

The logo for the National Coalition for Public Education (NCPE) features the acronym "NCPE" in a bold, blue, sans-serif font. The letters are contained within a purple rectangular border that has a stylized, bracket-like shape on its right side.

NCPE

**National Coalition for
PUBLIC EDUCATION**



Opposing Private School Vouchers: A Toolkit for Legislators and Advocates

February 2023

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Who We Are

Founded in 1978, the [National Coalition for Public Education](#) (NCPE) comprises more than 50 education, civic, civil rights, and religious organizations that support the use of public funds for public schools. NCPE opposes funneling taxpayer money to private and religious schools through private school voucher schemes.

For more information on our membership, see our most recent [sign-on letters](#).



Why We Made This Toolkit

This toolkit is designed as a resource to help legislators and pro-public education advocates oppose attempts to create new or expand existing private school voucher programs.

In recent years, a network of anti-public-education politicians and lobbying groups has been emboldened in its push for private school vouchers. Billionaires like the DeVoses, including former Education Secretary Betsy DeVos, the Kochs, and the Waltons are spending hundreds of millions of dollars on these campaigns.¹ These funders are using their war chests to lobby for voucher bills in state legislatures, contribute to the political campaigns of pro-voucher candidates, and seed astroturf petition drives to put vouchers on the ballot.²

As we defend public education in an increasingly hostile landscape, we hope that this toolkit will provide advocates with the facts to effectively counter pro-voucher legislation and campaigns.



Types of Private School Vouchers

Private school vouchers can take many forms, but they all are designed to fund private schools with public dollars. The most common forms of private school voucher schemes are:

Vouchers

Sometimes called “scholarships,” vouchers are taxpayer dollars used to pay for private school tuition. The government writes a check for tuition at a private school.

Education savings accounts (ESAs) vouchers

ESAs are vouchers by another name. Rather than giving the taxpayer funds directly to the private school like traditional vouchers, the government deposits taxpayer funds into an account that parents can use to pay for private educational expenses. They primarily fund tuition at private schools but sometimes even fund homeschooling or extracurricular activities. ESA schemes provide little to no accountability as to how funds are spent, often resulting in widespread waste, fraud, and abuse.

Tuition tax credits (TTCs) / Tax credit vouchers

Under this scheme, individuals or corporations receive a tax credit in exchange for giving money to an intermediary organization, often called a “scholarship granting organization” or “SGO.” Then, the SGO writes a check for tuition at a private school. In short, rather than collecting taxes and then giving a portion to a private school through a conventional voucher, the government forgoes those tax dollars so long as they go to a private school through a TTC voucher. Like ESAs, TTC schemes are susceptible to accountability problems. They divert taxpayer dollars through SGOs that are unaccountable to taxpayers and even public officials.

Fast Facts:

How School Vouchers Harm Students, Schools, & Communities

Private school vouchers take many names, including “scholarship” programs, tuition tax credits, education savings accounts, and portability plans. Regardless of what they are called, they use public dollars to fund private schools and divert scarce resources away from the public education system that serves 90% of American children.



Private school vouchers undermine public schools by diverting desperately needed resources away from the public school system, which accepts all students, to fund the education of a few, select voucher students. Given the fiscal constraints at the federal, state, and local level, we simply cannot afford to fund two different education systems—one public and one private—on our taxpayers’ dime.



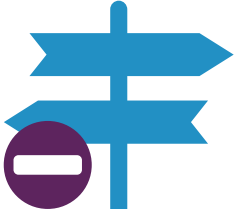
Private school vouchers do not save taxpayer money. In voucher programs, the public schools from which students leave for private voucher schools are spread throughout a school district. The reduction in a few students from each public school, therefore, does not decrease operating costs like building maintenance and transportation. But it does decrease the amount of money the public school has to spend. That is one of the reasons why some voucher programs have resulted in multi-million dollar deficits and tax increases.



Private school vouchers do not improve academic achievement. Repeated studies of voucher programs across the country show that vouchers do not result in better test scores for students, and, in many states, have led to declines in academic achievement.



Private school vouchers do not lead to improvements in public schools. There are many proven ways to improve public schools such as reducing class sizes, offering a well-rounded curriculum, and increasing parental engagement. Resourcing our neighborhood public schools so that students have inviting classrooms, well-trained teachers, and support services such as health care, nutrition, and afterschool programs will ensure our children can compete in the global economy. Vouchers do not fund any of these improvements, and in fact, make it harder for public schools to implement them.



Private school vouchers do not offer real choice. Vouchers give a choice to private schools, rather than parents and students. Voucher programs are governed by different laws in different states, but most allow private schools to accept taxpayer dollars but still reject students with vouchers for a variety of reasons, ranging from disability to ability to pay. And even with vouchers, most parents still cannot afford the full cost of attending a private school.



Private school vouchers fail to provide accountability to taxpayers. Most voucher programs lack accountability measures, and according to studies of voucher programs, many also lack proper oversight to ensure they meet even the minimal standards that do exist.



Private voucher schools do not provide students with the same rights and protections they would otherwise have in public schools, such as those in Title VI, Title IX, the Individuals with Disabilities Education Act, Title II of the Americans with Disabilities Act, and the Every Student Succeeds Act. And students who attend private schools using vouchers are stripped of the First Amendment, due process, and other constitutional and statutory rights guaranteed to them in public schools.



Private school vouchers violate the fundamental principle of religious freedom because they pay for religious education with taxpayer funds. They also threaten the autonomy of religious schools by opening them up to government audits, control, and interference.



Private voucher schools do not adequately serve students with disabilities, often failing to admit them or provide them the same quality and quantity of services available to students in public schools, including those mandated under each student's individualized education program (IEP).



Private school vouchers do not adequately serve low-income students because the cost of tuition and fees at schools that accept vouchers generally exceeds the amount of the voucher, making voucher schools unaffordable for most low-income families.



Private school vouchers often fund poor quality schools. Because voucher programs lack accountability and oversight, vouchers often fund poor quality schools, including those that employ teachers with no credentials, operate in dilapidated buildings, lack proper facilities like restrooms, and teach questionable curriculum.

Section One:

Public Schools Are a Public Good

Top Takeaways:

- Public education serves many vital purposes: it improves communities, reduces inequalities, forges common experiences, and strengthens our democracy. Public education prepares all students to contribute to our country and serve as active citizens and voters. It is a public good, not a private consumer good.
 - Despite claims by voucher proponents that parents want to leave the public school system, a 2022 poll³ shows that Americans gave their local public schools the highest ratings in 50 years, with 54% rating their local public schools an “A” or a “B.”
 - Private school vouchers divert public resources away from the public schools to fund the education of a few students at private schools, weakening the public education system.
-

Public education serves many vital purposes in our country: it improves communities, reduces inequalities, forges common experiences, and strengthens our democracy.



Public schools serve all students, regardless of economic status, disability, religion, race, ethnicity, English fluency, sexual orientation, gender identity, immigration status, family status, or any other personal characteristic. Unlike private schools, which can pick and choose their students and often cater only to those who can afford tuition, public schools open their doors to all, free of charge. Public schools serve those students whose disabilities, English language abilities, and academic or disciplinary records make private schools unlikely to accept them. In other words, public schools are the only option that serves all children, including those at the margins, who are unable to go anywhere else. And public schools, which must remain neutral on the issue of religion, are welcoming to students of all religions and none.

Public education brings our communities together by forging common experiences among a wide range of students: 9 out of 10 American students attend public schools. While it is true that our public schools, like the communities we live in, are not entirely desegregated, our public education system is one of the institutions where we are most likely to encounter, interact with, and get to know people of different races, religions, political views, and socio-economic backgrounds. In today’s polarized environment, public schools play a more important role than ever in promoting unity.

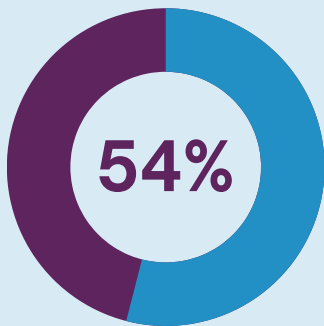
Additionally, public education is critical to create and maintain a functioning democracy. Our democracy requires citizens who are informed, engaged, and can distinguish facts from conspiracy theories. A key purpose of American public education—according to the visionary who created the public school movement, Horace Mann—was to teach students about their rights and responsibilities in our democracy.⁴

Public education is a public good, not a private consumer good. Educating all children benefits us all. Our communities prosper when all children grow up to be competent adults, get along with their neighbors, hold good jobs, and contribute to our society and shared economy. That is why all of us—including those without school-aged children and those without *any* children—pay into the system. We cannot abdicate our responsibility for educating our nation’s children to private entities that are often primarily concerned with how to make a profit, and don’t have the same obligation to the common good.

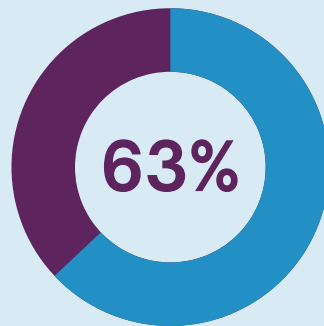


Americans Trust Local Public Schools

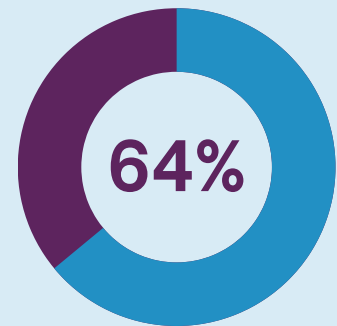
In a 2022 poll,⁵ Americans gave their local public schools the highest ratings in 50 years, with 54% rating their local public schools an “A” or a “B.” Among public school parents, satisfaction with their own children’s schools is even higher—with 64% rating their school an “A” or a “B.” Americans also have widespread trust in their local public school teachers, with 63% of adults reporting a “great deal or a good amount” of confidence in the teachers at their local public schools. Although Americans have less faith in the nation’s education system as a whole,⁶ when it comes to the local public schools their kids attend and that they experience firsthand, their confidence is the highest it has been in nearly 50 years.⁷



Americans who rate their local public schools an “A” or a “B.”



Americans who report a “great deal or a good amount” of confidence in the teachers at their local public schools.



Americans who rate their satisfaction with local public schools an “A” or a “B.”

Many voucher proponents claim that a groundswell of parents have grown frustrated since the COVID pandemic, and they are eager to abandon public education for private school vouchers. But the data does not support this narrative. Faith in local public schools has actually risen 10 percentage points since before the pandemic.⁸

Furthermore, when vouchers are on the ballot, American voters reject them, and usually by overwhelming margins. Since 1970, voters have rejected the creation or expansion of private school vouchers every time they have been proposed on ballot referenda—a total of fourteen separate instances. These voucher initiatives rarely garner even 35% of votes in their favor.⁹

When vouchers are on the ballot, they rarely earn support from even 35% of voters.



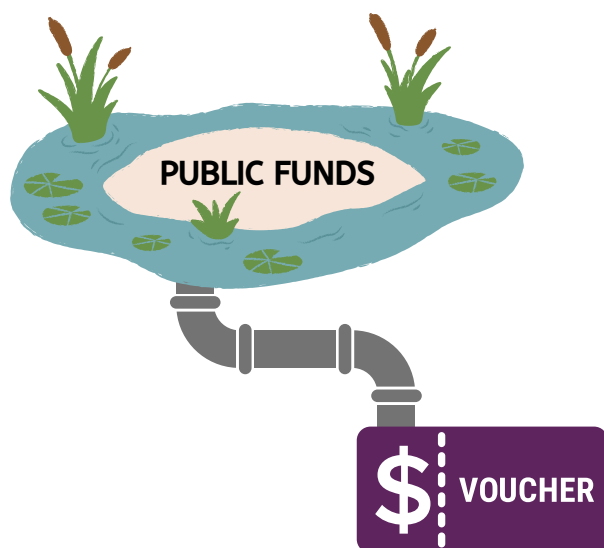
Vouchers Undermine Public Schools

Private school vouchers divert public resources away from the public school system to fund the education of a few students at private schools. Many of the costs to educate students in public schools are fixed, and therefore don't change with student enrollment. For example, if one or two students leave a public school classroom for a voucher school, the costs for facilities, teacher salary, and programs like art, athletics, and music remain mostly the same. But public schools then receive less funding, leading to a decline in available programs and services for the remaining students.



Plus, vouchers often go to students who never attended public schools in the first place. Voucher programs do not simply shift funds that would have been spent on a student's public education to pay for that same student's private education. [Data from existing voucher programs show that vouchers mostly pay tuition](#) for students who had no intention of ever attending public schools at all. This drains public education funds to subsidize private school tuition for well-off families who could afford it without money from the government.

Some argue that students need private school vouchers to escape struggling public schools. Of course, public schools face real challenges and sometimes fall short for a variety of reasons, such as inadequate funding, poorly resourced communities, shortages of qualified teachers, and the legacies of racism and segregation in America.¹⁰ But private school vouchers won't fix any of those problems. Instead, they exacerbate them, which we discuss in [Section 3](#) and [Section 4](#).



Vouchers drain resources away from public schools, harming the students who remain. Because voucher schools can refuse to admit students with disabilities, English learners, and others, these students disproportionately remain in public schools with fewer resources to serve their needs. Even the students who take the vouchers are worse off: studies show that [students who accept vouchers perform worse academically](#) than their peers.

In addition, voucher programs produce a high rate of students who are unsatisfied, exit the program, and re-enroll in neighborhood public schools.¹¹ Studies show that low-income kids, students of color, and lower scoring kids are most likely to decide to give up their vouchers and return to public schools.¹² When these students leave voucher schools, studies also show that their academic achievement improves immediately—even if they return to public schools that are not typically the highest performing.¹³

Research shows there are many proven ways to improve public schools, such as reducing class sizes, bettering school climate, increasing parental engagement, and providing support services such as tutoring, counseling, health care, nutrition, and afterschool programs.¹⁴ None of these reforms are possible if we siphon desperately needed funds away from public schools to fund vouchers.

Section Two: The Campaign to End Public Schools

Top Takeaways:

- Public education is under attack. Anti-public school advocates have a three-prong plan: first, sow mistrust in public schools; then, defund public education; and finally, replace public schools with a system of universal private school vouchers.
 - Private school vouchers would not solve the manufactured controversies about “critical race theory” (CRT) or LGBTQ equality in public schools, nor would they solve real challenges that public schools face, like learning loss due to the COVID pandemic, school safety, bullying, or lack of support for educators. Yet anti-public-education advocates continue to propose vouchers as the solution to every problem—real or imagined—in public schools.
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Voucher Proponents Are Sowing Mistrust in Public Schools

Public education is currently under fire. Anti-public-education advocates have been moving forward on their plan to shut down our public schools. Their strategy: first, they plan to sow mistrust in public schools; then, they want to defund public education; and finally, they intend to replace public schools with a system of universal private school vouchers.

According to Christopher Rufo, a leading architect of the campaign against public education, “To get to universal school choice you really need to operate from a premise of universal public school distrust.”¹⁵ Similarly, the Heritage Foundation, a leading conservative think tank, released at least four reports in 2021 and 2022 arguing that voucher advocates should “emphasize cultural problems” and offer vouchers as a solution.¹⁶



That is why anti-public-education advocates are leading an array of campaigns aimed at reducing the public’s confidence in public schools.

They are crusading against the teaching of so-called “critical race theory” (CRT)¹⁷ in public schools. They are introducing bills¹⁸ to bar any classroom discussion of diversity, gender, sexual orientation, and race, and to censor school library books. They are claiming that teaching children about principles like justice, diversity, and inclusion constitutes so-called “woke indoctrination” in public education.¹⁹ A full accounting of recent attacks on public education is too long to include here, but we respond to many of these false claims [below](#).



These campaigns are about creating “problems” that don’t exist. In fact, Rufo has admitted that the anti-CRT campaign is a ruse. In his words, “the goal is to have the public read something crazy in the newspaper and immediately think ‘critical race theory,’” and to trick people into believing that “various cultural insanities” are CRT.²¹ Rufo has said that his strategy of “Laying Siege to Institutions,” including public schools, will lead to parents having “a fundamental right to exit” our schools with school vouchers.²⁰

Policymakers are embracing this plan. Former Education Secretary and longtime-voucher champion Betsy DeVos declared that we should “liberate kids from race indoctrination with school choice”²² by giving parents the “power to take the tax dollars allocated for their child to different schools”²³—in other words, a voucher.



State lawmakers in Oklahoma introduced a bill to give vouchers to students who oppose learning about “gender or race diversity concepts,”²⁴ and in Kansas, state lawmakers proposed a voucher bill as a solution to the “problems” with diversity and inclusion initiatives in public schools.²⁵ In another example, state lawmakers in New Jersey introduced a bill to provide families a private school voucher if they wish to opt out of inclusive LGBTQ policies in public schools.²⁶ After implementing universal school vouchers in Arizona, Governor Doug Ducey, in an interview with Rufo, said that after eight unsuccessful years of pushing for private school vouchers, stoking concerns around COVID precautions, the accurate teaching of history around race, and LGBTQ-inclusive schools finally “pave[d] the way for universal school choice.”²⁷

Responding to Mistrust Campaigns

Private school vouchers would not solve the manufactured campaigns against CRT or LGBTQ equality in public schools, nor would they solve the real challenges that public schools face. Yet anti-public-education advocates continue to propose vouchers as the solution to every problem—real or imagined—in public schools.

Teaching About History, Race, and Diversity

The Claim

Voucher proponents and architects of the CRT panic argue that if parents do not want their children to be taught the accurate history of our country's struggles with race, the government should give these students a voucher to attend private schools that teach revisionist or misleading history.



The Reality

First, these controversies are not based in fact: CRT is not taught in K-12 public schools.²⁸ Yet it is no surprise that those opposed to promoting any discussion of diversity and inclusion, or truthfully teaching our nation's troubled history around race, would propose private school vouchers. Modern private school vouchers were first designed to evade desegregation orders in the wake of *Brown v. Board of Education*.²⁹ For more information about the history of vouchers and segregation, see [Section 4](#).

Those proposing a separate system of schooling for families who object to diversity are calling for a return to the policies of late-1960s, when more than 500,000 white students in the South attended private segregation academies, many with taxpayer-funded tuition vouchers.³⁰ This is wrong. All children deserve an honest and accurate education that enables them to learn from the mistakes of our past and to create a better future for our country. We should not allow voucher proponents to divert taxpayer funding from public schools to pay for a discriminatory voucher system in which private schools whitewash our history.

Inclusion of LGBTQ Students and Teachers in Schools

The Claim

Some argue that vouchers should be given to parents who do not want their children to learn about the existence of LGBTQ people, or for their children's school to provide equal access and opportunities for LGBTQ students, LGBTQ families, and LGBTQ teachers. These anti-LGBTQ advocates are demanding that students be given taxpayer-funded vouchers to attend private schools that discriminate on the basis of sexual orientation and gender identity. They are also fighting inclusive public school policies that keep transgender children safe and give them the same opportunities as everyone else. For example, New Jersey State Senate Republican Leader Steven Oroho introduced a bill to give private school vouchers to families who believe that public school curricula conflict with their beliefs about sex, sexuality, gender identity, morality, or religion.³¹



The Reality

Like the CRT panic, anti-LGBTQ-equality campaigns are based on falsehoods: LGBTQ children and teachers are valued members of our communities, schools, and families—not a threat. These campaigns target LGBTQ children for bullying and mistreatment simply because of who they are, using these children as scapegoats to undermine public education.

It is, therefore, no surprise that those attacking LGBTQ children, families, and teachers in public schools would propose private school vouchers. Discrimination against LGBTQ children in voucher programs is widespread. Some private voucher schools teach anti-LGBTQ curriculum³² and promote harmful conversion therapy for LGBTQ students.³³ LGBTQ students who attend private, religious schools experience the highest instances of anti-LGBTQ policies and practices at their schools, with 95.9% reporting such discrimination.³⁴ The government should not fund these discriminatory schools with taxpayer dollars. For more information about discrimination against LGBTQ students in voucher programs, see [Section 4](#).



Learning Loss Due to COVID-19

The Claim

Voucher proponents claim that vouchers will improve academic achievement after losses caused by remote learning and building closures. For example, Wisconsin State Rep. Barbara Dittrich pushed an expansion of the state’s voucher program in order to “accelerate educational recovery” after “closures and difficulties with online learning have left children in educational peril.”³⁵



The Reality

While it is true that the pandemic has had devastating impacts on students’ learning,³⁶ the effect of voucher programs on students’ learning has proven to often be even worse than the pandemic. The impact of vouchers in Ohio and Louisiana caused a larger reduction in students’ math scores than those caused by the COVID pandemic. Other voucher programs in Washington, DC, and Indiana caused slightly less severe but still devastating decreases in math scores. [See Figure 1 for these comparisons.](#)

School Safety

The Claim

After tragic school shootings, some voucher proponents claim that vouchers will solve America’s gun violence epidemic by getting kids out of public schools.³⁷



The Reality

There is a deep well of research³⁸ showing that common-sense gun safety reforms are the answer—and there is no research directly linking vouchers to a reduction in gun violence. Plus, private school vouchers drain desperately needed taxpayer money away from public schools and funnel it to private schools. This undermines our ability to support public schools and allocate resources to solutions that do reduce violence, like secure, well-maintained facilities, counseling, crisis intervention, and emergency planning.³⁹

Bullying

The Claim

Voucher proponents claim that vouchers will allow kids who are bullied in public school to escape to a private school, where they claim they will be safe from abuse and harassment. For example, Florida’s “Hope Scholarship”⁴⁰ provides public school students who are bullied a voucher to attend a private school instead.



The Reality

Bullying is not unique to public schools—bullying also happens in private schools, where students have fewer protections. Vouchers pay to send bullied students to private schools where they are stripped of important state and federal protections against bullying and harassment. For example, in Florida, public schools must adhere to the state’s Jeffrey Johnston Act,⁴¹ which requires that they have anti-bullying protections in place. In addition, federal civil rights laws require that public schools prevent discrimination. Private voucher schools do not adhere to all these laws. Private schools that would participate in these voucher programs are also often allowed to discriminate in admission based on religion, sexual orientation, disability status, and other criteria—the very same groups of students who are often bullied. There is no guarantee that students who are bullied will find a private school that will accept or protect them.



Plus, removing a bullied student does not address the underlying issue of bullying. This “solution” simply forces bullied students out of public schools, letting the bully face no consequences and remain in schools where they can continue to victimize others. Instead of draining public funds to pay for students to attend private school after they are victimized, we should prevent bullying in public schools through evidence-based strategies: improving school climate, engaging parents, training teachers, and providing counseling.⁴²

Unions

The Claim

Aiming to undermine the public’s trust in educators, pro-voucher advocates often attack public employees’ unions such as teachers’ unions. They claim that the only opponents of vouchers are teachers’ and school administrators’ professional unions and allege that unions block vouchers to maintain a “monopoly” over education, regardless of students’ needs.⁴³



The Reality

The claim that only public school educators oppose vouchers is categorically false: a majority of Americans do not support vouchers. It is true, however, that public school teachers and other educators are on the frontline when vouchers are proposed. They clearly understand, based on how these programs have failed other communities, that vouchers siphon away public school funding to send it to private schools, causing budget shortfalls and cuts to arts, music, technology, and after-school programs. They know that their students who accept vouchers—many of whom will later return to public schools—will experience declines in academic performance.

Public school educators often sound the alarm about the harms of vouchers, but they are joined by many other groups, including religious, civil rights, civic, and education organizations. This diversity is apparent from the more than fifty national groups that comprise the [National Coalition for Public Education](#).

From disability rights advocates to military family organizations, and from pastors’ groups to parents’ groups, there are a wide variety of advocates who fight for public education and oppose private school vouchers.



Section Three:

Private School Vouchers Fail Students and Communities

Top Takeaways:

- Private school vouchers not only harm public schools, they also leave students and communities worse off than before. Vouchers harm student achievement, fail rural students, leave low-income students behind, and damage state and local budgets. They are a poor investment for our communities: vouchers don't save money because they require additional funding to support a separate education system.

Vouchers Don't Improve Academic Achievement

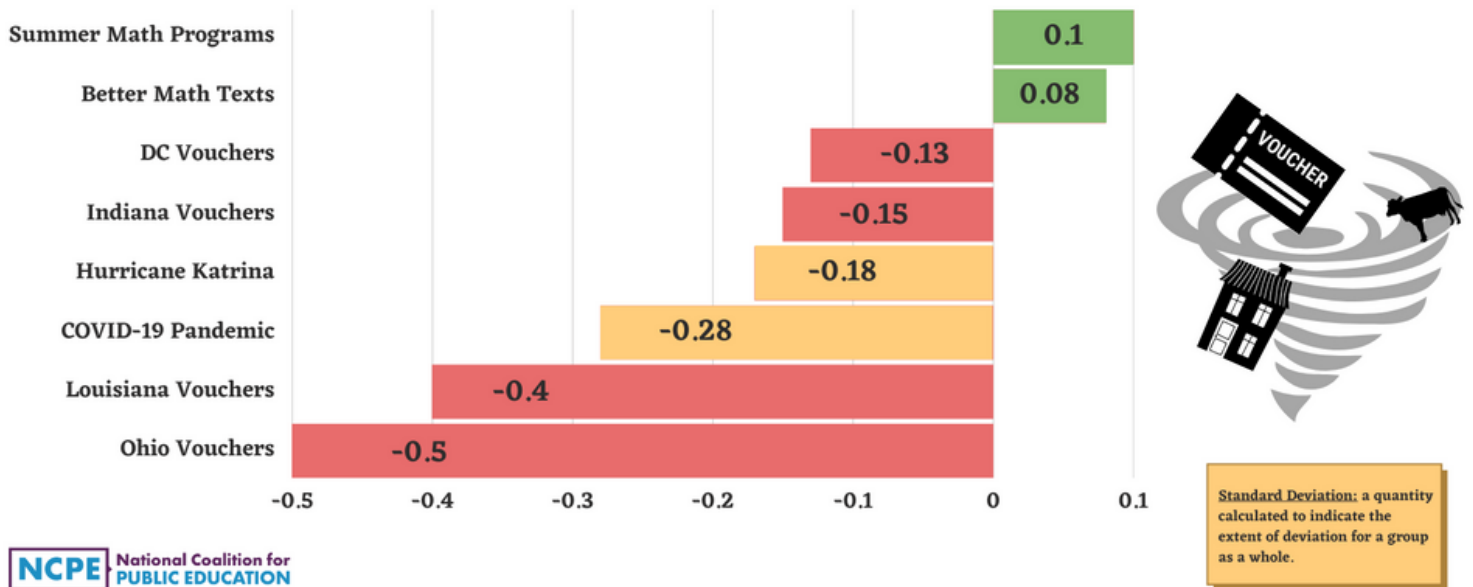
Repeated studies of voucher programs across the country show that vouchers result in worse test scores for students. Recent studies of the Louisiana,⁴⁵ Indiana,⁴⁶ and Ohio⁴⁷ voucher programs have demonstrated that students who used vouchers experienced worse academic outcomes than their peers. In addition, studies of longstanding voucher programs in Milwaukee,⁴⁸ Cleveland,⁴⁹ and the District of Columbia⁵⁰ found that students who received vouchers showed no improvement in reading or math over those not in the program.

<p>Myth ✨</p> <p>Vouchers will improve student achievement.</p>	<p>Fact ✓</p> <p>Studies of voucher programs across the country show that vouchers result in worse test scores for students. In fact, the learning losses in Louisiana and Ohio are worse than those caused by the pandemic and those in Washington, DC, and Indiana are on par with those caused by Hurricane Katrina.</p>
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Vouchers cause a decline in academic achievement that rivals or even exceeds those caused by natural disasters and the COVID-19 pandemic. After aggregating the test scores for voucher participants in Indiana, Louisiana, Ohio, and Washington, DC, one researcher described the results as “some of the biggest drops we’ve ever seen in test scores in the research community.”⁵¹ Indeed, the negative effects of Ohio’s voucher program on math scores were almost double that of the COVID-19 pandemic’s effect on learning loss. The decline in test scores for Louisiana students who accepted vouchers exceeded the declines experienced by students displaced by Hurricane Katrina. See Figure 1 below for this comparison.

Figure 1.

Voucher Impacts on Student Outcomes As Harmful as Natural Disasters (Measured in Standard Deviation)



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Sources: <https://fordhaminstitute.org/ohio/research/evaluation-ohio-edchoice-scholarship-program-selection-competition-and-performance/>
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<https://www.nber.org/papers/w24428>
<https://cepr.org/voxeu/columns/replicating-successful-charter-schools-boston>

Sources: R. Joseph Waddington & Mark Berends, [Impact of the Indiana Choice Scholarship Program: Achievement Effects for Students in Upper Elementary & Middle School](#), 37 *J. of Policy Analysis & Mgmt.* 4, 738-808 (Aug. 2018); Atila Abdulkadirođlu, Parag A. Pathak, & Christopher R. Walters, [Free to Choose: Can School Choice Reduce Student Achievement?](#), 10 *Am. Econ. Journal: Applied Econ.* 1, 175-206 (Jan. 2018); David Figlio & Krzysztof Karbownik, [Evaluation of Ohio's EdChoice Scholarship Program: Selection, Competition, & Performance Effects](#), *Fordham Inst.* (July 2016); U.S. Dep't of Educ., [Evaluation of the DC Opportunity Scholarship Program: Impacts Two Years After Students Applied](#) (June 2018); Megan Kuhfeld, et al., [The Pandemic Has Had Devastating Impacts on Learning](#). What Will It Take to Help Students Catch Up?, *Brookings Inst.* (Mar. 3, 2022).

Vouchers Fail Rural Students and Communities

Vouchers don't provide an actual choice for students living in rural areas. Few, if any, rural students have access to private schools. And to attend those schools, rural students would often be required to endure long, costly commutes and even pay for the transportation themselves, as many private schools do not provide transportation to students.⁵² Difficulty with transportation can impact attendance rates and tardiness, which could also have a negative effect on student achievement.⁵³



Also, a decision by a rural family to withdraw a child from the public school and enroll them elsewhere doesn't mean that the family disconnects from the school system. This is because rural and small-town public schools do far more than just educate children. They serve a critical social and economic function as the primary employer in small communities, as the place where people gather for community meetings, to participate in athletic and artistic events, to shelter during natural disasters, to vote and participate in civic discussions, and as the hub of rural community life. They offer health care for children and adults, and they frequently offer food pantries, breakfast and lunch programs—and are the location of many other community activities. While public schools provide these services in urban areas too, there are far fewer alternatives in rural areas. Private school voucher programs, however, leave rural schools with fewer resources to provide the non-instructional benefits that the community cannot get anywhere else.



Finally, vouchers are especially harmful to the public school systems serving large rural areas because these schools rely more heavily on state funding. Rural districts often struggle financially, because they are forced to spread the same fixed costs for facilities, transportation, administration, and instruction over a smaller revenue stream. When statewide voucher programs are implemented, state funding is siphoned away from rural districts to pay for vouchers for students who live in more populous cities and suburbs. Rural communities are doubly disadvantaged: rural school district funding is drained to pay for vouchers, and rural students are shut out from receiving voucher funds because there are no private school options.⁵⁴

Myth



Vouchers will improve education options for students in rural areas.

Fact



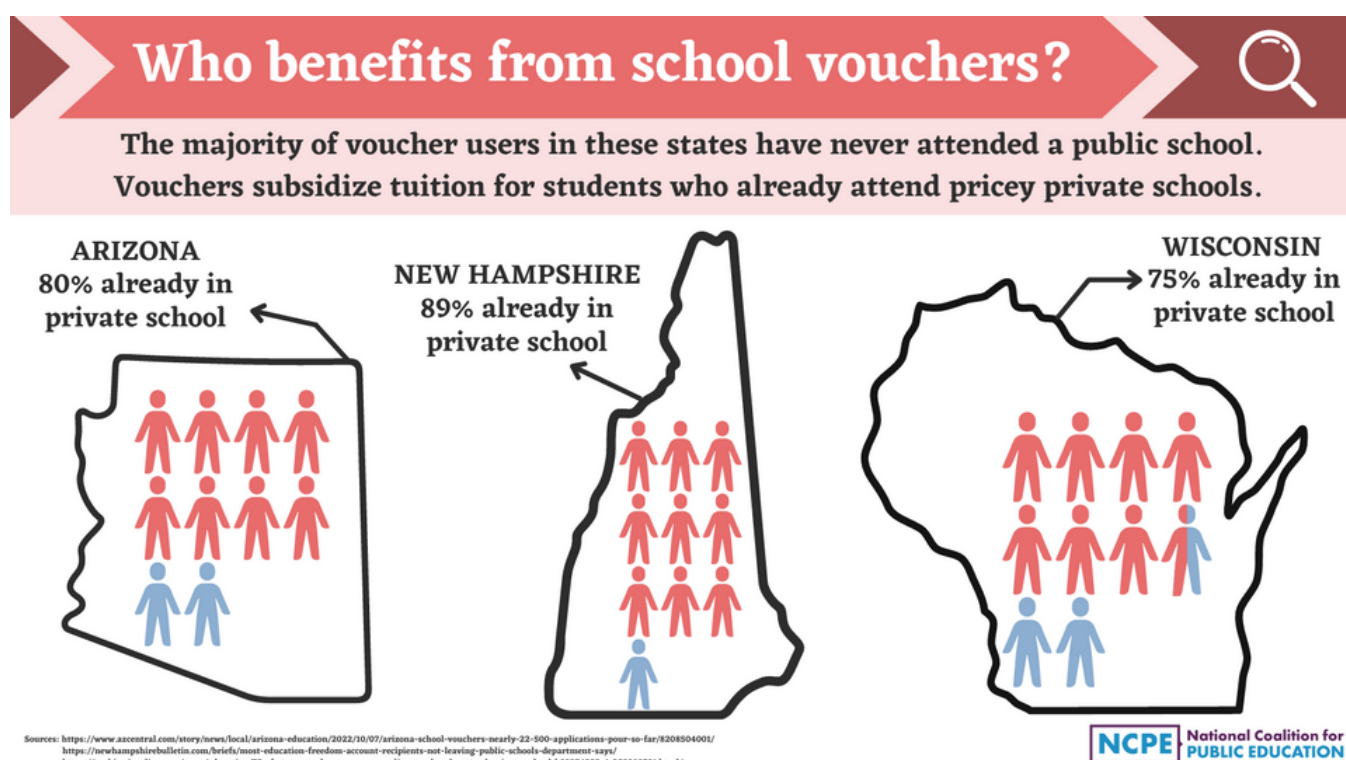
Vouchers are not a viable option for rural students, who may have to travel hundreds of miles to the nearest private school. Vouchers drain state funding from rural school districts to pay for vouchers for mostly urban and suburban students. Public schools are a vital part of the economic and social fabric in sparsely populated areas, so vouchers threaten rural communities as a whole.

Vouchers Fund Students Who Were Already Attending Private School, Not Low-Income Students

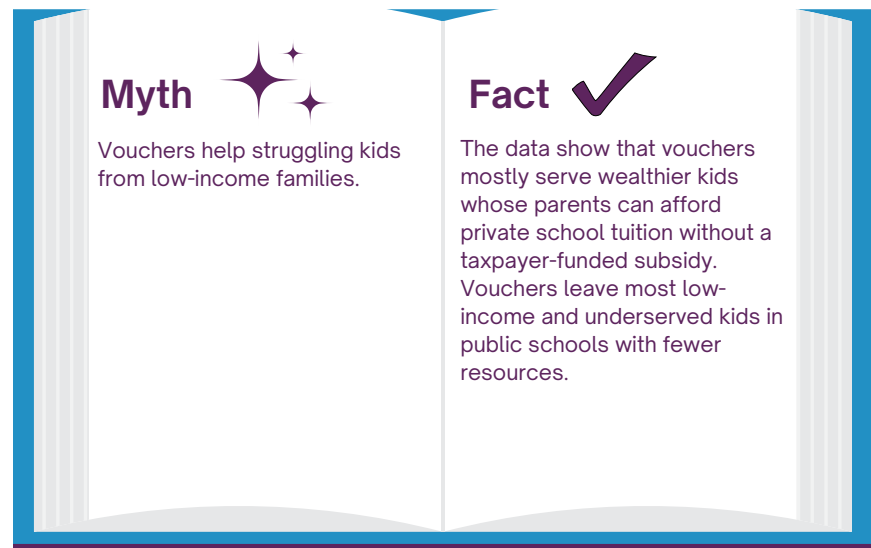
Private school vouchers do not adequately serve low-income students. Because the cost of tuition and fees at private schools that accept vouchers generally exceeds the amount of the voucher, voucher schools are unaffordable for most low-income families. As a result, voucher programs mostly funnel taxpayer dollars to families who were already attending a private school.

A 2016 Government Accountability Office report⁵⁵ found that 13 out of 22 state voucher programs surveyed did not place a cap on private school tuition, allowing private schools to charge more than the voucher award. The cost of tuition at many private schools and other expenditures such as uniforms, transportation, books, and other supplies often far exceed the voucher amount. Thus, only families with the money to cover additional costs can use the vouchers, and in the end, the families most likely to use a voucher are the ones who could already afford to send their kids to private schools. This was on display in Arizona, where nearly half of applicants to the state's voucher program came from the wealthiest quarter of families in the state, earning more than \$80,000 per year.⁵⁶ Almost 80% of the 22,500 families who applied for the state's voucher program in 2022 had no children attending public schools, and were already paying private school tuition or homeschooling.⁵⁷ The voucher programs in New Hampshire and Wisconsin operate similarly, as shown in Figure 2 below.

Figure 2.

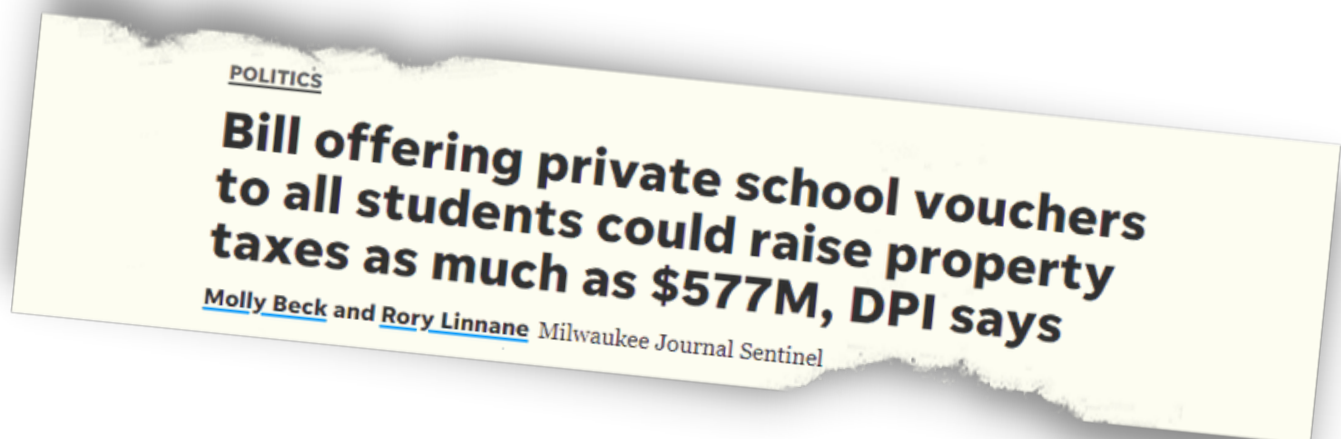


Additionally, for many low-income students, traveling outside their county or district every day to attend school is not feasible. This is true in both rural and urban areas. Studies have shown that students of color and low-income students who attend a school other than their local public schools have longer commutes than students who live in more affluent neighborhoods.⁵⁸ A study of students living in cities with many school choice options found that Black students have longer school commutes in both time and distance than white students.⁵⁹

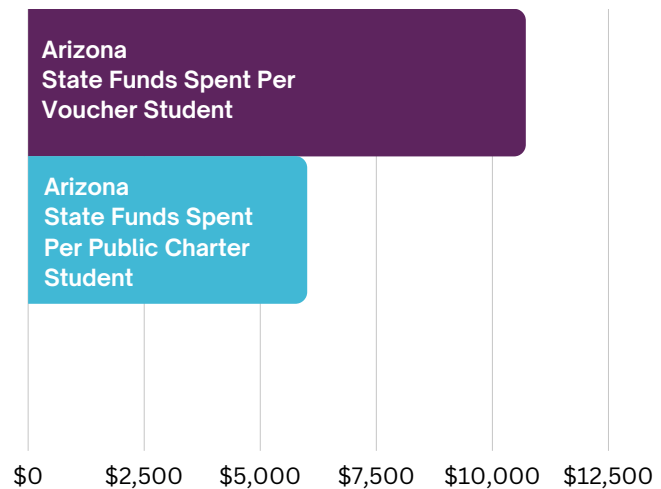


Vouchers Do Not Not Save Taxpayer Dollars and Are Actually More Expensive than Public Schools

Voucher proponents often claim that private school vouchers are a smart investment for communities, but in practice vouchers have proven to be costly and damaging to state and local budgets. In Florida, a statewide voucher expansion drained more than one billion dollars⁶⁰ from public schools, and, for example, left one small district with a \$11.5 million budget deficit.⁶¹ In Indiana, vouchers greatly contributed to two districts ending up in such dire financial straits that they were taken over by the state.⁶² And in Milwaukee, Wisconsin, which has been disproportionately burdened in a statewide voucher funding scheme, the city has had to raise property taxes several times in order to ensure adequate funding for the city's public schools.⁶³



A 2018 study found the cost of educating a student through an Arizona private school voucher program was 75% higher than the cost of educating an Arizona public school student.⁶⁴ Another study estimated that shifting to a system of private school vouchers could raise education costs by 25% or more when accounting for students who would have attended private schools without a voucher, administrative costs like record keeping and program monitoring, and other expenses.⁶⁵



Not only are vouchers expensive for the states that implement them, they are also expensive for the families who use them. Whereas public schools provide transportation, special education services, and free or reduced-price lunches for qualifying students, these and other essential services must often be purchased separately by families using vouchers to attend private schools.⁶⁶ This is in addition to the fact that families frequently need to pay money in addition to the voucher to cover the full cost of private school tuition.⁶⁷

In voucher programs, the public schools from which students leave for private voucher schools are spread throughout a school district. Therefore, the reduction in numbers of students attending each public school is usually small—and does not decrease operating costs of those public schools. Many of the costs to educate students in public schools are fixed, and therefore less malleable to changes in student enrollment. But as a result of voucher programs, public schools receive less funding, leading to a decline in available programs and services for their students. That is one of the reasons why some voucher programs have resulted in multi-million dollar deficits and tax increases.

Myth ✨

Vouchers save the state money.

Fact ✓

Vouchers drain public funds away from public schools to pay for the private school tuition of a few wealthier students who never attended public school in the first place. This adds a new budget line for taxpayer funding of private schooling. Vouchers have caused budgets to balloon and forced states to implement tax increases to pay for it.

Proponents often claim that vouchers produce savings because the voucher amount for each student is generally less than the state's per pupil expenditure for each student in public schools. This, however, does not mean that the state will save money. Any potential savings are undercut when students who would have been enrolled in private schools even without a voucher accept and use a voucher.⁶⁸ As discussed above and shown in [Figure 2](#), in Arizona, for example, nearly 80% of voucher applicants did not attend public schools before seeking a voucher.⁶⁹ This means that vouchers create new funding obligations for the state. The disproportionate use of voucher programs by kids already in private school means states pay new fees for education that were previously borne by the private sector.

In addition, the per-pupil expenditure for public school students does not directly translate into the private school setting. Expenditures in public and private schools cannot be easily compared. Public schools serve all students regardless of ability or expense to educate, including students with disabilities and students who are English learners that many private schools reject. According to NCEs data, although public schools serve 90% of K-12 students overall, they serve 95% of students with special needs.⁷⁰ Public schools also serve higher concentrations of students from households below the U.S. Census Bureau's poverty threshold.⁷¹ When some students receive vouchers to attend private schools that can pick and choose which students to accept, often the students who remain in public schools are those with the greatest needs and the most expensive to educate.



Section Four:

Vouchers Fund Discrimination With Taxpayer Dollars

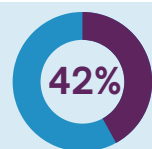
Top Takeaways:

- Public schools are open to and must serve all students. Private schools that take taxpayer-funded vouchers, however, often deny students admission, expel them, or discriminate against them for a number of reasons that would be illegal for public schools. Ultimately, vouchers give a choice to private schools rather than to students and families.
- Taxpayer dollars should never fund discrimination. Private school vouchers often fund discrimination against students with disabilities, LGBTQ students, religious minorities and nonreligious students, and students of color.

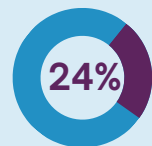
Public schools are open to and must serve all students. Private schools that take vouchers, however, often deny students admission, discipline, or expel them for a number of reasons, including based on their disability status, sexual orientation, gender identity, religion, academic abilities, disciplinary history, or ability to pay tuition. But taxpayer dollars should never fund discrimination.

Private school voucher programs are often sold by proponents as an opportunity for students and families to choose the school they want to attend. But in reality, vouchers give the choice to private schools, rather than students and families. Private schools can pick and choose their students based on a host of reasons. Often applicants are rejected because they have a disability, are unable to pay, or are not the “right” religion. Students often have to turn down a voucher because they have no meaningful choice: they cannot find a school that will accept them, treat them fairly, or provide the specialized educational support they need.

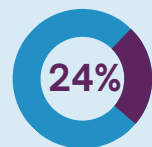
A 2019 survey of voucher programs across the country found that only 42% of programs provide state-level nondiscrimination protections against racial discrimination.⁷² Only 24% of states protect against discrimination on the basis of religion, only 24% of states protect against discrimination on the basis of disability, and even fewer states provide protections for sex, sexual orientation, or gender identity.⁷³



only 42% of voucher programs provide state-level nondiscrimination protections against racial discrimination



only 24% of voucher programs protect against discrimination on the basis of religion



only 24% of voucher programs protect against discrimination on the basis of disability

Students with Disabilities

Unfortunately, many private voucher schools do not adequately serve students with disabilities. This is because they largely do not have to follow federal and state laws for educating students with disabilities, nor do they provide the same quality and quantity of services available to students in public schools, including those mandated under each student's Individualized Education Program (IEP).



The Individuals with Disabilities Education Act (IDEA) ensures that students with disabilities are provided with a Free Appropriate Public Education (FAPE) tailored to their individual needs. Students who leave the public schools with a voucher forfeit many of the rights and protections provided to them and their families under IDEA because voucher students are considered to be parentally placed in private schools. Generally, students accepting vouchers would not necessarily receive all the services listed on the IEP that they currently receive in their public school. This is true even in voucher programs intended specifically to serve students with disabilities. Families also lose due process protections that would provide recourse if they believe their child is not receiving necessary services. Additionally, families forfeit disciplinary protections designed to prevent students from being disproportionately and unfairly disciplined for behaviors caused by their disabilities.

Myth ✨

Private school vouchers provide students with disabilities a better educational option than public schools.

Fact ✓

Private voucher schools often deny admission to students with disabilities or to students based on other factors like disciplinary history, which disproportionately affects students with disabilities.⁷⁴ As a result, in some state voucher programs, students with disabilities have been systematically excluded.⁷⁵



There are numerous examples of private schools refusing to admit or even expelling students because they have a disability. For example, a Michigan private school denied admission to an eighth-grade student who had been diagnosed with moderate dyslexia, dyscalculia, and ADD, after promising to admit her, because the school could not “provide the curriculum necessary to assure [the student’s] successful transition” to the school.⁷⁶ In Texas, a child with disabilities was rejected by thirteen different private schools.⁷⁷ And a Florida parent found that private schools in her area all claimed they were unable to help her son because of his behavioral issues.⁷⁸

LGBTQ Students and Families

Private schools that accept taxpayer-funded vouchers often deny admission to, discipline, or expel LGBTQ students and students with LGBTQ family members. A 2017 survey of voucher schools across the country found that at least 14% had policies discriminating against LGBTQ students and staff.⁷⁹ These ranged from publicly posted policies opposing same-sex marriage, equating homosexuality with bestiality, or even punishing students for being LGBTQ.⁸⁰

There are countless examples of explicit LGBTQ discrimination by private voucher schools. In North Carolina, one school that collected more than \$100,000 a year in voucher funding had a written policy to expel a student who is openly gay or transgender.⁸¹ A Florida school that received \$1.6 million in voucher funding in just one year told parents it would kick out gay or transgender students.⁸²

<p>Myth ✨</p> <p>All students can benefit from private school vouchers.</p>	<p>Fact ✓</p> <p>Voucher programs do not provide options for LGBTQ students. Many private voucher schools deny admission to and expel LGBTQ students or students with LGBTQ family members. Many teach anti-LGBTQ curricula or promote conversion therapy.</p>
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Many private voucher schools also teach anti-LGBTQ curricula,⁸³ and some promote harmful conversion therapy for LGBTQ students.⁸⁴ For example, a 2019 investigation in Florida uncovered 156 private voucher schools with anti-LGBTQ views. These schools have educated more than 20,800 voucher students, using more than \$129 million dollars in state-funded vouchers.⁸⁵ Compared to public school students, LGBTQ students in private religious schools (which make up the vast majority of voucher schools) are nearly five times more likely to report being taught negative representations of LGBTQ people in their curriculum.⁸⁶ LGBTQ students attending private religious schools were also much less likely to report having teachers and principals who were supportive of their identity.⁸⁷

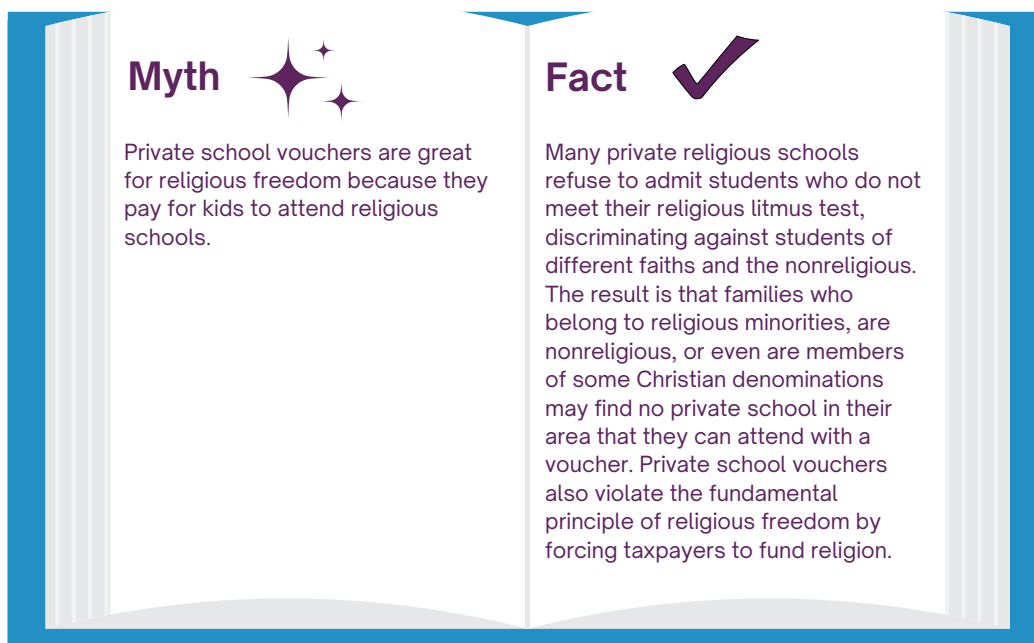


Religious Minorities and Nonreligious Students

Many private voucher schools impose a religious litmus test on students and their families. Some schools discriminate against students based on their or their families' religious beliefs,⁸⁸ and some condition admissions on adherence to certain religious principles and church attendance.⁸⁹

For many students, this can mean that there are no private schools nearby willing to admit them or that they would be comfortable attending because of their religious beliefs. For instance, in Indiana's school voucher program, more than 97% of private schools are religiously affiliated.⁹⁰ Within that, 90% of schools are Christian, and more than 50% are affiliated with the Catholic or Amish denominations.⁹¹ An Indiana student from a nonreligious, Muslim, or Jewish family might find no private voucher school willing to accept them for hundreds of miles.





Not only do vouchers lead to religious discrimination, they trample on other basic principles of religious freedom. Private school voucher programs predominantly fund religious schools. By paying for religious education and activities, private school vouchers conflict with one of the most dearly held principles of religious freedom: each of us should get to decide on our own whether—and if so, how—to fund religion. Religious freedom means the government should never force taxpayers to pay for the religious education of others. Parents may choose a religious education for their children, but they may not insist that the taxpayers pay for it. For more information about the law around vouchers and religious schools, see [Appendix 2](#), discussing the Supreme Court’s recent ruling on this issue in *Carson v. Makin*.



Furthermore, vouchers are a threat to many houses of worship. Many churches now rely on vouchers as a dominant source of funding. But a 2017 study⁹² showed that while vouchers may lead to an increase in funding for religious schools, they can spark a decline in donations from parishioners. This often diminishes a church’s other religious outreach and activities. By becoming dependent on state funding, houses of worship jeopardize their religious integrity and identity.

Students of Color

Private school voucher programs perpetuate racial segregation, harming all students and especially students of color. Decades of research show that students of all races who attend integrated schools have better life outcomes, reduced racial prejudice, and engage in more critical thinking, problem solving, and creativity in the classroom.⁹³ Black and Latino students who attend racially integrated schools are less likely to drop out and have higher test scores more comparable to their white peers.⁹⁴

Yet national data show that private schools tend to be more segregated than similarly situated public schools and enroll higher populations of white students compared to public schools. Nationwide, 69% of private school students are white, 9% are Black, and 10% are Hispanic or Latino.⁹⁵ In fact, as of 2012, 43% of private school students across the country attended deeply segregated schools where white students comprise 90% or more of the school's enrollment.⁹⁶



When students of color receive vouchers, they are more likely to attend deeply segregated private schools. For example, a 2016 study found that Louisiana's voucher program had a negative impact on integration in private schools.⁹⁷ Similarly, in Milwaukee a study found that 85% of Black students in the voucher program attended schools with 90% or more non-white students, as opposed to around 77% of those in public schools.⁹⁸

Myth ✨

Students of color benefit from private school vouchers.

Fact ✓

Vouchers increase school segregation, harming all students. They disproportionately serve white students, leaving students of color behind in more segregated schools. The roots of modern-day vouchers are in the era of segregation, when white families used them to send their children to all-white, private segregation academies.

Considering their origins, it is no surprise that vouchers perpetuate segregation. Voucher programs in the South were first created to allow white students to evade integration orders in the wake of *Brown v. Board of Education* and to fund segregation academies designed to keep black and white students apart.⁹⁹ For example, in Prince Edward County, Virginia, officials opened whites-only private schools, gave out taxpayer-funded tuition vouchers, and shuttered the public school system entirely for five years.¹⁰⁰ In Virginia and Georgia, legislators and voters approved amendments to their state constitutions to fund “tuition grants”—or vouchers—for families to attend all-white private schools.¹⁰¹ Mississippi and South Carolina followed a similar playbook, passing state laws to use tax dollars to defray the cost of private school for white families seeking to avoid desegregation.¹⁰²



Section Five:

Voucher Programs Are Unaccountable and Lack Oversight

Top Takeaways:

- Public schools are subjected to federal, state, and local oversight and accountability requirements. Private school voucher programs frequently lack accountability measures, and many also lack proper oversight mechanisms to ensure that private schools and program administrators meet even the minimal standards that do exist.
 - Private school voucher programs are ripe for fraud and abuse. There is a long list of taxpayer-funded state voucher programs where funds have been misspent.
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Voucher Programs Lack Accountability

Public schools are subjected to federal, state, and local oversight and accountability measures. This means that public schools must administer tests to track student achievement, document how funds are spent, ensure they are teaching a curriculum that meets state standards, meet state teacher licensure standards, and report reams of data to the state and federal government about how students are performing and being treated. In contrast, private school voucher programs frequently fail to track data on student performance, teacher quality, or any other key education metrics, and many also lack proper oversight mechanisms to ensure that private schools and program administrators meet even the minimal standards that do exist.



A 2020 study by the *EdWeek* Research Center found that very few states with private school voucher programs have sufficient transparency or accountability policies.¹⁰³ For example, of the 28 surveyed states, only eleven require that all teachers in participating schools have a bachelor's degree. Even fewer—just five states—require teachers to be licensed. Only eight states require schools to publicly report standardized test results. And just half of the states surveyed require participating schools to prove they are fiscally sound.

Most states also do not collect data and information on academic achievement of students using a voucher. Less than half of voucher programs across the country require students to take assessment tests. And of those that do, most do not require voucher students to take the same exam as public school students, which makes it difficult to determine if using a voucher has a positive—or negative—impact on student achievement.

<p>Myth ✨</p> <p>Parents provide the ultimate accountability in private school voucher programs. If a private voucher school is not working out, they can choose to go somewhere else.</p>	<p>Fact ✓</p> <p>Private voucher schools are often not required to provide any information about students' experiences or achievement to parents or to the government. And they are often not required to meet the most minimal quality standards. Without adequate transparency in voucher programs, parents may be left in the dark and unable to make an informed choice for their child.</p>
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Many voucher programs have few, if any, requirements for the collection or reporting of information about participating schools or students. For example, the Arizona legislature enacted a universal voucher program in 2022. Under the law, private voucher schools are not required to make testing, retention, graduation, or free and reduced lunch data available.¹⁰⁴ In fact, the legislature amended the bill to remove the only two accountability measures in the original legislation. These would have required students to take a norm-referenced test and required schools to provide results to the student's parents.¹⁰⁵

EDUCATION

Arizona's school voucher expansion won't track how tax dollars are spent. No problem, voucher advocate says

With so few quality controls, it is no surprise that voucher programs often fund failing private schools that eventually close. Forty percent of voucher-receiving schools in the longstanding Milwaukee, Wisconsin,¹⁰⁶ and Washington, DC, voucher programs opened and subsequently failed and closed. These schools are propped up by voucher programs that allow them to continue operating for years despite providing a subpar educational experience.



The DC voucher serves as a stark example. Since its establishment in 2004, 82 private schools have participated in the voucher program, and 35 of those schools have since closed. DC’s voucher schools have shut down due to a variety of deficiencies, including fraud and financial mismanagement,¹⁰⁷ and failure to achieve accreditation after more than a decade of attempts.¹⁰⁸ Some of these schools have been operated out of run-down storefronts or homes without proper amenities like restrooms.¹⁰⁹ For example, at one now-shuttered DC school, where 93% of its students received vouchers during its 14 years of participation in the voucher program, students were taught from a “learning model known as ‘Suggestopedia,’ an obscure Bulgarian philosophy of learning that stresses learning through music, stretching, and meditation.”¹¹⁰

Education Valerie Strauss Jay Mathews

Education

Quality controls lacking for D.C. schools accepting federal vouchers

| LONGFORM |

McKay scholarship program sparks a cottage industry of fraud and chaos

GUS GARCIA-ROBERTS JUNE 23, 2011 4:00AM

Voucher Programs are Ripe for Fraud and Abuse

Because many private school voucher programs lack meaningful accountability requirements, the programs are ripe for fraud and abuse. Indeed, there is a long list of taxpayer-funded state voucher programs where funds have been misspent. For example, in Florida, the Department of Education was able to substantiate allegations of fraud in 25 cases at schools that collectively received nearly \$50 million.¹¹¹ Some of these voucher schools took millions in public funds for kids not even attending those schools.¹¹² A separate investigation of Florida’s voucher programs found that voucher schools hired teachers without college degrees, held classes in aging strip malls, and falsified fire-safety and health records.¹¹³ One school that received millions of taxpayer dollars repeatedly violated program rules, including hiring staff with criminal convictions.¹¹⁴ Another school, which received \$500,000 in vouchers in one year, was run by a 24-year old principal who was still in college.¹¹⁵

In Wisconsin, the taxpayer-funded voucher program paid \$139 million to schools that failed to meet the state's requirements for operation.¹¹⁶ In Milwaukee, a principal at a voucher school cashed checks made out to students who didn't attend the school and used voucher funds to buy two cars.¹¹⁷ And a Washington, DC, school that accepted vouchers hired a person to be its treasurer even though she had recently spent two years in prison for embezzling money from a nonprofit. After being hired, she stole \$1.5 million from the school over the course of nine months.¹¹⁸

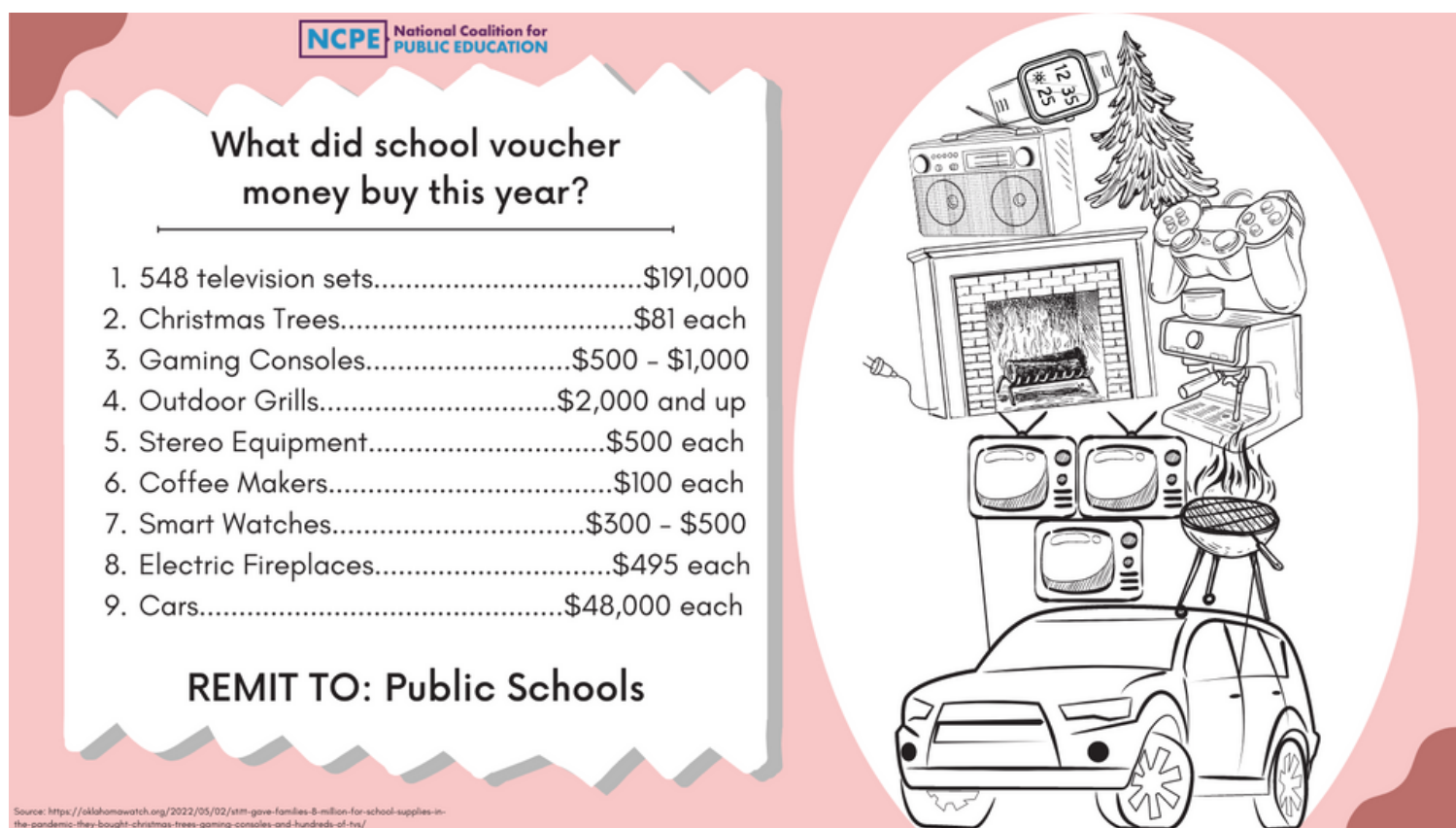


In Arizona, the state's Auditor General found that parents misused more than \$700,000 in ESA funds on items such as beauty supplies and sports apparel.¹¹⁹ Parents made more than 900 unapproved purchases,¹²⁰ and the state was left with no way to recoup much of the money. Moreover, some parents kept the money intended for private school tuition payments, and returned their kids to public schools.¹²¹ Parents also made approved purchases only to immediately return the items for a refund provided via gift cards, essentially pocketing the money.

<p>Myth ✨</p> <p>The lack of government regulation allows voucher programs to be innovative and flourish.</p>	<p>Fact ✓</p> <p>The lack of regulation and accountability in voucher programs has left them vulnerable to opportunists and outright fraudsters, who have stolen and wasted millions of dollars of taxpayer funds intended to educate our children. We should not continue to allow voucher programs to siphon desperately needed resources from public education only to squander them on wasteful, fraudulent, and poor quality private schools. If a private school wants to take taxpayer dollars, it should be accountable to the taxpayer.</p>
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Finally, a 2022 investigation in Oklahoma found half a million dollars of misspent education funding in a pandemic school-voucher program. Touted as a way to help kids recover from school closures, Governor Stitt diverted \$8 million of pandemic relief funds to a third party that gave money directly to families with almost no restrictions on how the funds could be spent.¹²² As a result, instead of buying educational services or supplies, the money was used to buy nearly 550 televisions totaling nearly \$200,000. People also bought Christmas trees, gaming consoles, electric fireplaces, outdoor grills, pressure washers, stereo equipment, coffee makers, and smart watches. See Figure 3 below.

Figure 3.



Sources: Jennifer Palmer, Reese Gorman, & Clifton Adcock, [Stitt Gave Families \\$8 Million for School Supplies in the Pandemic; They Bought Christmas Trees, Gaming Consoles, and Hundreds of TVs](https://oklahomawatch.org/2022/05/02/stitt-gave-families-8-million-for-school-supplies-in-the-pandemic-they-bought-christmas-trees-gaming-consoles-and-hundreds-of-tvs/), *Okla. Watch* (May 2, 2022).

The lack of oversight and accountability is not a bug—it's a feature. Private schools do not want to be beholden to the rigorous requirements imposed on public schools. And legislators do not want to include oversight and accountability in voucher program laws because they know that the private schools receiving state funds would be either unwilling or unable to comply.

Section Six:

Pitfalls of Trying to “Fix” Voucher Bills

Top Takeaways:

- Legislatures often try to make voucher programs more palatable by implementing short-term pilot programs, targeting vouchers to a narrow population, or adding nondiscrimination protections. But none of these features “fix” the inherent problems with vouchers: these programs still don’t work, and they still harm students, schools, and communities. Furthermore, limited pilots often result in long term programs with damaging, permanent consequences.

Private school vouchers don’t work, they undermine our public education system, and they harm students and communities in a number of ways. Legislators, however, sometimes attempt to improve voucher programs or reach a “compromise” by adding nondiscrimination protections to these laws. But these features cannot “fix” vouchers because vouchers are inherently harmful.



Limiting the Scope of Voucher Programs Hasn’t Worked

When trying to create a new private school voucher program, state legislatures often first create short-term “pilots” or programs for a “narrow” population, such as students with special needs, military-connected students, or students from low-income families. Voucher proponents use the limited scope of these programs to convince skeptical legislators to support them, despite the many flaws associated with the programs.

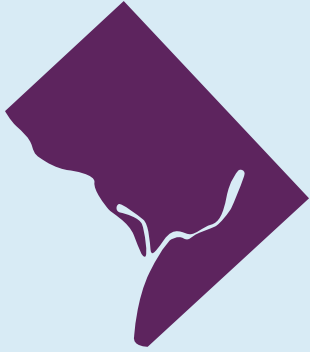
Private school students flock to expanded school voucher program

Roughly 75% of new applicants have never attended a public school

BY: GLORIA REBECCA GOMEZ - SEPTEMBER 1, 2022 7:19 AM

But experience from across the country demonstrates that “short-term” programs become permanent and programs that are initially open to a small number of students are expanded. Here are some examples of voucher programs that extended far beyond their initial parameters:

Washington, DC’s 5-year “pilot program” voucher still exists 20 years later



Congress enacted a voucher program for Washington, DC, in 2003 as a five-year pilot program. The legislation was unpopular, could not pass Congress as a standalone bill, and was only approved as part of an omnibus appropriations bill that was necessary to avoid a government shutdown. Despite multiple government studies demonstrating that the program has been ineffective¹²³ and unaccountable to taxpayers,¹²⁴ it was reauthorized in 2011, 2017, and 2019—each time tacked onto must-pass omnibus spending bills. Although the program has never been passed as a standalone bill in Congress, this “pilot” still exists 14 years after it was originally set to expire.

Florida’s voucher population and spending has ballooned



Florida passed the Tax Credit Scholarship voucher in 2001 for low-income students, and only families making up to 185% of the federal poverty level (FPL) were initially eligible. But over the last several years, the legislature has greatly expanded eligibility limits by raising the income cap—up to 400% FPL in 2022. Florida’s total voucher population and spending has also increased exponentially. For example, when first enacted, total spending on the Tax Credit Scholarship was capped at \$50 million. But the state is expected to spend \$1.3 billion—which amounts to 10 percent of state public school funding—on vouchers during the 2022-2023 school year.¹²⁵

Louisiana’s voucher expansion sent thousands to failing schools



When passed in 2008, the Louisiana Scholarship Program voucher was available only to a small subset of low-performing schools and the 640 students who attended them. Just four years later, the program was expanded statewide, and the number of students using a voucher nearly tripled from the previous year. The voucher program continues even though a 2019 investigation found that two-thirds of the 6,900 students using the voucher attended schools that performed at the “D” or “F” level.¹²⁶

Adding Nondiscrimination Provisions to Voucher Programs Is Not Enough

One key problem with private school vouchers is they often lack nondiscrimination protections. Yet taxpayer money should never fund discrimination. Legislation to add nondiscrimination protections to existing voucher programs may provide some level of protection for students and employees, but if this legislation contains a religious exemption or lacks enforcement mechanisms, the protections will have little, if any, meaning.

Religious freedom does not require religious exemptions from nondiscrimination laws in voucher programs

Religious schools, when funded by congregants and other donors, are often exempt from nondiscrimination laws and an array of other federal, state, and local laws. If a school accepts taxpayer funding, however, it should be required to adhere to the same nondiscrimination laws as secular schools. Arguments that the government must afford such schools a higher level of autonomy and independence because they are religious hold no weight when the school voluntarily accepts government dollars. Furthermore, requiring schools that accept taxpayer dollars to adhere to nondiscrimination protections actually protects religious freedom—no student should be rejected from a government-funded school because of their religion.

Some pro-voucher advocates falsely claim that the Supreme Court's recent ruling in *Carson v. Makin* requires the government to fund schools that do not abide by nondiscrimination protections. But claims that *Carson* prohibits states from enforcing nondiscrimination protections in voucher programs are wrong. The parents in *Carson* wanted their kids to use taxpayer dollars to attend private schools that discriminate against non-Christians and LGBTQ students, parents, and teachers. But the Court didn't reach the question of whether states had to fund these specific schools. It merely held that the state couldn't bar religious schools from the program because they taught religious education.



Thus, states may (and should) require all schools—including religious schools—to abide by nondiscrimination laws if they participate in a voucher program. For more information on *Carson v. Makin* and its limits, see [Appendix 2](#).

Religious Exemptions Undermine Nondiscrimination Protections

Adding nondiscrimination protections to existing programs would do little to protect students if the bill also includes a religious exemption. The vast majority of private schools that participate in voucher programs are religious. If religious schools are exempt from following nondiscrimination protections, therefore, the majority of schools in the program still would not have to provide any protections to students.



Many private voucher schools currently discriminate against students based on the students' or their families' religious beliefs,¹²⁸ and some schools also condition admission on adhering to certain religious principles or church attendance.¹²⁹ For example, a Maryland religious school accepting voucher students claimed it had the right to suspend or expel students for failing to follow the school's code of conduct requiring that students dress according to their assigned gender at birth and align their conduct with the belief that marriage is between one man and one woman.¹³⁰

Some states have attempted to add religious exemptions to nondiscrimination proposals to address a desire by religious schools to continue to give preferential admission to students of their own religion. But no school—not even a private religious school—should be allowed to discriminate with taxpayer dollars against qualified students because they are the “wrong” religion. Furthermore, the impact of these exemptions could be far broader. Religious schools could claim the exemption allows them to engage in discrimination on other bases, such as expelling a student who became pregnant or refusing to admit a student who has LGBTQ parents, so long as they claimed that doing so was required by their religion. In effect, the exception for religious schools could swallow the entire nondiscrimination rule.

Implementing a religious exemption is also politically unwise. It would allow voucher proponents to claim they have taken appropriate steps to curb discrimination by including a nondiscrimination provision, while simultaneously allowing the vast majority of schools in the program to engage in discrimination with state dollars.



Nondiscrimination Protections in Voucher Programs Fall Far Short of Public School Protections

Even when state voucher programs contain nondiscrimination protections, they rarely include appropriate enforcement mechanisms to ensure voucher schools comply with the law. So while efforts to add effective nondiscrimination protections to existing programs should be lauded, legislators and advocates must realize that these provisions will not be enough to stop discrimination by private schools.

For example, the statute creating the Washington, DC, voucher program states that voucher schools cannot discriminate against students on the basis of race, religion, or sex.¹³¹ But there is no enforcement mechanism. No agency is empowered to enforce it, there is no process for filing or investigating complaints, and no remedy was provided for violations. The prohibition is toothless.



Protecting teachers and other employees from discrimination is also difficult once a voucher program is created. Religious voucher schools will likely try to claim an exemption from state nondiscrimination provisions under the “ministerial exception.” The ministerial exception is rooted in the First Amendment to the U.S. Constitution and is designed to allow religious institutions to make decisions about who can preach and teach the faith without governmental interference. It has been construed by courts to allow religious schools to fire teachers who qualify as ministers, overriding all employment nondiscrimination protections. If a court allows private schools to maintain this exception even when taking publicly funded vouchers, religious schools would be allowed to discriminate against employees, even if the voucher program has explicit nondiscrimination protections. The only way to prevent discrimination against many school employees, therefore, is to reject private school voucher programs altogether.

State legislators and public school advocates can most effectively prevent discrimination by opposing any efforts to create or expand private school voucher programs.

Appendix 1: Private School Voucher Referenda

Arizona, 2018: After the Arizona legislature passed a bill to expand the state's Empowerment Scholarship voucher program, a volunteer grassroots organization mobilized to have the voucher expansion proposal placed on the ballot. Voters rejected the expansion proposal, Proposition 305, by a vote of 65% to 35%.

Florida, 2012: Amendment 8 would have removed the no-aid clause of the Florida Constitution and paved the way for vouchers. Under Florida law, the measure needed to get 60% approval to pass but fell far short of that, garnering only 45%.

Utah, 2007: Advocates of public education successfully put a measure on the ballot to roll back a voucher plan that had been passed by the legislature. Voters repealed the scheme, 62% to 38%.

California, 2000: A venture capitalist funded a ballot measure that would have essentially privatized education in California. Under Proposition 38, every child in the state would have received \$4,000 per year to pay for education. The plan was easily defeated, 71% to 29%.

Michigan, 2000: Dick DeVos, president of the Amway Corp. and husband of former U.S. Education Secretary Betsy DeVos, bankrolled a scheme to phase in vouchers gradually, starting with pupils attending public schools deemed "failing" in urban districts. Voters rejected the scheme, 69% to 31%.

Colorado, 1998: Initiative 17 would have given a tax credit to the parents or legal guardians of children enrolled in public, private schools, and non-public home-based educational programs. The initiative failed by a vote of 60% to 40%.

Washington, 1996: Initiative 173 would have required the state to pay for vouchers for students attending private schools. The initiative failed by a vote of 65% to 35%.

California, 1993: Activists proposed Proposition 174, a sweeping measure that would have repealed the no-aid provision of the California Constitution and allocated billions in state funds for a broad private school voucher scheme. The measure failed by a vote of 70% to 30%.

Colorado, 1992: Amendment 7, a constitutional amendment that would have allowed state funds to be used for vouchers, including for private schools and for homeschooling, was placed on the ballot. Voters defeated the amendment by 67% to 33%.

Oregon, 1990: Measure 11 would have established a tax credit voucher plan in the state. The measure lost by a vote of 67% to 33%.

Utah, 1988: Voucher proponents proposed a tax credit voucher program known as Initiative C. Voters defeated the initiative, 70% to 30%.

District of Columbia, 1981: A right-wing anti-tax group called the National Taxpayers Union (NTU) won a spot on the ballot for a scheme to establish tax credits vouchers. D.C. voters rejected the plan, 89% to 11%.

Maryland, 1972: Voters voted down a proposal to create a voucher program by 55% to 45%.

Nebraska, 1970: Voters rejected a state constitutional amendment that would have allowed taxpayer funding of religious schools by 57% to 43%.

Appendix 2:

The Supreme Court's Ruling in *Carson v. Makin*

On June 21, 2022, the U.S. Supreme Court decided *Carson v. Makin*.¹³² The Court held that when a state provides funding to private schools to provide secular education, it must also fund private religious education. While this decision has emboldened pro-voucher advocates to seek to create and expand voucher programs, this ruling does not require any government to adopt voucher programs. It is important to understand the ruling in *Carson* and its limits.

Background

Because Maine is largely rural, many of its school districts do not have public secondary schools. To meet its obligation to provide a public education in these areas, the state pays for students to attend a neighboring public school or approved private school. Religious private schools were eligible to participate in the program so long as they taught a secular curriculum and abided by nondiscrimination laws—just like public schools.

Backed by pro-voucher groups, including the Institute for Justice, a group of parents sued the state over the program, alleging that Maine violated the Free Exercise Clause of the First Amendment because the state refused to fund private religious education.

The Decision

Upending a bedrock principle of religious freedom, the Court, for the first time, required that states fund religious education with taxpayer dollars.

Religious freedom means that each of us gets to decide on our own whether—and if so, how—to fund religion. Maine had it right. The government should never force taxpayers to pay for the religious education of others. The Court, however, flipped the concept of religious freedom on its head: Instead of protecting the conscience of taxpayers, it is forcing them to fund religious education.

This case is part of a larger effort by religious extremists and anti-public education forces like Betsy DeVos, who are trying to privatize our education system.

Anti-public school groups and politicians have been creating false controversies over curriculum and policies in public schools to sow distrust in the public schools. This is part of a larger effort to undermine public schools in order to push for private school vouchers.

States may still require schools that take taxpayer dollars to adhere to nondiscrimination protections.

The parents in *Carson* wanted their kids to attend private schools that discriminate against non-Christians and LGBTQ students, parents, and teachers. But the Court didn't reach the question of whether states had to fund these specific schools. It merely held that the state couldn't bar religious schools from the program because they taught religious education. Claims that *Carson* prohibits states from enforcing nondiscrimination protections in voucher programs are wrong.

States don't have to fund private schools.

Despite what pro-voucher advocates might argue, nothing in the *Carson* decision requires states to enact or expand private school voucher programs. The Court only held that states that choose to fund private secular education must also fund private religious education.

States cannot fund religion through direct aid programs.

The Establishment Clause of the First Amendment to the U.S. Constitution bars direct governmental funding of religious indoctrination, religious coercion, and religious discrimination of any kind. Maine's program was structured as an indirect aid program because parents—not the state—chose where to use the funding. *Carson* does not permit, much less require, the government to directly fund religious entities.

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For more information on opposing private school vouchers, including fact sheets, letters, studies, and more, contact us [here](https://www.ncpecoalition.org) or visit www.ncpecoalition.org.

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