting a voucher, the family waives a student's rights to a Free Appropriate Public Education (FAPE) that is tailored to their individual needs, procedural safeguards, and other protections in IDEA.

### **This Amendment Would Place the Responsibility for Implementation on the Department of Defense**

- Many school districts provide excellent educational opportunities for children. The presumption is that alternative institutions are better equipped to meet the educational needs of students than public schools; but that is often not the reality. The bill does not delineate the criteria that would be used to select the installations for the pilot program. What data would be used to demonstrate certain public schools serving

---

<sup>3</sup> National Coalition for Public Education (NCPE) letter to Senate HELP Committee, January 26, 2015.

military-impacted communities are not meeting students' needs, and is it appropriate for the Department of Defense to rate schools?

- The tracking of educational expenses by the Department of Defense is a completely new responsibility for the agency and will take considerable time and oversight. Ensuring families use the funds appropriately for educational expenses (tuition, fees, transportation), verifying that the private schools receiving federal funds are accredited or licensed by the state, and recouping funding from families or institutions when families change locations or leave the military will all be new and onerous responsibilities for the DoD. For example, the DoD would have a responsibility to taxpayers to recoup fraudulent uses of funds. How will the Department do this?

#### **This Amendment Lacks Accountability Measures**

- Private school voucher programs offer little accountability to taxpayers because they usually do not require participating private schools to comply with the same teacher standards, curriculum, reporting, and testing requirements as public schools. Indeed, the report required under the CHOICE Act legislation provides no way of determining whether or not the program has a positive effect on the performance of participating students. Unlike the D.C. voucher program which receives federal funds, students who receive vouchers to attend private schools are not subject to any state testing. There is no way to know whether their educational outcomes are improving as a result of their participation in this voucher program. As such, there is no way to evaluate the program's educational effectiveness.

#### **This Amendment Would Undermine Department of Defense Objectives**

- Under Secretary Mattis, there has been a concerted effort to streamline operations and focus on readiness. The new costs that would be required to administer this program, even if supplemented with money from the Department of Education, runs counter to the goals of the agency.

#### **Pilot Programs Rarely Remain Pilot Programs, They Often Are Continued and Expanded**

- Although this voucher program will begin as a five-year pilot program for a select few military installations, it is clear that the goal is to expand the program fully. When a similar amendment to create a five-year pilot program for military students was voted on during the markup of NDAA FY 2012, Rep. Randy Forbes (R-VA) vocally opposed the amendment noting that pilot programs inevitably turn into permanent programs: "Once this gets into law, nobody is going to want to repeal it."<sup>4</sup> Indeed, the DC voucher program, which was originally enacted as a pilot program in 2003, continues to be in operation 15 years later. In addition, the voucher program administrator is now asserting that it will require increased funding each year to maintain the students currently in the program.<sup>5</sup> It is equally unlikely that this program would truly be limited in scope.

---

<sup>4</sup> H. Comm. On Armed Services, 112th Cong. (May 11, 2011) (statement of Rep. Forbes).

<sup>5</sup> Emily Wilkins, [Boehner-Championed D.C. School Voucher Program Could Face Cuts](#), Bloomberg Government (May 2, 2018).