

**THE VALUE OF EDUCATION CHOICES FOR  
LOW-INCOME FAMILIES: REAUTHORIZING THE  
D.C. OPPORTUNITY SCHOLARSHIP PROGRAM**

---

---

**HEARING**

BEFORE THE

COMMITTEE ON  
HOMELAND SECURITY AND  
GOVERNMENTAL AFFAIRS  
UNITED STATES SENATE  
ONE HUNDRED FOURTEENTH CONGRESS

FIRST SESSION

NOVEMBER 4, 2015

Available via the World Wide Web: <http://www.fdsys.gov/>

Printed for the use of the  
Committee on Homeland Security and Governmental Affairs



U.S. GOVERNMENT PUBLISHING OFFICE

22-473 PDF

WASHINGTON : 2017

---

For sale by the Superintendent of Documents, U.S. Government Publishing Office  
Internet: [bookstore.gpo.gov](http://bookstore.gpo.gov) Phone: toll free (866) 512-1800; DC area (202) 512-1800  
Fax: (202) 512-2104 Mail: Stop IDCC, Washington, DC 20402-0001

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

RON JOHNSON, Wisconsin *Chairman*

JOHN McCAIN, Arizona	THOMAS R. CARPER, Delaware
ROB PORTMAN, Ohio	CLAIRE McCASKILL, Missouri
RAND PAUL, Kentucky	JON TESTER, Montana
JAMES LANKFORD, Oklahoma	TAMMY BALDWIN, Wisconsin
MICHAEL B. ENZI, Wyoming	HEIDI HEITKAMP, North Dakota
KELLY AYOTTE, New Hampshire	CORY A. BOOKER, New Jersey
JONI ERNST, Iowa	GARY C. PETERS, Michigan
BEN SASSE, Nebraska	

KEITH B. ASHDOWN, *Staff Director*

COURTNEY J. ALLEN, *Counsel*

PATRICK J. BAILEY, *Chief Counsel for Governmental Affairs*

GABRIELLE A. BATKIN, *Minority Staff Director*

JOHN P. KILVINGTON, *Minority Deputy Staff Director*

MICHAEL SANTORA, *Legislative Assistant, Office of Senator Carper*

LAURA W. KILBRIDE, *Chief Clerk*

BENJAMIN C. GRAZDA, *Hearing Clerk*

## CONTENTS

Opening statements:	Page
Senator Johnson .....	1
Senator Carper .....	3
Senator Booker .....	27
Senator Heitkamp .....	30
Prepared statements:	
Senator Johnson .....	43
Senator Carper .....	45

### WITNESS

WEDNESDAY, NOVEMBER 4, 2015

Hon. Dianne Feinstein, a U.S. Senator from the State of California .....	5
Hon. Tim Scott, a U.S. Senator from the State of South Carolina .....	6
Hon. Eleanor Holmes Norton, a Representative in Congress from the District of Columbia .....	8
Hon. Kevin P. Chavous, Chairman, Serving Our Children, Washington, D.C. ..	12
Mary Elizabeth Blaufuss, President and Chief Executive Officer, Archbishop Carroll High School, Washington, D.C. ....	15
Gary Jones, Parent, D.C. Opportunity Scholarship Program, Washington, D.C. ....	17
Linda Cruz Catalan, Student, The Field School, Washington, D.C. ....	19
Christopher A. Lubienski, Ph.D., Professor, Education Policy, Organization and Leadership, University of Illinois, Champaign, Illinois .....	20

### ALPHABETICAL LIST OF WITNESSES

Blaufuss, Mary Elizabeth:	
Testimony .....	15
Prepared statement .....	53
Chavous, Hon. Kevin P.:	
Testimony .....	12
Prepared statement .....	49
Cruz Catalan, Linda:	
Testimony .....	19
Prepared statement .....	62
Feinstein, Hon. Dianne:	
Testimony .....	5
Holmes Norton, Hon. Eleanor:	
Testimony .....	8
Prepared statement .....	47
Jones, Gary:	
Testimony .....	17
Prepared statement .....	60
Lubienski, Christopher A.:	
Testimony .....	20
Prepared statement .....	64
Scott, Hon. Tim:	
Testimony .....	6

### APPENDIX

Statements submitted for the Record from:	
American Association of University Women .....	75
American Civil Liberties Union .....	77

IV

	Page
Statements submitted for the Record from—Continued	
Baptist Joint Committee .....	80
Council of Parent Attorneys and Advocates, Inc. ....	81
Government Accountability Office .....	82
National Coalition for Public Education .....	93
Union of Orthodox Jewish Congregations of America .....	97
Secular Coalition for America .....	98
Dr. Patrick Wolf, Distinguished Professor of Education Policy, University of Arkansas .....	101
Responses to post-hearing questions for the Record from:	
Mr. Chavous .....	115
Ms. Blaufuss .....	121
Mr. Lubienski .....	123

**THE VALUE OF EDUCATION CHOICES FOR  
LOW-INCOME FAMILIES: REAUTHORIZING  
THE D.C. OPPORTUNITY SCHOLARSHIP  
PROGRAM**

WEDNESDAY, NOVEMBER 4, 2015

U.S. SENATE,  
COMMITTEE ON HOMELAND SECURITY  
AND GOVERNMENTAL AFFAIRS,  
*Washington, DC.*

The Committee met, pursuant to notice, at 10:01 a.m., in room SD-342, Dirksen Senate Office Building, Hon. Ron Johnson, Chairman of the Committee, presiding.

Present: Senators Johnson, Sasse, Carper, Heitkamp, and Booker.

**OPENING STATEMENT OF CHAIRMAN JOHNSON**

Chairman JOHNSON. Good morning. This hearing will come to order.

I want to welcome everybody here. We have a distinguished first panel. I certainly want to welcome the students and teachers and administrators from Cornerstone Academy, Calvary Christian Academy, and Archbishop Carroll High School. All of these schools participate in the D.C. Opportunity Scholarship Program (OSP). So, we really do appreciate having a full hearing room, and I am really looking forward to the testimony.

I would ask unanimous consent to have my formal opening statement included in the record<sup>1</sup> and I just want to keep my opening comments relatively short, but also just off the top of my head.

I became involved and a strong supporter of school choice many years before I ran for the U.S. Senate. I got involved in the local school system. As a Missouri Synod Lutheran, we sent our kids to a Catholic school system in Oshkosh, Wisconsin, which struggled. It is very difficult for private schools to survive when the parents are obviously paying property taxes. We all want to do that to support public schools. But then have to also pay private tuition for the schools.

I come from the private sector. I ran a plastics manufacturing business for 31 years. I would have loved to have been a monopoly. I did not really like competition. But because of free market competition, my prices were lower, my quality was higher, as was my customer service. That is what free market competition does. It

<sup>1</sup>The prepared statement of Senator Johnson appears in the Appendix on page 43

guarantees the lowest possible price and cost, the best possible quality, the best possible level of customer service.

Gee, would it not be great to have that kind of discipline in our school system for our children, for their opportunities? So, I am just naturally inclined to support competition and opportunities, because this is all about providing our children with the tools they need to become productive citizens. It is about opportunity. It is about giving people a choice. It is about giving people a chance.

I want to just quickly run through some numbers. Fortunately, in the State of Wisconsin, we were some real trailblazers here. With the efforts of people like Polly Williams and other courageous people in Wisconsin, we have had a school choice program offering for quite a few years. To date, more than 290,000 students in Wisconsin have been able to participate in that type of opportunity. On an annual basis, it is about 30,000 out of a total enrollment in Wisconsin of about 863,000, but it is primarily in Milwaukee, where we have enrollment of 77,000 students. Twenty-five thousand are taking advantage of the Opportunity Scholarships in Wisconsin. In D.C., it is about 85,000 children enrolled in K through 12. Only 1,400 have that possibility.

As a business person, as an accountant, one of the things I just have to take a look at is I have to take a look at costs. In Milwaukee—in Wisconsin, it costs, on average, about \$12,000 per year to educate a child. Now, again, as a business person, if I take \$12,000, let us say times 20 students, that is \$240,000. I think if you give me 20 students and \$240,000, I would do a pretty good job of educating those 20 kids. Now, I realize it is more complex than that and there are some real challenges.

In the District of Columbia, it costs about \$28,000 per student. That includes building costs. If you pull the building costs out of that, it is close to \$20,000. Now, do the math on that. Twenty-thousand or \$28,000 times 20 is somewhere between \$400,000 to \$569,000 per 20 pupils. A lot of times, we do not really kind of put it in those terms, but literally \$400,000 to over \$500,000 per 20 students, a classroom. Again, you give me \$400,000 to \$550,000 to educate 20 kids, I would do a pretty good job.

Now, it is also a fact that these Opportunity Scholarships cost dramatically less than that. In the District of Columbia, depending on which figure you are looking at, it is somewhere between 44 percent of the full cost or 63 percent of the just spending on students—44 to 63 percent. And you could make a strong case for Opportunity Scholarships just on the basis of saving the school district money.

So, you put the numbers, you put all those things aside, the bottom line is this is about providing opportunity to our children so that they can, again, obtain the tools to lead a successful life. Opportunity should not be determined by winning a lottery.

Anybody who has seen the movie, “Waiting for Superman,” and it is a hard movie to watch, as we see some kids winning the lottery, getting a shot at a productive life, and other children losing—it should not be like that, not here in America, not in the District of Columbia.

So, again, I just really want to commend Senator Feinstein and Senator Scott and other people that have really worked hard on

this issue for many years, to provide that opportunity to our children.

And with that, I will turn it over to Senator Tom Carper for his opening statement.

#### **OPENING STATEMENT OF SENATOR CARPER**

Senator CARPER. Thanks, Mr. Chairman. Thanks for holding the hearing today, and to our witnesses, three of my favorite people are lined up here before us, Senator Feinstein, Senator Scott, Congresswoman Eleanor Holmes Norton. It is great to see you, Eleanor. Thank you so much for coming over here to join us.

Before I came to work here with all of you, I had the privilege of being a Governor in my State. For 8 years, we focused on raising student achievement, thought it was the most important thing that we did. We focused on—it was part of the idea of how do we, one, strengthen the basic building block of our society, our families, and we thought that was pretty important, education. The other thing is we are always focused on how to provide a nurturing environment for job creation and job preservation, and if you do not have a world class workforce, kids coming out of our high schools who can read, who can write, who can think, who can do math, who are good with science and technology, then you have a problem in this day and age. So, we focused on all of that.

We measured our progress, or lack of progress, and recently, a couple of years ago, I think, Stanford and Harvard actually did a study of all 50 States. They looked at academic progress from 1993, the year I became Governor, through 2003, and they found that some States did pretty well in terms of academic progress. Delaware is No. 3 out of 50 in terms of our progress. So, we had a long ways to go to start with. We started in a hole and we made progress.

We still struggle. I will be real honest with you. We still struggle to try to make sure that every kid has a chance to learn and does learn and goes on to graduate. I am pleased with our graduation rates in our State. I think we are up, way up, from where we were just a couple of years ago, but there is still more work to be done.

The important thing for us in Delaware is to find out what works, and I think the best predictor of kids doing well in school is the expectation and the involvement of their parents. If you have a kid who is being raised by someone who does not care about their education, not involved with their child's education, or their grandchild's education, or the niece or nephew's education, do not be surprised when great things do not happen. If you do not have teachers, if you do not have great school leadership, do not be surprised if wonderful things do not happen in those schools, because those are incredibly important, as well.

This is a program that would not exist but for, I think, John Boehner, Speaker Boehner, a good friend of mine, I suspect of all of ours. For him, this is real important. This is a big legacy for him. We all have legacy issues that we have worked on. Senator Feinstein and us and our Committee have worked real hard of late on information sharing/cybersecurity legislation, and that is going to be part of your legacy and, hopefully, part of ours and help us strengthen our economic recovery in this country and do other good

things, as well. But, this is important to John Boehner. And, that is not why I think we should support the program, but I think it means we have an obligation to make sure that it is as good as it can be.

There are critics of this program. I am not going to spend the time going through the criticisms of the program. But, it is important that we have good metrics for the program, we find out what is working and what is not, and the stuff, the areas where it is not working, let us do something about it. There are some schools where this program helps to fund that I do not think any of us—look, I would say, why would we do that with Federal money? So, let us just be open minded about this.

I will close with this thought. Among the other Committees I serve on with Senator Scott is the Finance Committee, and about 2 years ago, we had a hearing on deficit reduction and had some really smart people there to talk to us about deficit reduction to our Finance Committee. One of the guys was Alan Blinder. Alan Blinder now teaches economics at Princeton. He used to be Vice Chairman of the Federal Reserve when Alan Greenspan was our Chairman of the Federal Reserve.

So, Alan Blinder was testifying before us and he said on deficit reduction, the 800-pound gorilla in the room on deficit reduction is reducing health care costs, getting better costs and reducing health care costs at the same time, and he was right. When it came time for us to ask questions of our witnesses that day, I asked him, I said, Dr. Blinder, you said the 800-pound gorilla in the room on deficit reduction is health care costs. If we do not get our arms around it, we are doomed. And, he said, “That is right.” I said, just tell us, if you were in our shoes, what would you do about it? And he sat there, and he sat there, and finally he said, “Find out what works, do more of that.” That is all he said. “Find out what works and do more of that.”

In Delaware, we did not go to the kind of system we have in this program that we are talking about here, but we did go to charter schools, public charter schools. Next October, or next September when schools convene in Wilmington, Delaware, half of the kids in Wilmington, Delaware, public schools, will be going to a charter school. If they do not work, we close them. If they do work, we try and replicate them and figure out what we can do.

We have public school choice in Delaware. You can choose to move from school to school within your district. You can even go outside your district. The money follows the kid, to foster competition, the kind of competition that our Chairman was talking about.

So, could competition help us? Sure, it can. But it is important that whether it is a charter school or traditional public school or a voucher program like this one, we have to be using good metrics and always looking for how do we make this better. How do we make sure that we are getting our money’s worth for our taxpayers and doing what is fair for the kids and their families.

With that, I will ask my real statement be made part of the record and we will move on.<sup>1</sup> Thank you all for joining us.

<sup>1</sup>The prepared statement of Senator Carper appears in the Appendix on page 45.

Chairman JOHNSON. Senator Carper did mention the cybersecurity bill. This is another example of what can be accomplished when you concentrate on the areas of agreement that unite us, that unify us, as opposed to exploit our differences.

So, again, I want to welcome our distinguished panel. We have Senator Dianne Feinstein, the senior Senator from the State of California; Senator Tim Scott, the junior Senator from the State of South Carolina; and Delegate Eleanor Holmes Norton, Delegate to the U.S. Congress representing the District of Columbia.

We will start with Senator Feinstein, and we realize you are going to have to leave after your testimony, but we really do appreciate you taking time. Senator Feinstein.

**TESTIMONY OF THE HONORABLE DIANNE FEINSTEIN, A  
UNITED STATES SENATOR FROM THE STATE OF CALIFORNIA**

Senator FEINSTEIN. Thanks. Thanks very much, Mr. Chairman, and thank you, Senator Carper, for your comments. Senator Sasse, great to have you here. I also want to thank Senator Scott and Senator Booker for their support of this program. And it is great to see Eleanor Holmes Norton, a woman I greatly admire, and I welcome her to the lesser side of the Congress. [Laughter.]

My history with this program goes back to 2003. As an appropriator, the first appropriation was thought to be a tie vote. I received a visit from Mayor Williams, and he made a pitch to me for the program and I voted for the program, and it was a tie vote and I broke that tie. So, I have taken great interest in the program since then and watched it and hope to see it continue to mature.

I really believe that we have to, as you said, Senator, have competition in the system. I come from a big State. I have watched public education for 50 years carefully. I have seen California go from one of the best to way down the list. And, so, competition and charter schools and parochial and private schools all have a role to play.

The question comes, "Should somebody that does not have the money for a parochial or private school be denied that opportunity?" and that is where this scholarship opportunity program comes in, because it clearly says, "No." We believe in competition. We want to open the door to competition and an amount will be provided to make this opportunity real.

So, this program provides low-income students with up to \$8,381 to attend elementary school and middle school, and up to \$12,572 to attend high school. So, it is consequential. It may not do the whole job, but for a family that needs help, it gives that family the leg up.

Students have to meet only two requirements to apply for a scholarship. Their families must be low-income and have lived in the District for at least 5 years, and the scholarships can be used for tuition, for uniforms, for books, and public transportation.

I personally have an example in the District of someone who did very well in this program. Very early on in her life, she had a troubled public school education. I got to know her as a 3-year-old. I had the privilege of helping her go to a Catholic school both in middle school and also in high school. She got into Stanford University and this past fall she got her Master's degree. So, alternative styles

and venues of education can be helpful, and somehow, we have to open our hearts and our pocketbooks to this.

I believe so strongly that I have sent my staff out to some 36 of the 47 schools in the program. My staff made visits, talked with parents and administrators about how the program could be improved, and reported on what they saw. There were a number of schools, 12 out of the 47, that did not have accreditation, and I believe very strongly they should have accreditation. I think this is the next step to really improve education in this venue.

And, I am very pleased that in both the Senate and the House bill, there is a portion that accredits the schools, in other words, says they must be accredited within a certain period of time, and I think that is an important improvement and benefit.

But, I guess what I want to say is that I feel very committed to this pathway. I have supported the Knowledge is Power Program (KIPP) schools, other charter schools. I have seen them make a difference in low-income neighborhoods in California. And, I really believe that where education has to provide this equal opportunity is to low-income families. If they want to have a choice, we ought to make it possible for them to have that choice. So, I am a locked and loaded supporter of alternative education.

I just wanted to thank this Committee for your efforts and support. I think it is a model, and I think it can be developed, it can be improved. I spoke with former Mayor Williams about this at a dinner held not long ago, and I gather there is a new leadership group that is going to play a major role in school development in this particular venue.

So, thank you. I am very happy to be a strong supporter of the program.

Chairman JOHNSON. Again, thank you, Senator Feinstein, for your support, and you certainly have our commitment to work with you, with your leadership on this issue. Senator Scott.

**TESTIMONY OF THE HONORABLE TIM SCOTT, A UNITED STATES SENATOR FROM THE STATE OF SOUTH CAROLINA**

Senator SCOTT. Thank you, Mr. Chairman, thank you, Ranking Member Carper, and to all the other members of the Committee.

Senator Feinstein, it is certainly good to find an issue that we can work together on, and this is a very important issue for our Nation.

And, frankly, when you think about the issue of choice, you think about a way for us to combat poverty, to grow our economy, and to really unleash the potential of so many kids around this country and, frankly, dozens upon dozens of kids right behind us who are desperately looking for opportunities to show what they are made of, to give us real examples of the power of opportunity is to look at their success of the kids behind us, and, frankly, to their parents. To me, the issue of school choice is an issue that brings to light an opportunity for them to see their kids reach their full potential, and in my opinion, that is a very important consideration.

Too often, we hear conversations about Democrats and Republicans, of blue versus red, and the fact of the matter is the issue of school choice is not a partisan issue at all. It is not an issue about Republicans or Democrats. It is and should remain an issue

about children. And, we see the success of the school choice program, the Opportunity Scholarship Program (OSP), all across the city of D.C.

And, I will tell you, as I thought through my comments for this important hearing that Proverbs 22:6 came to mind, training up a child in the way that he or she should go, so that they can maximize their potential. And, to me, the foundation of education is a key component in harnessing that potential.

So many of these journeys start on rough roads, in little houses, trailers, small apartments, journeys that are very much like my own journey, living in a single-parent household in real poverty in North Charleston, going to four different elementary schools by the time I was in the third or fourth grade. The reality of it is that school choice is an opportunity to make sure that kids who grow up in the wrong zip codes experience the best of life and not simply the underperforming schools that may be in their districts.

I want to say this, and I want to make sure that I am clear about it. I appreciate, love, and have great affection for public schools. I am a product of public schools. As a matter of fact, if you have a good public school, that is a great thing. But, if you do not have a good public school, we should make sure that the options are available for the students and for their parents. That means every child everywhere in this Nation should be afforded the opportunity to maximize their potential through school choice.

And, Chairman Johnson, as you said at the beginning, your commitment to this issue started before you were a United States Senator. Ron, you were making investments in Milwaukee and throughout Wisconsin with your own resources because you understand and appreciate the power of education. That is an issue that I learned a little later in life, as a kid whose parents divorced when I was seven, growing up in a single-parent household. I started drifting in the wrong direction. I learned very quickly, Senator Sasse, that all drifting seems to head in the wrong direction. [Laughter.]

Senator CARPER. Was there some reason why you directed those comments to him?

Senator SCOTT. It was his profound maiden speech.

Senator CARPER. He gave a great maiden speech yesterday.

Senator SCOTT. Indeed. And, since my time is running out, and Senators, we cannot tell time, so I had better hurry up here, but the truth of the matter is, by the time I was a freshman in high school, I was failing out. I failed world geography. I thought I was the only Senator to ever fail civics, and then I joined you guys and realized that perhaps some of you did not do so well, either. [Laughter.]

You can say that to your own people. So, anyway, I failed Spanish and English, as well. When you fail Spanish and you fail English, they do not consider you bilingual. They call you bi-ignorant, because you cannot speak any language, and that is where I found my unhappy self.

But, I had the privilege and the blessing of a strong, powerful mother who believed in education. She became so invested in education for the next 3 years, I caught up, went on to Charleston

Southern University—"Go Bucks"—and graduated with a degree in political science.

I will tell you this, that when I think about where these kids are, here is what I think. I think that we are looking at those kids that attend the OSP program have a graduation rate of over 90 percent. Those kids in the district that do not go to OSP schools have a graduation rate just above 50 percent. We are spending a little more than \$20,000 per student to make sure that we have a 55, 56 percent graduation rate, but we spend about 40 cents on the dollar and we see a 90-plus graduation rate with parental satisfaction over 90 percent. And last year alone, 98 percent of OSP students went on to earn a two-or 4-year degree.

Senators, without much of a question, the divide in our Nation between the haves and have-nots can be easily defined by family formation—which I am not sure how we control that—and education. We do have the opportunity to control that.

I know my time is running short, so let me just close by saying that when you think about why these statistics and why these numbers are so important, let me just translate it. Half of African-American males do not finish high school in 4 years. Too many do not finish at all. And for students who do not finish high school, their income, on average, is \$19,000. For those students who finish high school, their income is 50 percent higher. For those who go on and finish college, it is almost three times higher.

We do this, by the way, scholarship programs, public dollars going to private schools, we do this every single day of the year in America. We call those Pell Grants. I took my Pell Grant to a small Christian school, Charleston Southern, and I will tell you that the unfortunate reality is simply this, that if you do not graduate from high school, you do not use a Pell Grant. And in my opinion, this is not about the numbers, though the numbers are very important. The cost of school is very important. This is about human potential.

Let us not be confused about what we are talking about. We are not talking about 20,000 versus 8,500. We are talking about making sure that the kids behind me have the same opportunities that each and every one of us who serve in this amazing body has. It is our opportunity, our responsibility to stand up and be counted for these kids that will lead us 1 day. And Lord knows, as we look at the entitlement State of America, we are going to need them to be taxpayers. God bless you.

Chairman JOHNSON. Thank you, Senator Scott. Delegate Holmes Norton.

**TESTIMONY OF THE HONORABLE ELEANOR HOLMES NORTON,<sup>1</sup> A DELEGATE IN CONGRESS FROM THE DISTRICT OF COLUMBIA**

Ms. NORTON. Chairman Johnson, Ranking Member Carper, I very much appreciate the opportunity to testify here this morning as the Member of Congress who is privileged to represent the residents of the District of Columbia. I regret we have no representation in this body, but I certainly appreciate your attention to our issues.

<sup>1</sup>The prepared statement of Delegate Norton appears in the Appendix on page 47.

Chairman Johnson, I want to begin by thanking you for your bill to make improvements in the District of Columbia criminal justice agencies. Your support of that bill here in the Senate is an important reason why it is on its way to passage in the House.

Now, I recognize that the bill before you providing vouchers for some of our students—and I am very pleased to see that among those who have come this morning are some of our students who will see how the Congress operates—I recognize that this bill may pass, so from the beginning, I have wanted to work with my colleagues as the bill moves forward, if it does, in support of this program that is \$182 million to ensure that the youngsters who receive the vouchers indeed get a high-quality education. That was the point of the vouchers in the first place.

I think I should first explain my own position. I have long supported allowing the current students in the program to remain until they graduate from high school. That is also the position that the President has taken. I regarded that as a reasonable compromise, even in a Congress which does not compromise on almost anything any more. But, I thought this was a reasonable compromise, considering that the District of Columbia is one of the few jurisdictions in the United States that has built significant alternatives for its traditional public school system.

I oppose this program because it has failed to improve academic achievements, including the students who it was most designed to benefit, those from the lowest-performing public schools. Now, during the more than 10 years this program has been in effect, the same tests show the District of Columbia public school's children have improved. The same tests show that District of Columbia charter school test scores have improved. But these voucher tests do not show similar improvement, though that was the reason that the Congress said that the District must accept this program.

This program violates the District's right to self-government. The District was not even consulted about this program, so might have had a better idea. This program deprives students of their Federal civil rights protections. And, most of all, it is unnecessary in our city, which, unlike most jurisdictions, has seen a growth of public charter schools. You will not find in most jurisdictions, as you do in the District of Columbia, 44 percent of our children going to public accountable charter schools. You will not find in most of these districts that 75 percent of the students go to out-of-boundary schools, schools of their choice.

I am proud of our public charter schools. When former Speaker Newt Gingrich approached me and said he wanted private school vouchers in the District of Columbia, and I was in the minority, as I have for most of my time in the Congress, I asked him, since the District had a fledgling charter school system, only one or two charter schools, but at least it had shown a home rule self-government interest in an alternative to its public schools, I asked him to work with me on charter schools, and that is how we got our charter school board, and that is why 44 percent of our children attend charter schools, and that is why our charter schools have long waiting lists, even though the voucher schools do not have similar waiting list.

Do you want to know what made our schools better? I believe in competition, Senator Johnson. It was the competition from these very good charter schools, often very near our public schools. And that is what, that is the competition that has made them into better schools today.

The Government Accountability Office (GAO) has found that this program in the bill before you lacks quality controls and transparency. I very much appreciate that the bill attempts to improve the program by requiring students, at the very least, to go to accredited schools. But I have to ask you, how could this Congress have allowed these students to go to unaccredited schools for now more than 10 years, simply because a voucher schools sprang up in their neighborhood? Of course, accreditation is a relatively low bar.

Now, there are a number of high-quality schools in this program, but Congress should not be funding schools that could not exist except for this program's virtually unconditional Federal funds. What I am referring to, we have called "voucher mills," fly by-night schools that sprang up in some low-income neighborhoods only after Congress created this program.

For example, the GAO found that voucher students comprised more than 80 percent of the school enrollment in six schools. The Washington Post did its own investigation entitled, "Quality Controls Lacking for D.C. Schools Accepting Federal Vouchers." Reporters spoke to officials of some of these schools. An example from one of them was, and I am quoting, "If this program were to end, this school would end."

The Senator spoke of competition. If a school has to rely primarily on Federal funds to exist, that is reason enough, it seems to me, that shows that market demand has not allowed that school to attract students, and if it cannot attract students on its own, then it should not attract Federal funds on its own.

To accomplish the purpose of eliminating schools that should not be funded by Federal funds, because they do not have the quality, because they could not exist except for Federal funds, I have offered an amendment in the House to limit voucher students to 50 percent of a school's total enrollment, and that is a fairly liberal requirement. Although my amendment was not accepted, I appreciated that the majority indicated that they did support eliminating voucher mills. I do not know, perhaps there is a better way to do it than my 50 percent suggestion. I would be open, and I am certain you would, Senator, to any way to make sure that the quality that the vouchers were after is there in the schools that are available.

I do believe that there is a burden on this Congress to ensure that the high-quality schools funded by this program, such as our accredited Catholic schools, do not have to compete for funds with voucher mill schools that would not exist except for these Federal funds.

It is disappointing to me that although prior authorizations of this bill included evaluation to be done—and here I am quoting the congressional language—"conducted using the strongest possible research design." Thus far, the program has been evaluated using that design. That is how we evaluate the children of public schools

and the public charter schools, and that is how we know whether they are, in fact, improving or not improving.

In contrast, this bill requires the evaluation to be conducted using what it calls an acceptable quasi-experimental research design and expressly prohibits using random controlled trials. This, even though the researchers involved with this evaluation said, and I am quoting them now, that “random controlled trials are especially important in the context of school schools, because families wanting to apply for choice programs may have educational goals and aspirations that differ from the average family.” In other words, we should be comparing apples to apples and not to whatever oranges or other fruits happen to spring up in our study.

I very much appreciate that there is an interest in the Congress in our children. Certainly with the help of Speaker Gingrich, we got what is now a flourishing charter school movement and charter schools that have been evaluated as the best charter schools in the country. We ask only to be treated as your constituents are treated, to be consulted on matters affecting us, and that is why I had decided that it was my obligation to come here this morning and to testify before you. And I very much appreciate the opportunity that you have given me.

Chairman JOHNSON. We appreciate your testimony, and, I think, rest assured, we may have differences in terms of how the opportunity is provided, but it is a goal we all share. We want every American, every child, to have the opportunity to get a good education so they can build a good life for themselves, their families. So, again, we certainly appreciate your passion on this and we appreciate your testimony.

And with that, we will—

Senator BOOKER. Mr. Chairman, if I just may extend my thanks, as well, not only for her presence here, but the Congresswoman’s office has been working with mine assiduously on improving this legislation. So, she is not just against it and not engaging. She is actually leaning in and trying to help correct what she sees as flaws in the current legislation. So, she has been tireless and she is working on behalf of a District, again, and I hate to editorialize, but it is, in my opinion, outrageous that they do not have more representation in this body.

Chairman JOHNSON. No. And, again, we appreciate the search for those areas of agreement to improve. I come from a manufacturing background. I am into continuous improvements. So, again, we appreciate your testimony and your efforts.

We will seat the next panel now.

[Pause.]

Chairman JOHNSON. Again, I want to welcome the witnesses. We were really privileged to have an overflow crowd here, so we invited some of the students and their teachers and administrators to come join us in the back of the panel here, which is a little unusual, but I kind of like it.

It is the tradition of this Committee to swear in witnesses so if you all would stand up and raise your right hand.

Do you swear or affirm that the testimony you will give before this Committee will be the truth, the whole truth, and nothing but the truth?

Mr. CHAVOUS. I do.

Ms. BLAUFUSS. I do.

Mr. JONES. I do.

Ms. CATALAN. I do.

Mr. LUBIENSKI. I do.

Chairman JOHNSON. Please be seated.

Our first witness is Kevin Chavous. He is a former member of the Council of the District of Columbia and Chair of the Council's Education Committee. Mr. Chavous is a founding board member and Executive Council for the American Federation for Children, the Chairman of Serving Our Children, Board Chair for Democrats for Education Reform, and former Board Chair for the Black Alliance for Educational Options. Mr. Chavous.

**TESTIMONY OF THE HONORABLE KEVIN P. CHAVOUS,<sup>1</sup>  
CHAIRMAN, SERVING OUR CHILDREN, WASHINGTON, D.C.**

Mr. CHAVOUS. Thank you. Thank you, Chairman Johnson and Senator Carper and Members of the Committee, for this opportunity to testify on a subject that is near and dear to my heart, namely school choice generally and specifically here in the District of Columbia, the D.C. OSP.

As you indicated, I served on the D.C. Council for 12 years and over half that time I was Chairman of the Education Committee, and from that perspective, I developed a keen awareness of the plight of many low-income students here in the Nation's capital. During my tenure on the Council, it became increasingly evident to me that many of the public schools serving our children in the most underserved communities were failing our students. These students needed options other than just the neighborhood public schools that may or may not be working.

Here in the District, despite, as you have heard, having some of the highest per pupil expenditures compared to other States, our students are dropping out or performing abysmally on national assessment tests, and I first sought to promote school choice by advocating for charter schools. This is a movement that has thrived in the District, demonstrating a high demand for school choice among its residents.

I do want to take this opportunity right now to point out that contrary to some of the claims of the critics and even my good friend, Delegate Norton, this program had high support in the District. Parenthetically, I just might add that I remember hearing from my father, he said, you always need to read because revisionist history is a dangerous thing. This program was not forced upon the city. Indeed, when Secretary Paige and President Bush approached Mayor Williams and I in 2003. They talked about a scholarship program.

The city's involvement was clear and evident when it became a three-sector strategy. It was Mayor Williams' and I view that if we are going to have a Federal program and a Federal partnership, let us make it a true Federal partnership and let us lift all boats. And that is how we ended up having an equal amount of money at the

---

<sup>1</sup>The prepared statement of Mr. Chavous appears in the Appendix on page 49.

time going to D.C. Public Schools, D.C. Public Charter Schools, and the scholarship program.

And, frankly, over the last 10 years since the program has been in existence, all of the money that has come from the Federal Government to help this three-sector strategy take hold, \$239 million have gone to D.C. Public Schools, the vast majority, compared to the other two programs. A hundred-and-ninety-five million have gone to the charter schools, and \$188 million have gone to the scholarship. So, even with the advent of this program, not only has D.C. Public Schools been held harmless in terms of not having an impact on their budget, they have gotten far more money than the other two sectors, and that, again, shows that this was a true partnership.

I might add that in addition to Mayor Williams and I, School Board President Peggy Cooper Cafritz, the President of the School Board at the time, was also supportive.

I support public schools, and during my tenure as Chair of the Education Committee, we fought hard to make sure D.C. Public Schools got its fair share. But as a country, we need to make sure that our public schools live up to their promise. One of the reasons why we supported this program in the beginning was Congresswoman Norton referred to the charter schools that we had. Mayor Williams and I realized back in 2003 that we had thousands of children on the waiting lists for charter schools, and still many parents came to us wanting to have other options.

I support the reforms that have taken place under Kaya Henderson's leadership and before that her predecessor, Michelle Rhee. Their commitment to public school reform and the public school reform movement is important and is noteworthy.

But equal education should be a civil right for all students in America. A quality education is the on ramp to economic independence. It is the gateway to keeping at risk students away from drugs and out of prison. Regrettably, as Senator Scott said, equal education opportunity is not the norm today. Affluent families get access to the best education options, but too often, low-income students have very limited and often inadequate choices.

Given these facts and statistics, it is puzzling to me how anyone can be against this program. Here is a program that has over a 91 percent graduation rate, over a 90 percent college going rate, it has produced thousands of opportunities for kids who otherwise would not have them at a time when D.C. Public Schools is still in the midst of its reform but still has not produced the same graduation rates and results as these schools have. What is there not to like?

Mr. Chairman and Ranking Member of the Committee, let me just briefly, before I close, address a couple of concerns raised by the GAO report that was referred to earlier.

As you indicated, I am the Chairman of Serving Our Children. We have board members that include a former parent of the program, Donald Hense runs the Friendship Schools, and also Mayor Williams. We are one month in as the new administrator of the program and it is our desire to make sure that we live up to the expectations placed on us to ensure that this program is administered effectively.

There are several things that we will be doing. One is we received a significant private grant, much of which will go toward implementing major technology upgrades, and we are currently talking to companies and receiving those proposals. We intend to develop policies and procedures to ensure the financial viability and sustainability of the participating schools. There was some mention about transparency. We will make sure that we are transparent. We intend to enforce the policy of ensuring that any unaccredited schools become fully accredited within 5 years. We have been working closely with Senator Feinstein's office on that. We want to increase program participation and awareness. We intend to develop internal procedures to ensure that our administrative expenses are accurately tracked. All of these things were alluded to in the GAO report and we are working diligently and will continue to work diligently to improve them.

In sum, a quality education is the foundation for achieving the American dream. Promoting equal education opportunity not only benefits disadvantaged children, but, frankly, it benefits all American. Equal education opportunity is the key to tackling the rampant socioeconomic problems that plague our inner cities. And to the extent that we can provide opportunities for at-risk youth, our entire Nation benefits from reduced crime, a far more productive workforce, and a more prosperous economy.

In the past, in many speeches I have given around the country on this topic, I refer to Dr. Martin Luther King's message during the civil rights movement regarding the fierce urgency of now. People should not have to wait for their civil rights, he said at the time, and a quality education today should be a civil right, especially in a wealthy country like ours. A child should not have to wait three to 5 years for a school district reform plan to kick in. We could lose a child, or many children, and the dropout statistics suggest we are while we wait for the system to improve itself.

For these reasons, we at Serving Our Children are dedicated to the concept that all children can achieve and excel if given the opportunity and the right environment. We hope that our efforts to ensure that all kids, regardless of geography, zip code, socioeconomic status, have an opportunity for quality education and a chance to thrive and achieve and reach their full potential. It is something that this Committee continues to share, and we appreciate your support in the past.

Chairman JOHNSON. Thank you, Mr. Chavous.

Our next witness is Beth Blaufuss. Ms. Blaufuss is the President of Archbishop Carroll High School in Washington, DC, where she previously served as the Vice Principal for Academic Affairs. Prior to her time at Archbishop Carroll, Ms. Blaufuss taught English at Bishop McNamara High School in Prince George's County as well as at Maplewood High School in Nashville, Tennessee, and the Sydney Grammar School in Sydney, Australia. Ms. Blaufuss received her Bachelor's degree from Yale College and her Master's in education from Vanderbilt University.

And I just have to note that Ms. Blaufuss hosted Senator Carper and myself for a tour of your school and what we witnessed was a safe and nurturing environment for learning, and I really did appreciate the time that you and your students and your other ad-

ministrators and teachers carved out for us to show us what I thought was a very wonderful school. Ms. Blaufuss.

**TESTIMONY OF MARY ELIZABETH BLAUFUSS,<sup>1</sup> PRESIDENT  
AND CHIEF EXECUTIVE OFFICER, ARCHBISHOP CARROLL  
HIGH SCHOOL, WASHINGTON, D.C.**

Ms. BLAUFUSS. Thank you, Senator Johnson. It was a joy to have you.

On behalf of the schools privileged to educate Opportunity Scholars, thank you. I have seen the impact of the Opportunity Scholarship firsthand. The most compelling reason to reauthorize it is that it works where it really counts.

In the 2010 study, Opportunity Scholars were 21 percent more likely to graduate from high school than those in the control group who qualified for the scholarship but did not win the lottery for it. The same researchers called the program, quote, “one of the most effective urban dropout prevention programs yet witnessed,” end quote.

Since the OSP began, Archbishop Carroll has graduated 221 Opportunity Scholars. Data from the D.C. Children and Youth Investment Trust indicates that 88 percent of OSP graduates go on to college, compared to 49 percent of low-income students nationally.

While we often tout the loudest those who go on to colleges with national reputations, like Dartmouth or Columbia, many of our OSP graduates of whom I am the most proud are those who come to us reading behind grade level but who still complete a rigorous college prep curriculum, or those like Mark, a student who admitted to me that he was not really even thinking about college as an option before he came to our school, or graduates who have endured periods of homelessness while they are in high school.

The numbers and numerous anecdotes I could share tell the same story. The Opportunity Scholarship improves outcomes.

When the program’s researchers controlled for different sizes in the treatment and control groups and for clustering in specific schools, they did find statistically significant reading gains, equivalent to about 1 month of additional learning per year. The researchers also State that scoring high on tests is less important to a student’s graduation prospects than academic habits and dispositions, such as self discipline, commitment, grit, and determination. OSP schools like Carroll foster those crucial dispositions.

In 2013 and 2014, our school’s SAT scores improved at a rate double that of the average for all D.C. public and private schools. Our graduates now persist in college at a rate 20 percent higher than the national average. We are just one of many private schools in the District innovating every day to do better by all of our students.

As a District of Columbia taxpayer and as a school leader who received applications from students attending a very small handful of sub-par schools, I embrace measures that preserve our schools independent approaches without tolerating fiscal or academic irresponsibility. The D.C. charter schools faced challenges similar to those of so-called storefront OSP schools. In 2007, oversight of

<sup>1</sup>The prepared statement of Ms. Blaufuss appears in the Appendix on page 53.

charter schools was streamlined and schools improved. Similarly, the OSP has a new administrator as of this fall. I urge you to allow that administrator to prove its effectiveness.

I am proud of my city's educational progress. The most important reason to seek private school choice is not that public schools are bad. It is that choice is good. Wealthy and middle-income families have the means to explore private schools along with public and charter options. It seems fundamentally unfair for low-income families to have fewer choices than wealthy ones, as Senator Feinstein indicated.

As OSP graduation data reveal, the mere presence of a full range of choices can improve outcomes for a low-income student. A growing body of research suggests that socioeconomically diverse schools improve achievement and social skills for all students. When the gap between high and low-income Washingtonians is at its highest since 1979, we risk real dangers to all of us if we allow children to grow up with unchallenged economic segregation. I would ask this Committee to consider the social as well as the academic benefits of OSP.

Amid talk of data, it is easy to forget that the core of education is relationships among students and teachers. Education is not some intellectual car wash where we just perform a series of operations on kids and they come out bright and sparkly. It is a series of leaps that individual students' minds and hearts must make. The greater the leaps we ask students to make, the stronger must be their relationships with the people who are asking them to take those risks. Relationships are stronger when we choose them, as families do in the OSP.

Dajanae is a bright, determined Carroll senior who, like some Members of Congress, was always convinced that she was right and resisted most attempts at constructive criticism, often landing her in the dean's office when she first arrived at our school. Now, she has become a student leader at Carroll. She told me, "I never would have grown as much if I had not come here with the forgiveness and patience of the teachers." She is but one example of the students for whom choice of a school community has made all the difference.

The OSP allows low-income students to foster relationships crucial to graduation in the same range of schools upper-income families have and I urge you to preserve the program on their behalf. Thank you.

Chairman JOHNSON. Thank you, Ms. Blaufuss.

Our next witness is Gary Jones. Mr. Jones is a father of five children with his wife of 21 years, Stacy, and resides in Ward 8 of the District of Columbia. Three of Mr. Jones' children have enrolled in private schools through the D.C. Opportunity Scholarship Program. For the past 2 years, Mr. Jones has spoken at rallies, attended hearings, and met with D.C. officials as a parent advocate of the program. Mr. Jones.

**TESTIMONY OF GARY JONES,<sup>1</sup> PARENT, D.C. OPPORTUNITY  
SCHOLARSHIP PROGRAM, WASHINGTON, D.C.**

Mr. JONES. Good morning, Senator Johnson. I would like to thank you for inviting me here. I would also like to thank the Committee members and Ranking Member Carper for also inviting me.

My story is this. My children have had the opportunity to attend D.C. schools in all three sectors, public, charter, and private schools, throughout the years with varying degrees of success. By far, we saw the greatest level of achievement for our children when we had them in private schools. Charters did not work for my children, while DCPS was mediocre, at best.

From what I heard earlier from the earlier panel, I have to say this about charters. Charter schools, from my research and my family's experience, have not met their AYP, the annual year progress. When my children were in charter schools, my wife and I noticed that several students were being retained in the same class, like ninth and tenth grade, like, repeatedly.

Public schools, like I said, I do not have any animosity toward them because my mother was a public school teacher, but, again, they were mediocre, at best.

My three older children were OSP recipients under the old Washington Scholarship Fund, an administrator that gave siblings a preference for entry. This allowed my son, Joshua, and my daughters, Aaliyah and Yasmine, to attend the same schools. Joshua received a full scholarship and the sisters partial scholarships. This was a huge benefit to my older children and to our family, for which my wife and I are truly grateful.

However, due to this Department of Education's misinterpretation of the law, my daughter, Sabirah, is in the OSP program through high school, yet my youngest daughter, Tiffany because she is already enrolled in a private school, is considered ineligible.

I have to tell you, the financial burden is wearing on our family. I am currently making ends meet by working two jobs in order to keep my daughters together in the same school. They are in an educational community that I trust to keep them safe, educate them at a level that more than prepares them for college, and will give them a better future for their parents. Is that not the American dream? Having parental choice in education is what will give my children the best chance at the American dream.

I am stunned and I am angry at the attitude of my representative, Delegate Eleanor Holmes Norton, and her opposition to this incredible program. Delegate Norton, like President Obama, only supports allowing the current children to finish the program while opposing the admitting of new students. What makes the children in the program now more deserving than the children who desperately want the same opportunities?

Parents in parts of D.C. need good choices now and we cannot wait for schools to improve or waiting lists to drop. D.C. has a 58 percent dropout rate in the District of Columbia Public Schools. My three older children, who, after they left the Washington Scholarship Program, they went to Ballou Senior High School, where they

---

<sup>1</sup>The prepared statement of Mr. Jones appears in the Appendix on page 60.

did graduate, but that was a one-percent graduation rate for the seniors each year.

Ms. Norton talked about accountability. As has been stated, more than 98 percent of OSP kids graduate and go on to college. That is accountability. Some of the best private schools in D.C. participate in the OSP program, including Sidwell Friends, where the Obama girls go, Archbishop John Carroll, Georgetown Day, Gonzaga, and my children's school, St. Thomas More Catholic Academy. Those individuals who are more fortunate can afford to send their children to schools on this list.

The public schools in this city have failed tens of thousands of children over the years, and while there has been improvement—I must be fair, there has been gradual improvement—they are nowhere near where they need to be. As a parent, what should we do, continue to wait? I do not think that is fair.

Sadly, eight members of the D.C. City Council signed a letter saying they oppose the program, one of whom his son attends Gonzaga High School, which I found hypocritical. I do not remember any of these Council members, including my own, who guaranteed me that she was for this program, ask me or any of the 1,600 families that take advantage of this fantastic program our opinion. Do any of these City Council members have any idea how much this initiative generates in additional funds for all of the District's children, whether they are in the D.C. Public Schools, charter schools, or the OSP schools? Do these Council members really want to turn their backs on millions of dollars? Where is the logic in that line of thinking?

The D.C. OSP program is an amazing program, and for those of us fortunate enough to have a child in this program, we are very grateful and we say we thank you from the bottom of our hearts.

It makes a difference. We, the families, have seen this program make a difference in our children's lives and want this program to be reauthorized. We, the families, want the law to be followed so siblings get preference. We, the families, want to make sure that other families desperate for a better educational environment for their children get this opportunity. We, the families, are desperate for an ongoing choice. We will continue to fight for those who have not had this life-changing opportunity.

I thank you for the opportunity to testify today in support of this reauthorization for this program. Thank you.

Chairman JOHNSON. Thank you, Mr. Jones.

Our next witness, we are very pleased to have Linda Cruz Catalan. Ms. Catalan is a high school senior at the Field School, where she has attended for the past 4 years. Outside of her study, Ms. Catalan participates in cross country and in a traditional Mexican dance ensemble, volunteers at the National Museum of Natural History, and tutors with the Latino Student Fund and Girls Who Code. Ms. Catalan is considering several universities, where she intends to pursue a career in computer science. Ms. Catalan.

**TESTIMONY OF LINDA CRUZ CATALAN,<sup>1</sup> STUDENT, THE FIELD SCHOOL, WASHINGTON, D.C.**

Ms. CATALAN. Thank you. My name is Linda Cruz Catalan and I am currently enrolled in the Field School in Washington, D.C., so I am going to talk a little bit more about myself.

At Field, I have had the opportunity to learn, create, and build connections that will last me years and years to come. I am extremely lucky to be going to the Field School itself. I have always come from a low-income family. My parents work extremely hard to pay for clothes, food, and the townhouse we live in. They are the two hardest working people I have known today and they are extremely resilient. In my mind, they have always been the pure image of what it means to make something out of nothing.

Before Field, I went to a school called Oyster Adams Bilingual School. This school was a very good stepping stone in my life and I was exposed to a lot of cultures and backgrounds. Besides seeing kids from middle-class families who could afford a high school education for their children, I also saw kids who were from lower-income families, like mine. These kids usually went on to local high schools, which was next in line for them if they did not either pay for a private school education or take advantage of programs and scholarships to get them there. I saw that a lot of these kids had multiple problems, meaning that a large public high school would not be beneficial for them.

At the time I was associated with a program, and still am, with a program that gives underprivileged kids these opportunities called D.C. Opportunity. They helped me and gave me these opportunities, the biggest one being the opportunity to go to the Field School. This program awarded me with a \$12,000 scholarship to attend the school of my choice. Since 2004, there have been 16,000 children that applied for this opportunity in the Washington, DC. area, and I was one of the lucky finalists to receive this opportunity to go to the Field School.

So far, through my lifetime, I have seen many underprivileged kids that come from lower-class families and do not have the opportunity that other scholarships like these are giving them, and most of these kids are extremely smart and deserve a big future where they can get educated in any institution they choose. I recommend that kids enroll in all these programs similar to D.C. Opportunity.

I currently am interested in math programming, engineering, and dance, and I wish to explore these things far into my future without anybody telling me I cannot do it just because of my background and socioeconomic class. If it was not for these many opportunities, I would not have been able to explore all these in the Field School and have the amazing privilege to explore them throughout the college of my choosing. Eventually, I wish to have a fruitful career in one of these fields and I am confident that I can do so.

And to add in, I am very thankful for everyone who is giving us, a student like me, these opportunities to study in college. And, again, I am not saying I had a great education from the Montessori I went to from pre-K to kinder and then Oyster Adams, but after

---

<sup>1</sup>The prepared statement of Ms. Cruz appears in the Appendix on page 62.

college, my family struggled to find the right education. It was either my neighborhood school that I would have gone to, but in that time, I was enrolled in a program that found the school right for me. And especially as a kid who struggled with being in a middle school class of 35 kids in one classroom, now, I am able to talk to my teacher one-on-one after school and during class, when my smallest class now, which is currently computer science, where we are only six students in that classroom.

And, I am extremely grateful for these opportunities that teachers, everyone, staff members, everyone in the school are offering. And, that is my story. Thank you.

Chairman JOHNSON. Well, thank you. I think we all are really glad that you got those opportunities, and I think we also think you are going to go far, so we really appreciate your testimony.

Our final witness is Dr. Christopher Lubienski. Dr. Lubienski is a Professor of Education Policy and the Director of the Forum on the Future of Public Education at the University of Illinois. Dr. Lubienski is a Fellow with the National Education Policy Center and Co-Chair of the K through 12 Working Group with the Scholar Strategy Network at Harvard University. Dr. Lubienski has published over 80 academic papers, with his most recent publication being "The Public School Advantage: Why Public Schools Outperform Private Schools." Dr. Lubienski.

**TESTIMONY OF CHRISTOPHER A. LUBIENSKI, PH.D.,<sup>1</sup> PROFESSOR, EDUCATION POLICY, ORGANIZATION AND LEADERSHIP, UNIVERSITY OF ILLINOIS, CHAMPAIGN, ILLINOIS**

Dr. LUBIENSKI. Thank you. I appreciate this opportunity to speak with you about our shared goal of providing quality education for all children.

My name is Chris Lubienski. I am a professor at the University of Illinois and my research over the past two decades has centered on the impacts of school choice policies, things like charter schools and vouchers, in the U.S. and in other countries, as well.

Research on school choice and vouchers, in particular, is typically focused on the question of academic achievements, and for good reason. As you know, the official evaluation of the D.C. Opportunity Scholarship Program concluded there was no conclusive evidence the program affected student achievement. After 3 years, there were impacts for some groups of students in reading, but not in math, and not for other groups, and not overall. Positive impacts were also reported on graduation rates for a somewhat different set of students.

These results generally reflect the findings of other voucher studies, where any impacts appear infrequently and inconsistently across groups and sub-groups of students, across cities, grade levels, and subject areas. Working with my collaborator at Illinois, Jameson Brewer, I examined the findings of studies frequently held out as the highest quality research in support of vouchers, which covered programs in five cities, including Washington.

While the analyses typically found no overall impacts from vouchers, in the cases where impacts were evident for some sub-

<sup>1</sup>The prepared statement of Dr. Lubienski appears in the Appendix on page 64.

groups, any effects were erratic, showing up for some students in one subject, but not for the same students in a different subject, or year, or in a different city.

For instance, in a previous evaluation of an earlier program in Washington, researchers found a positive impact for African-American students in year two, but negative and insignificant effects for those same students in years one and three, with no impacts on any other ethnic groups. This raises questions as to why. Why are we seeing such variability?

This is somewhat surprising, given the strong theory behind vouchers. We have had voucher programs in the U.S. for a quarter-century, and the reasons why we thought they would work to improve outcomes have not really played out. As Princeton economist Cecilia Rouse has observed, the best research to date finds relatively small achievement gains for students offered vouchers, most of which are not statistically different from zero.

Although the benefits have been somewhat elusive, it is quite reasonable to ask, should we still support such programs so long as no one is shown to be harmed? I am less persuaded by the argument that there is no evidence of harm, simply because most studies have not been designed to identify measures of negative impacts, and I say that for two reasons.

First, it is reasonable to think that some students, in fact, have not had a positive experience with these programs, while others, including many of the people in this room, have no doubt benefited substantially from voucher programs. Since the overall academic impacts are typically not statistically different from zero, that would suggest that for every student benefiting, there is approximately one other who has had a negative experience.

And, second, most evaluations have not really studied the effects of vouchers on non-voucher schools. Specifically, what happens to the children left behind in struggling schools when classmates with concerned and motivated parents leave?

Research going back to the 1960s, including my recent federally funded research with Sarah Lubienski, strongly suggests that a student's peers have a major influence on that student's learning, with this so-called peer effect having a much more consistent impact than voucher programs have been shown to exert. In fact, it is quite likely that exposure to a higher level of what Chingos and Peterson call "peer quality" in private schools explains much of the academic outcomes in voucher studies, particularly in reading, for reasons which I could explain, and in graduation rates. Unfortunately, this issue is not typically examined in studies of voucher programs, yet in all likelihood contributes to a diminishing educational experience for those students left behind in struggling schools.

In conclusion, there are reasons for caution in hearing claims about the benefits of vouchers. Overall, in looking at the potential and measured outcomes of these programs, I would say that there are better arguments for vouchers than their academic impacts.

Again, I want to thank you for this opportunity to share my assessment with you and for your interest in this really important issue. Thanks.

Chairman JOHNSON. Thank you, Dr. Lubienski.

Ms. Catalan, I just want to quickly ask you, you said you were lucky to obtain that voucher. How long did you wait to find out whether you were one of the lucky lottery winners and what was that like waiting?

Ms. CATALAN. Well, I was very nervous of waiting. I think, definitely, I am going to go straight to the point that if it were not for my parents, I would not have been at the Field School, because especially as a middle schooler just focused on academics, trying to be a straight-A student, trying to get the best grades I can, I really did not think of high school. I did not think of the high school I was going to, and my parents are the ones, really, who decided, Linda, I think this will be the best opportunity for you, where you do not have to stay at that one A grade, where you will be able to struggle in classes, where you are going to have the opportunity to step up.

It was—personally, after I found out that I received the scholarship, of course, I was very happy, along with the other students. I was nervous, as well, because I was going to a complete different school. I was going to miss my experience at Oyster that I had for the 8 years and—and the wait, I definitely cannot talk much about that, because that was most of the part of my parents.

But, again, going back to that, I believe that is important, that the parents do know, as well, that there are opportunities out there for their kids, because I know students now who wish, wow, I wish my parents did this for me, and I think that is important.

Chairman JOHNSON. So, it was hard working, caring motivated parents.

Ms. CATALAN. Yes, and I am thankful.

Chairman JOHNSON. I had the same benefit, by the way. People say I was a hard worker. That is because my Mom and Dad made me. So, glad you have great parents.

Mr. Chavous, you made a comment that said, it is puzzling how anyone can be opposed. I mean, I agree. It is. And, I think, Ms. Blaufuss, you said choice is good. Is that not just obvious, giving people choice, letting people have the freedom to choose opportunity for their children?

So, that begs the question, why do people oppose?

Mr. CHAVOUS. Well, I think that this has become such a polarizing issue politically largely because of the political arm of the Teachers' Union, I think, and it has been couched in terms of an either/or proposition. The education of our children should not be cast in partisan terms, nor should it be cast in terms of either/or. The beauty of choice, as we move down this road toward personalized learning—and that is where it is all headed.

Anyone who looks at the trends, just like we all have individual smartphones, we are headed toward this brave new world of personalized learning where choice is going to matter, and you will have kids in high school who will take classes at a community college for credits and they will take a virtual blended program and go into a traditional setting and they will end up with a diverse experience on their way toward personalized learning.

And, the beauty of choice is that it gives parents a stake in the game early in the process. When people talk about studies and why they are against it, they should look at Paul Peterson's work or

Patrick Wolf's work, who did the study on this program. Beth's comment about it being one of the best dropout prevention programs around, I think that the politics, the partisanship, and, unfortunately, the tendency not to put kids first and their interests first is one of the main reasons why this has become so polarizing.

But, the reality is, and Beth knows this, being hands on, is that she made a really good point about beyond the studies, if you look at the change, the life trajectory at these programs and the kids who get these programs benefit from, and the change in their academic habits, the way they view the world, their ability to excite what is possible where otherwise it was not there, that has had a huge benefit. And I would commit that you should look at Paul Peterson's study of those African-American kids in New York who received private school scholarships and that bears that out.

Chairman JOHNSON. So, just quickly, you quoted a 91 percent graduation rate of those schools with Opportunity Scholarships compared to—do you have just the percentage?

Mr. CHAVOUS. I think it is—D.C. Public Schools is 60 percent. It is around 60 percent.

Chairman JOHNSON. That is a significant difference right there.

Mr. CHAVOUS. It is a significant—

Chairman JOHNSON. And I know Ms. Blaufuss mentioned a 21 percent higher graduation rate.

So, just to quickly summarize, you are saying the opposition comes from the Teachers' Unions for whatever reason. That is the primary opposition to this.

Mr. CHAVOUS. Yes, and the reality is, the only people who really are against school choice are the ones who have it.

Chairman JOHNSON. Often, I think, back in the State of Wisconsin, the argument is made, well, you are robbing—you are taking money away from the public system and allocating it there, so you are going to disadvantage kids in public school. In case of the D.C. Opportunity Scholarship Program, that is actually—because of this program, there is another \$622 million per year flowing into the District's schools, right?

Mr. CHAVOUS. Yes—

Chairman JOHNSON. So, there is no robbing Peter to pay Paul in this case. There is actually a net increase in funding for the D.C.—so that certainly cannot be used as an argument.

Mr. CHAVOUS. They have more than any other sector over the last 10 years.

Chairman JOHNSON. So, again, so, tell me in your words, why is the Teachers' Union opposed to this in the D.C. school system? It makes no sense. You said it is puzzling. I am puzzled, as well.

Mr. CHAVOUS. Well, I do not know why. I do think that, as I said, the politics of the day is the biggest challenge. But, I also think that people are used to the fight in education, and if we really are looking at what is best for kids, then there is no way to be against this program.

Chairman JOHNSON. I agree.

Ms. Blaufuss, how do you measure what you instill in students in your school? And again, Senator Carper and I were there. We saw a safe and nurturing environment. I was in one classroom,

kind of a quasi-religious—by the way, the number of Catholics or percentage of Catholics is slightly more than 20 percent, right—

Ms. BLAUFUSS. It is 24 percent.

Chairman JOHNSON [continuing]. So you are a very ecumenical school.

Ms. BLAUFUSS. Yes.

Chairman JOHNSON. One classroom, and the discussion was the students' definition of "love" versus Webster's definition, and I will tell you, what the students as a class came up with was a far more meaningful definition of "love" than the very dry definition. So, just sitting in that safe and nurturing environment and hearing that very high level discussion was really inspiring. How do you measure that?

Ms. BLAUFUSS. I think that is a great question, because metrics are incredibly important in education and we look at a host of different testing data in order to determine whether we are doing right by our students. We just happen to like the tests we have chosen. So, we are an International Baccalaureate Diploma program school, internationally recognized rigorous college preparatory program. So, we use the information that those tests tell us not only to figure out how we are doing, but to pinpoint solutions to help us do better.

But, as you point out, there is a whole set of characteristics that are going to help someone be successful in college, as a parent, as a coworker in a workplace, that we as a Nation, I do not think, yet have metrics for. And, I think we cannot, as educators, only commit ourselves to those things that we are going to measure. And I think that is one of the great advantages we have as an institution, is to spend time working on how our kids get along, helping cultivate their virtue, hearing from them the strategies that help them be more virtuous.

We are still looking for ways to measure virtue. I think if anyone comes up with a metric, I would be grateful for it. But, nevertheless, we do not let the lack of metrics dictate the importance of those characteristics as part of—

Chairman JOHNSON. One measure is just having schools that are allowed to teach it, and values, and morals, and the parental involvement. The reason I thought the Catholic school system in Oshkosh was such a special place was because of that parental involvement, because they were able to teach morals and values and virtue. That is extremely powerful, and I am not sure that is going to show up in any test scores or anything else, but it sure shows up in character and sure shows up in achievement and success in life. Senator Carper.

Senator CARPER. Thanks, Mr. Chairman.

It is great to see all of you. I am sorry I was not here when you started your testimony. I was testifying myself before the Senate Budget Committee on a proposal for a 2-year budget process for the Federal Government. So, I missed most of your testimonies.

Linda, I caught the tail end of yours and you are one of the best witnesses I have seen lately. Actually, this was a good panel, how old are you now, 27?

Ms. CATALAN. Seventeen years old. [Laughter.]

Senator CARPER. Pretty impressive. [Laughter.]

I listened to all of you, and especially you, Linda, testifying, reminded me—and the Chairman has already just said this and I am going to reiterate it—I am a recovering Governor. I served as Governor of the State of Delaware, a great privilege, from 1993 to 2001, and we focused every day on raising student achievement, every single day. We adopted charter schools, public school choice. If you happen to be a kid in a school district—we have 19 school districts. If you happen to be a kid and, let us say, you are 6 years old and you are a first grader and there are five elementary schools in your district, public school choice, if they have room, you can go to any one of those other four schools and the money follows the student.

I love competition, and it has been engendered by public school choice and charter schools. This next September when school reconvenes, about 10 months from now, half the kids in the city of Wilmington will be going to public charter schools.

We have great traditional public schools in Delaware and one of them is Mount Pleasant, a high school which is about two miles from my home. And, Beth, I go for long runs on Sunday mornings before church and I run on their track. But inside that school during Monday through Friday, it is an IB school and they have done great things, traditional public school, by trying something different, experimenting.

But, I am reminded here today as I was every day I was Governor, the greatest predictor of kids doing well in school is the expectation of their parents. If you have somebody at home, at least one somebody at home in your life that has a high expectation of you, not just to say, oh, I expect you to do well, but actually help, set an example, personal example, work with kids early on, we read with our boys who are now 25 and 27 almost from the day they were born. They came home from the hospital, started reading, continued to read. Even right up through the eighth grade, I read to Ben the Harry Potter novels. I think I enjoyed that as much as he did, probably more. Then he started reading to me, which was even better. Can I go to bed, Ben? “No,” he said. “No, Dad. You have to stay up until I finish this book.”

But, a great predictor of kids doing well, expectation of their parents. Another great predictor of kids doing well, early childhood, and reading is part of it, but the earlier that we start, the better. You have a bunch of kids coming into kindergarten at the age of five. They do not know their letters. They do not know their numbers. They cannot read. They cannot do math. They cannot write. And they are sitting next to kids who can, and the kids who can just go faster and faster and faster, and the kids who cannot go slower and slower and slower. And we end up with a situation where we have a lot of disruptions, kids acting out, and we see that every day in our schools.

I think the other key is clearly spelling out what we expect kids to know and be able to do in math and science and English and social studies, have an ability to measure student progress there, and having great teachers, great teachers in the classrooms who love kids, who know their stuff, who make learning fun, make learning relevant to what is going on in the lives of kids after on.

And then we have different ways to try to create competition. We have different ways to create competition, and I have mentioned a couple that seem to work in our State. We have a variety of ways to engender competition here in the District of Columbia.

What I would like to do in this conversation is just have a chance to figure out why, for kids for whom this program seems to work, why is it working well and what are some ways we can make it better. Everything I do, I know I can do better. Everything we have done in education in Delaware, I know we can do better and hopefully continue to do better.

But, let us just look at this program in the District of Columbia. Dr. Lubienski, let me just start with you. I think this program is going to be reauthorized. I think it is important that when it is, is that we do it in a way so that it is going to be better, that it is going to be better. Give us an idea or two how we can make it better, please.

Mr. LUBIENSKI. Excellent question. I know that there is some discussion about—in the reauthorization of the program about how to evaluate that and whether or not you should use randomized control trials. I think Representative Norton weighed in on that. Can I suggest that randomized control trials are seen as being very strong, rigorous experiments that answer a very narrow question, and so there was talk about moving toward more quasi-experimental approaches.

Personally, I think that there is value to different types of approaches for understanding an intervention like this. What I really would like to see in terms of the evaluation is for the evaluators also to consider the impacts of the family background factors and how those are clustered into different schools. I think research has shown pretty convincingly that it is not necessarily a voucher or a piece of paper that teaches kids. It is these other factors, as well, and we are not really considering those in the evaluations of these programs. So, I would point in that direction.

Senator CARPER. Good. Thanks.

Linda, just give me one idea, one idea from the experience you have had in school, one change we could make that would make this program even more effective for a broader range of kids.

Ms. CATALAN. I am going to have to agree. From experience from students who had complained, actually, about scholarship programs and programs like these where there was more background research needed in order to, like, be accepted into this program, I recently personally, even—I have been through this. I recently applied for a scholarship program for college and was denied the scholarship because I go to a private school, so assuming I have the money to afford for this \$41,000 tuition it is just for tuition for Field School. They assumed immediately after I contacted them that I am able to pay for this, and I think a lot of background research needs to be—

Senator CARPER. OK. Thank you, ma'am.

Mr. Jones, give me one really good idea how to make this program better, more effective.

Mr. JONES. Well, again, to piggyback, it is looking into the family background, the family history, of the socioeconomic condition of the family. I also think that more money should be put into the

program for immersion programs, like language immersion programs, especially in a primary age, a middle school age, art immersion programs, things like that. Those things help benefit the students and make them more rounded and cultured going forward into high school and into college.

Senator CARPER. All right. Thank you.

Ms. BLAUFUSS. By the way, it was great being in your school. Thanks for the warm welcome. It was much appreciated.

Ms. BLAUFUSS. Thank you. I am going to push my luck and propose two improvements. One is really continuation of the existing legislation, and that is to continue funding for academic support as a piece of the bill, and I know the new administrator is going to work harder to make sure that money is actually used. It was not used in the last 5 years, even though it was part of the bill, and I think it is crucial to the bill's success.

The second suggestion I would have is to make being currently enrolled in a private school not be a disqualifier. To disqualify kids because they are currently enrolled in private school seems to imply that a family's economic status will be the same from kindergarten through high school. So, it assumes that no one is ever going to lose their job, no one's dad is ever going to die, no one's parent is ever going to suffer from mental illness. So, to say that kids who are currently enrolled in private school who otherwise in every way qualify for the program are disqualified from it, it seems to me fundamentally against the spirit of what the bill is trying to accomplish.

Senator CARPER. All right. Thanks. Mr. Chavous.

Mr. CHAVOUS. In addition to us as the new administrator really drilling down and dealing with the transparency issue and some of the nuts and bolts day-to-day things that they mentioned, which we think is important, I also think that there are some carryover funds that could be used to maximize some scholarships.

We plan on having an aggressive outreach program with parents. The parent engagement piece is always something that is put at the end of the priority list. We want to elevate that so parents can be educated consumers and understand the responsibility of how to pick the right school for their child and how to be an advocate for their child, and I think that is going to make a huge difference, so that parents like Mr. Jones can make educated choices about any of the options that are available. But, if we have access to those carryover funds, we can give more scholarships to this new breed of educated parents that we hope can take advantage of choice here in the District.

Senator CARPER. Great. Thanks so much.

Chairman JOHNSON. Senator Booker.

#### **OPENING STATEMENT OF SENATOR BOOKER**

Senator BOOKER. Mr. Chairman, thank you very much for holding this, and I appreciate the work that you are doing in a bipartisan way to try to advance what I think is important legislation.

I want to thank all the members of the panel for all of their extraordinary and enlightening testimony.

Linda, honestly, I have seen many people testify. Many of them would love just a fraction of the poise and confidence you showed

when you spoke. It is extraordinary. When I was 17, my biggest fear was speaking in front of people. I would have been shaking and you looked like a pro, better than many Senators, so thank you very much.

And, I just want to say that Kevin Chavous, he and I have been friends for decades now, when we both had very large Afros—  
[Laughter.]

And I just want to thank you, man. You have been a partner and ally of mine, somebody that has been helping me back in the days when these issues were not popular at all. So, I am grateful that you are here.

Mr. Chairman, I just want to start off with something, because there is too much vilification, in my opinion, in this movement, especially around Teachers' Unions. There are States in America right now that are Right to Work States that do not have strong Teachers' Unions but still have failing schools. And, to me, we are too focused in on creating an enemy and not nearly focused enough on what needs to get done, which in this country that professes to believe in equal opportunity, that has children across the country pledging allegiance every single day to this ideal of liberty and justice for all, well, that is a lie to many kids because they do not get the justice of a great education.

And, Federal policy over the years has allowed certain neighborhoods to be drained of their wealth through the Federal Housing Administration (FHA) policy that has created ghettos through consciously bigoted Federal actions, that has allowed certain people to opt out of the public schools.

I listened to Dr. Lubienski talking about—and I had to scratch my head—about the peer impact on when some kids opt out and some do not. Well, that is America right now, because rich and middle-class kids are getting to opt out of the system. And, so, the current landscape reflects our tolerance of allowing the wealthy to opt-out of the system, but shrieks of do not let poor people do it, dear God and when discussion of extending that privilege to low-income families occurs.

And, so, my point right now is that we must have a focus on educating all children. I am sick and tired of seeing the pipeline school-to-person play out ending with sending our children to prison. In fact, it is eight times more likely for a kid who does not graduate from high school to be arrested. We are fueling the biggest bureaucratic growth in government. It is the prison system, which has gone up 800 percent on the Federal level because of the failure to educate our kids, to cultivate their genius. That is unacceptable to me.

And, so, these debates often become about everything but poor kids getting a shot. And, by the way, these kids are our children. They are the greatest natural resource this country has. There are poets and artists and scientists and Senators in our schools who are not getting a shot because of these choked systems.

And, so, I am dedicated to the idea that the American public—public education is a bedrock, fundamental aspect of this country. It is what makes us a great democracy. And the fact that we believe that public education should be diverse and allow poor

kids to have choice, to me, that is something I have been fighting for my entire career.

I am happy to see Eleanor Holmes Norton recognize that choice in education encompasses both District schools and charter schools. You know that, Kevin. That sentiment would not have been heard 5 or 10 years ago. My city, which was recently recognized by the Brookings Institution—Newark, where I live—as one of the top cities in America for choice, what has happened over the 8 years of our choice movement in Newark? Black children in my city that are attending schools that beat the State average have increased 300 percent. The data, and the data from Center for Research on Education Outcomes (CREDO), which, about this one city, is extraordinary pertaining to the quality education we are providing when we allow parents like Gary the greatest power you could have, to choose the destiny of your child.

And, so, this hearing is something rare I have ever seen during my time in Washington, where we have a program where politicians are basically saying, we are not going to cut something here, one program for poverty, in order to put something there. We are going to actually increase funding to District schools. We are going to increase funding to charter schools. And we are going to increase funding to scholarships. I wish this Congress was as committed to increasing funding for poor kids as it is in this little area called this three-prong approach, Kevin, that you were one of the main architects of back in the day.

And, so, what my interest is, is making sure that those choices for children, which I deeply believe should extend to poor kids in the same manner in which they are extended to rich kids, that those choices are quality choices, and this is what I want in America, that there is accountability in our schools. I do not believe in charter scholarship District schools. I have a simple way I look at schools, good schools or bad schools, and the problem with a lot of charter schools is they do not close. They fail to teach kids at high levels and then they keep going in perpetuity.

And, so, what we need to have, in my opinion, is a robust program—if we are going to do this in Washington and deny Washington residents the right to control their own schools—look, I had to deal with that in Newark, having the State take over a district—but if we are going to deny the right for Washingtonians to choose their own destiny and design a program, let us do everything within this program to give poor kids choice of quality options. That is the urgency that I have right now.

Now, this bill, and I am going to get to Christopher, if I have the time, to say there are flaws in it. There are flaws. I do not understand how you can design a scholarship program, Kevin, that says some of your kids get about \$28,000 per child and then another system gets only \$12,000 per child. That is shortchanging, in my opinion, a whole bunch of kids.

And, so, if you want to understand why a lot of the schools—Sidwell Friends, I could name the private schools in this that, if I had children—may God bless me 1 day and get my mother off my back— [Laughter.]

But if I had kids, if I had kids, I would do whatever—I would be in Gary's camp. I am going to do whatever it takes to fight to

get my children in the best schools possible. This scholarship program does not allow that because the scholarship amount is too low.

And, so, I have some questions, Chairman, but I just used my 7 minutes to talk a little bit, and—

Chairman JOHNSON. You used them very effectively. I appreciate it.

Senator BOOKER. Thank you very much, and I will wait for another round if I should be so lucky.

Chairman JOHNSON. I do need to see a picture of you in that Afro, though. [Laughter.]

I think, quite honestly now, all America wants to see that Afro.

Senator BOOKER. If Tim Scott shows his pictures, I will show mine. [Laughter.]

Chairman JOHNSON. I do have more questions, so if you stick around, you will probably get a chance to ask some. Senator Heitkamp.

#### **OPENING STATEMENT OF SENATOR HEITKAMP**

Senator HEITKAMP. Thank you, Mr. Chairman.

This obviously is not an issue that affects my constituencies much. The underserved constituents in my State do not have access to a robust private school system, and so, obviously, it is not an issue that we have confronted. But, I do have a great deal of sympathy as we look at Native Americans, who have experienced historically low rates. You all have talked about dropout rates. The lowest dropout rates in the country are among Native American students, especially those in Indian Country. And, so, I share a lot of this passion and I share a lot of the concern that we have about making sure all of our schools function, that all of our schools are utilizing their resources to do the right thing for the children of America.

We continue to be very challenged in public education, but one of the concerns that I have is we have just gone through a rewrite of No Child Left Behind in the U.S. Senate, and in that rewrite, we were reminded consistently by Senator Lamar Alexander that we are not the national school board. We are not the national school board. This is something that should be left to local choice. This is something that local entities should make up their mind.

And, I am always troubled in an overarching system with interference of Congress in local options and local decisions. Now, recognizing we cannot segregate or separate that relationship very easily, but I think we can be mindful and respectful.

I think, Mr. Chavous, you talked a lot about the D.C. Council not supporting this program any more, and why do you think that they have taken this position, as a former Councilman yourself, and what would they do if we just said, it is up to you guys to decide? What would happen?

Mr. CHAVOUS. Well, first of all, let me just say, Senator, that yes, most education funding and policy is locally based, as you indicated. But it is clear, and Senator Booker alluded to this, that the District and the Federal Government has a special, unique relationship.

Senator HEITKAMP. Yes.

Mr. CHAVOUS. We do not have voting representation, and you all do sign off on our budget, which is wholly self-generated. And, so, there are different nuances to it. When Mayor Williams and I were approached 10 years, 12 years ago about this, it was to acknowledge the special relationships where there are some burdens and benefits to being citizens of the District and the Nation's capital at the same time, and the feeling was, let us figure out a way to make sure that the Federal Government has a stake in the Nation's capital. So, that was the genesis for the partnership—

Senator HEITKAMP. Yes, but I think my point is that where I have heard just wonderful testimony and great stories and certainly been absolutely charmed by the young woman here, I also want to make sure that we are respectful of whatever local governance you do have. And, so, as we kind of look forward, how do we get everybody—when you were there, this was, yes, let us do this program. Let us walk together.

Mr. CHAVOUS. Yes.

Senator HEITKAMP. And now it seems like we have gotten this division. How do we bring people back together at the District level to support one unified program without having that debate refereed by this Committee?

Mr. CHAVOUS. Well, one is information is power. I think that even in talking to some of the folks who signed the letter, they did not realize, for instance, it was a three-sector strategy. So, if you get rid of the scholarship amount, you will get rid of the money that goes to D.C. Public Schools and D.C. Public Charter Schools. I think that you have newer members who do not understand the history, and we are told by some activists who are against the program that this is a voucher program exclusively. They did not understand all of that.

Senator HEITKAMP. Yes.

Mr. CHAVOUS. And, if you also pay close attention, you will notice that the Mayor and Chairman of the Council did not sign the letter. The Mayor has in the past signed letters in support of this program and the Chairman of the Council refused to sign this letter.

So, I think that once we spend more time talking with the newer members, because there are several new members in the last couple years, about what this—the full impact of this partnership really is, they do not want to lose that money and they also want to make sure that we do lift all boats. I mean, I feel confident that we can bring most people together. Now, there are going to be some, and our Congresswoman is one of them, who just do not like the program for whatever reason. She did not like it ten or 12 years ago. She did not like it when a majority of the Council signed a letter a couple years ago. So, now with the new members we just have our work to do to educate people.

Senator HEITKAMP. And I think that is a critical piece, because I was encouraged when Senator Booker talked about how the Delegate was actually working with his office to improve it. I think we all believe that there should be higher levels of accountability. We believe that there should be review of the GAO report. But, ultimately, what I am looking for is some kind of broader consensus within the D.C. community, whether it is the school board or the Council, asking us for what they need rather than us telling them

what to do, because we should not be your school board. Your community should be your school board and your school district should be your school board.

I am not philosophically opposed to anything that moves children ahead. and, so, for me, this is not about philosophy nearly as much as it is about parental and local control and making sure that we hear those voices kind of broadly. And when political leadership that is supposed to represent the local folks send us mixed messages, it is a tough lift here, because we do not want to be your school board. I do not want to be your school board.

Mr. CHAVOUS. No, I appreciate that.

Senator HEITKAMP. I want you guys to be the school board.

Mr. CHAVOUS. No, I appreciate that, and then that is why many of us support statehood, which I expect many of you would support it for the same reasons. [Laughter.]

Senator HEITKAMP. I am sure the Chairman would be glad to answer that question. [Laughter.]

But, I guess, to the extent that as we proceed with this bill you can, through your past experience, work to try and develop a better consensus at the—

Mr. CHAVOUS. Absolutely.

Senator HEITKAMP [continuing]. At the city level, at the school district level, with school leaders, so that you can come and say this is what—we are not going to make everybody happen, but this is what works for us and please be respectful of the decisions—

Mr. CHAVOUS. We are aggressively educating and engaging the City Council.

Senator HEITKAMP. Thank you, and thank you all for your love of your children, obviously reflected in your advocacy here, your amazing testimony, Beth. I was moved by all the work that you are doing. Obviously, we think that you might be President some day. And, it is important that we still have kind of an academic look-back, because anyone can come up with a feel good story, but we need to have a broader perspective, and so I look forward to working with the D.C. School District.

Mr. CHAVOUS. Thank you.

Chairman JOHNSON. Thank you, Senator. Remember, we are trying to concentrate on those areas of agreement. [Laughter.]

There is a fair amount of agreement on this issue.

Senator HEITKAMP. Mr. Chairman, I did not raise statehood. [Laughter.]

Chairman JOHNSON. You just did. [Laughter.]

Mr. Chavous, just real quick, in terms of numbers, I do not have the total amount that the District spends on its schools, but you do some calculations and it is looking like what the Federal Government is providing in this program is about a quarter. Is that close, or what is the breakdown—

Mr. CHAVOUS. I am not sure. I know that there is—over the last 10 years, you all have contributed in this program alone \$239 million. I do not know the total number in terms of other contributions.

Chairman JOHNSON. Well, the total amount by your testimony is \$239 million for the public schools, \$195 million for charters, \$188 million for the scholarship program—

Mr. CHAVOUS. That is right. That is right.

Chairman JOHNSON [continuing]. So that is \$622 million in total.

Mr. CHAVOUS. Yes.

Chairman JOHNSON. And if you just take \$28,000 times the 85,000 students, that is close to about \$2.4 billion. But, it is a pretty significant chunk that the Federal Government is contributing.

I want to go to the demand side of this and how much demand is it and what kind of waiting lists, because I was surprised by Representative Norton's assertion that there just really is not that much demand for this.

Looking at Milwaukee, we have 77,000 students enrolled in K through 12, and because it is a very robust choice program, 33 percent of those—25,000 students enrolled in the program represents 33 percent of student enrollment. Of those eligible, it is 42 percent. That is a high level of demand.

Here in the District, you have 85,000 students and you have 1,400 enrolled. I cannot believe there is that big of difference in terms of the demand for those opportunities.

Mr. CHAVOUS. No.

Chairman JOHNSON. Can you just kind of speak to that, what is limiting it?

Mr. CHAVOUS. Yes. Mr. Chairman, we know there is demand, but people do not know what they do not know. So, part of it is we have to do a better job of letting people know these opportunities exist. For the average parent out there, and Gary Jones knows this, they do not even make the distinction between public, private, and charter. It is just, as Cory Booker said, it is about good schools.

We know when the program first started, where there was more aggressive marketing by the administrator, more information in public housing and community centers, the demand grew. But over the past several years when there have been challenges, as the GAO report alluded to, with the previous administrator, when there were challenges in terms of relationships with the Department of Education and how many scholarships can be let out, the enrollment period, making sure that the sign-up period was consistent with the sign-up period for charter schools, oftentimes, there was a truncated schedule in terms of—

Chairman JOHNSON. We make it very difficult.

Mr. CHAVOUS. It made it very difficult.

Chairman JOHNSON. Yes.

Mr. CHAVOUS. But, we are confident that with our aggressive outreach to let people know that the demand is there and the proof is in the pudding, there is a demand of over 8,000 on the charter school list, and so we know that parents want more. We just have to make sure that they know that there is more out there that is available for them.

Chairman JOHNSON. In the State of Wisconsin, when I was involved in the education system, I know we had an open enrollment period, where if you were going to public school, you can choose whichever public school you want to go to. You had an open enrollment period, but it was in the middle of February, and trust me, nobody knew about it. It was only a couple of weeks long, if I recall.

Mr. CHAVOUS. Yes.

Chairman JOHNSON. Mr. Jones, can you speak to that.

Mr. JONES. Well, I can say that our city leaders, they promote the charters more than they would the OSP private schools and parochial schools, and that is why a lot of parents do not know about it. Now, from my experience, because people have seen me at some of these rallies and have seen me speak, I have had people in my neighborhoods and communities walk up to me and they are asking me how to enroll their children in the OSP programs. When I re-enroll—every year, you have to re-enroll your children in the program—there are lines going literally around the block and down the street because people want better choices for their children.

So, I do not understand why Ms. Norton is saying that there is not a high demand for it. I know that people in Southeast Washington, DC. are wanting to get their children into better schools. And, like I said, it seems like our city leaders are more focused on charters as opposed to the private school sector.

Chairman JOHNSON. I was pretty moved by your discussion of how you have one child, one daughter, that has the voucher, the other one that was already in private school so she does not qualify. So, then—we sent our kids to the same school and it was enormously beneficial that you had siblings in the school helping each other out. I mean, I do not want to break out those families. What is the rationale if you qualify—if one of your children qualified for the Opportunity Scholarship but the other one does not? I mean, what is the rationale for that? I know Ms. Blaufuss talked about that disqualification. Can you speak to that? Any rationale for that?

Mr. JONES. What was explained to me 2 years ago when I first signed my daughters up for it was that the older one would probably get the scholarship, but because the program was a 5-year program, they had to do the assessments, the younger one would have to wait until that 5-year period before she could become eligible to receive a scholarship, which to me it just did not make any sense. So, that is the only reason that was given to us, is that you have to wait until this program is done and it is up for reauthorization and we have to do the assessments and then she can qualify for it.

Chairman JOHNSON. So, right now, you are working two jobs to make sure that your children are together in the same school—

Mr. JONES. Yes.

Chairman JOHNSON [continuing]. To have that benefit of that sibling support system.

Mr. JONES. Yes. What it was, I had the choice to make. Last year, my youngest daughter, Tiffany, she could have stayed in DCPS while Sabirah was, like, a quarter of a mile away at St. Thomas More. But, I mean, logistically, trying to get both kids to school at the same—on time, it was just wearing on me and my wife. So, I just made the decision. I was, like forget it. I will just have to pay out of pocket and do what I have to do.

It is not like I did not like their public school when they were there, but because of what is going on with the school system, they kept closing schools, they were consolidating schools. Our school did not get closed, but it got consolidated and the principal was promised by the chancellor all these resources to help accommodate

this influx of students. Well, it did not happen. So, I was a parent advocate for DCPS and I am fighting for resources and books and things that was promised to us by the chancellor and that left me, like with an option. Do I keep my child in this organized chaos, what I call it, or do I move her and pay out of pocket for it?

I felt bad, because my children have always been honor roll students, but in Tiffany's fourth grade year, they got new teachers, young teachers who were not used to teaching kids in the inner city. You have 39 students in one class with one teacher and no teacher's aide, and she started to struggle. And I just could not afford to let my baby stay in that situation. So, when fifth grade came around, I said, I am going to put you in St. Thomas More. I took a second job to pay the \$6,000-plus tuition.

And I am glad I did, because in the fifth grade, it was even worse. There was still an influx of students because of the consolidation, and instead of having two fifth grade teachers, one quit the second day. So, the school was scrambling around trying to find another educator for this class.

And, Tiffany has continued to progress in St. Thomas More. One of the things I love about it is because they get that—how do I say that—their spiritual aspect to it, they give the academic access to it, they also, like, when they do struggle, it is not that they come in and they are flying high in every class. They give them tutoring after school. The class size is somewhere between 12 to 15. They get one-on-one instruction when they need it. So, I just had to do what I had to do to make sure that they have the best opportunity to go far, through college and in life.

Chairman JOHNSON. Yes. Well, first of all, thank you for being a great parent.

Real quick, Dr. Lubienski. We started this journey, this Committee, with a field hearing in Milwaukee at St. Marcus Lutheran School on July 20, and we had an expert kind of like yourself in terms of trying to study the outcomes, which is very difficult. I mean, it is just very difficult to measure all these things.

But, I look at, as Ms. Blaufuss talked about, just choice is good. Kind of keep it simple. The fact that graduation rates elevate from 67 percent to 91 percent. And then how do you measure what Mr. Jones was just talking about, that nurturing, that safety, the moral teaching, the values teaching? How do you measure that?

Mr. LUBIENSKI. That is an excellent question, and parents are measuring that by making choices for the types of schools that match their preferences for those types of things.

I would want to caution about the comparison of the graduation rates from the voucher program and the D.C. Public Schools in general, or Milwaukee Public Schools in general. You are looking at two different populations, and so social scientists can say there is a likelihood that many of those students would have graduated no matter which type of school they went to.

But, if I could respond to the issue about choice and choice for disadvantaged students, I mean, that is an excellent question. I really appreciate what Linda had to say. If not for her parents—and that is something to consider. Not everybody has parents like that, certainly. Choice can be a good thing. As I said, I think there is a strong moral argument for that. But is it leading to better out-

comes or access to better schools? And, the research is much more equivocal about that.

Last year, there was a study out from the Organization for Economic Cooperation and Development using Program for International Student Assessment (PISA) data. Countries that have higher levels of competition in their schools, more choices, are doing no better in terms of academic achievement, and schools in those countries that are more competitive and are based on choice are doing no better than other schools in those countries. However, they did find out that there are greater levels of segregation associated with choice. So, I think that we have to be concerned about some of those unintended outcomes, as well.

Chairman JOHNSON. Thank you, Doctor. Senator Carper.

Senator CARPER. Thanks very much.

I am a veteran, Vietnam veteran, came back from Southeast Asia, third tour, moved from California to Delaware, enrolled in an M.B.A. program and got \$250 a month to go to school, grateful for every dollar of it. Today, veterans coming back from Afghanistan, if they served 3 years in our military, they can go to school—they can go to Rutgers free, tuition paid for, everything is paid. University of Delaware, University of Wisconsin, tuition paid for, books, fees, all that stuff, a \$1,500 a month housing allowance, as well.

You have a bunch of for-profit, and some of the for-profit colleges and universities in this country are very good, are very good. Some of them are not. They are diploma mills. They are preparing students for jobs that do not exist. They spend more money in recruiting students, a lot of them G.I.s, than they actually spend in training and preparing them for work.

We have a rule under the Federal law. It is called the 90/10 rule. Basically, it says that no more than 90 percent of a—if you are a for-profit college and university's revenues can come from the Federal Government. There is a loophole that allows some of them to get up to 100 percent. And if you look at the number of schools that are not doing a good job—some are even shut down now around the country because they were not doing a very good job preparing folks for gainful employment. A lot of that can be traced right back to that situation.

Here is my question. I am told we have some schools in this program whose revenues come from, I think 100 percent from vouchers from the Federal Government, 100 percent. The reason why we have the 90/10 rule is it says there have to be some market forces. These schools have to be good enough, these colleges and universities have to be good enough that somebody is going to spend their own money or work or whatever rather than just having the Federal taxpayer pay for it.

Do you think that it is appropriate for the Federal Government really to fund 100 percent of the cost of these schools through Federal tuition? Go ahead, please. Beth.

Ms. BLAUFUSS. I think that in looking at how one measures how the Federal dollars are used and the kinds of institutions that are taking them, I would ask us to keep our eye on the ball, which is student achievement and student educational attainment, rather than looking at the nature of the institutions where that is hap-

pening. I think the measure of a school should be the outcomes of the kids in it.

So, I think my understanding is that some of the numbers that get thrown around, and Kevin may be able to share some of those numbers about the particular institutions, I am particularly wary of programs like, or amendments like the one that Delegate Norton proposed with putting what seems to me like an arbitrary cap on the number of OSP students at a school. It seems like the measure of a school is the students, not the nature of the institution.

Having said that, all of the schools should be financially responsible and should have good financial oversight, which I think the regulator will make sure happens. So, I would just caution that the ultimate measure should be the kids.

Senator CARPER. Mr. Chavous.

Mr. CHAVOUS. Delegate Norton talked about the voucher mills and a lot of these schools popped up right after this bill passed. That is not the case. It is my understanding there are only two schools that emerged, new schools, after this bill passed. I think the vast majority of the schools in the program, and we are working on the numbers now, would clearly fall within the 90/10 rule and probably even less. I think most of the schools—I do not know of any of the schools that are 100 percent, but I will have to check on that. I just am not sure. But, I think that that is an overstated impression. We can get you the exact numbers of the percentage of the schools—the number of schools and the percentage of kids who are on scholarship and how that looks in terms of their overall population.

But, I also think that as we have seen in—what I do not want, I do not want us to be precipitous about putting limits on the ability to recruit great schools to service the distinct populations that we need to have served. In Indiana, for instance, where they have a voucher program that is the fastest growing in the country, have 30,000 students and it is growing, it is now outpacing charter school growth, they are very aggressive in finding schools that can serve underprivileged children, that serve children with certain acute needs, so that they can bring them in and offer those services up.

And, so, as Beth has said, they are not as focused on the percentages, but making sure that they are accredited, they are solid programs, and that they will help fill in the gap where there is a shortfall in that particular jurisdiction.

Senator CARPER. OK. Same question, very briefly, please. Mr. Jones, do you want to just very briefly—

Mr. JONES. Yes. From my perspective as a parent, these pop-up schools that Ms. Norton is saying, again, I believe they are overstated. I know there had been a lot of pop-up charters, and again, this is from my own experience. There have been charters that are notorious for bringing in unaccredited teachers. They come in for one or 2 years. There is a lot of attrition going on with the teachers. And some of these schools have just been used as a prop to gain money for the individuals behind the schools, and that is a problem.

I think that because they have so much autonomy, there is really not real genuine oversight to see what their academic achievement

really is, whereas with schools that are in the OSP program, again, schools that I named earlier in my testimony, they have a long history of accountability and being accredited and being successful. It is the charter schools, really, that have been hurting, in my opinion, the D.C. Public Schools as well as the OSP program.

Senator CARPER. All right. Thanks.

Linda, do you care to comment on this?

Ms. CATALAN. I am very biased about this, because speaking from the Field School, the Field School is a very wealthy school and the reason why my family, along with the scholarship that D.C. Opportunity gives me, I do not pay any of the tuition for Field, and I just personally have always wanted this to spread out throughout other public schools and charter schools, like it was mentioned before, of having—because I know that, definitely, there are schools that I visited, even, looking at the kids, looking at the parents, because, well, of course, the parents are the ones with the money and it is not evenly spread throughout the schools, and I think that is one of the most basic, important things that every school should need.

Senator CARPER. All right. Thank you.

Dr. Lubienski, same question.

Mr. LUBIENSKI. Thank you. I do not have a position on where the cap should be or if there should be a cap. I can tell you that the figures that are often cited, for example, 82 percent of the parents are satisfied with their children's schools, are not very trustworthy because they are surveying parents who are currently in the schools and not the dissatisfied ones who have left. So, you have to take that into account.

That said, recent research from Milwaukee, for example, shows that parent satisfaction levels are lower when there is a higher proportion of voucher students at a given school, and you can make of that what you want.

Senator CARPER. All right. Good. Thanks so much.

Chairman JOHNSON. Senator Booker.

Senator BOOKER. Thank you, and again, I just want to say I am thrilled that we are potentially making impactful investment as a Congress within this program. Again, if you want to talk about student achievement, dealing with some of the issues of poverty, it would be nice that we could fund programs like prenatal care which as I see the Doctor shaking his head in affirmation, would ensure all the kids in D.C., in New Jersey, and cities across the country got access to prenatal care. Models such as nurse-family partnerships, which entail nurse's visiting homes in the last trimester and first 2 years of infancy, demonstrates incredible data in improving student achievement.

I wish we could be funding many other effective programs. The unfortunate thing, however, is that our failure to support things that work means that our teachers in public schools, District schools, charter schools, all have to deal with challenges that they should not have to deal with, and that is unfortunate that we are straining the capacity of our schools and our police officers because we are failing as a society to support things that actually work.

But in terms of this program, there are a number of changes that we have sought to include in a reauthorization. Within one year of

the enactment of the law, schools must pursue accreditation. That seems to me fair. Kevin, is that fair?

Mr. CHAVOUS. Absolutely. And we have been working with Senator Feinstein on that.

Senator BOOKER. OK. No, I appreciate that, and that, to me, is something that is really important.

Schools shall have annual reporting, report to parents of D.C. OSP students and college acceptance, vocational—again, just requiring more reporting. In other words, I have seen what some of the District schools have to deal with in terms of accountability and reporting and accreditation. That should apply, to some degree, to the schools that are participating in the program, correct?

Mr. CHAVOUS. Yes.

Senator BOOKER. Kevin, thank you.

And then the issue I brought up earlier, Kevin, if you can just comment on that for me, about the amount of the scholarship, because that seems to me something that is very frustrating to me, because we call this a choice program, but it does not seem like the kids with only \$12,000, \$12,500, get all that much choice. And there are a lot of schools that might be participating in the program if that was closer to what the per pupil expenditure was of about \$28,400. And, one of the reasons, I think, one of the collateral consequences of a low rate means that those schools that bend over backward to allow those kids to come in end up with the very high percentages, where maybe you would not have such a high percentage concentrated in certain schools if more kids had more robust choices higher scholarship amounts would produce. Could you address that for me, Kevin?

Mr. CHAVOUS. Sure, and thank you so much for your support over the years and your friendship.

Senator BOOKER. Yes.

Mr. CHAVOUS. So, I will say that, look, we would like to see bigger and larger amounts. There was an increase when it was reauthorized several years ago which was very helpful. And if we had a larger appropriation, yes, we could bring more schools in the program.

And I do want to, frankly, give a shout out and a thank you to those schools that have higher tuition rates, they still take kids and they scholarship the rest. I mean, I think those schools have shown a real commitment.

So, we would like to see larger scholarship amounts. It would help us attract more of the high-end schools, and a number of those high-end schools, when they do bring in our students, they also bring a full investment of tutorial services, mentoring. It is like they really welcome those students into the family, and she has done an amazing job of that, so that there is no stigma attached to them coming in, as we have seen.

Senator BOOKER. Right.

Mr. CHAVOUS. So, I think that would be—

Senator BOOKER. No, I appreciate it, and I appreciate, Ms. Blaufuss, what you were saying, because it resonates with me, this idea that government funding large percentages of these schools, well, with regard to charters and District schools whose government fund the whole thing, and without that funding, those schools

would not exist. So, the focus should be on our children, on parents, and on the performance, ultimately, of those schools, as I think Dr. Lubienski gets to, and that is really, for me, what I care about. The quality of the education received should predominate our discussion first and foremost empowering those schools to achieve.

Again, we disempower public education every day in America by sending kids to school who are nutritionally unfit to learn, who do not have mental health issues addressed, and then you have teachers in public schools, District schools, and private schools who have to deal with all kind of things before they even get to reading, writing, and arithmetic. I just want to keep emphasizing that.

But, I just want to, real quick, there has been criticism, and I think you have had some, for the evaluation of this program, and I think we should figure out a way to evaluate the program, to create as best as you can a control group. It is hard to do that, you would admit, in a program in which you would have to deny scholarships to some people in order to create that control group, correct?

Mr. LUBIENSKI. Yes. It is similar to medical trials, where there is a group of people that are in the experiment and a group that is not and they do not necessarily know which group there are in. Here, in this case, they do know if they are accepted to the voucher program or not.

I would say that these effects, these types of programs in medical trials, when there is evidence that they are having a substantial impact, it is considered unethical to deny treatment to the control group.

Senator BOOKER. Right.

Mr. LUBIENSKI. That is not the case here. We have not reached anywhere near that level of evidence. Most of the evidence suggests that there is not an impact.

Senator BOOKER. But, would you agree with me that if the scholarship amount was more and kids could go to higher performing schools—schools with long track records of success that are not accepting our scholarship kids right now, that it is most likely that those kids would do better, right?

Mr. LUBIENSKI. The best predictor, or one of the best—as was said earlier, family—parents—

Senator BOOKER. The parental—

Mr. LUBIENSKI [continuing]. Interest is very important, but so is the, again, the peer group or the social characteristics of the school that the child is learning in. That is an excellent predictor of it, regardless of whether it is a public, charter, or private school.

Senator BOOKER. Right.

Mr. LUBIENSKI. So, yes. I think taking kids and giving them access to these types of schools would be beneficial. But, again, I would caution you to think about that is removing—I mean, you are clustering higher achieving, motivated peers in some places and that you are taking them from elsewhere. So, that is going to have, also, negative impacts.

Senator BOOKER. But, that is not persuasive to me because we have created a society that allows segregation—New Jersey, for African-Americans, the fifth most segregated State in the Nation, and a lot of that is a family led battle. My parents were looking for

quality public schools, so we had to get the Fair Housing Council, go through court proceedings just to battle into a neighborhood so I could go to the schools that I went to. And, so, that is not persuasive to me. In other words, we are going to punish those children who might have the wherewithal or parents when we do not do that for others. I am sorry. You can respond to that, if you want.

Mr. LUBIENSKI. I did not mean to say that we are punishing those children. I am saying we are, in fact, punishing children who are left behind whose parents do not care enough to make the choice. When they are concentrated in schools where all the affluent and more motivated peers have left, those are called sink schools oftentimes, and I have—those children are penalized.

Senator BOOKER. Right, but that does not mean that policy within those schools—I have seen so-called sink schools in my own city that, because of changes within those public schools, do extraordinarily well. There are turnaround schools that make incredible gains. So, that is not an excuse to just give up on those children.

Mr. LUBIENSKI. I would not at all advocate we should give up on them. But, I would suggest that most of the turnaround cases we have seen, there tends to be a socioeconomic explanation for that. For example, people have pointed to some high-poverty schools that have actually succeeded and beat the odds. Closer inspection turns out that they are near a campus where many of the parents are graduate students. They are low-income at that point, but the parents are really focused on education. So, those are things that—

Senator BOOKER. So, if Kevin's work was able to address the accreditation issues, which he is addressing, so we have more transparency into what is going on in those schools, if Kevin's work, thanks to increased scholarship amounts, helps kids get more diversity of schools where they could actually be in better schools, if Kevin's work on the accountability measures within those schools also helps to improve—really, it sounds to me that your biggest concern about this program, correct me if I am wrong, is just the fact that when you, like a charter school might and like a so-called voucher school might, taking one of those kids out hurts—your argument is it is hurting the District school, not because it is taking money away, because in this case it is not, it is new money, but you are saying it is hurting the school because of the peer effect. That would be your biggest argument against the program?

Mr. LUBIENSKI. I am not arguing against the program. I am saying that is something that policymakers need to consider, that there are often costs involved, and this is, again, from the Organisation for Economic Co-Operation and Development (OECD) report. They talk about benefits and costs being unevenly distributed. As more affluent parents leave these schools, that does have a negative implication for the peer effects for the schools and for the students who are left behind.

Senator BOOKER. Right, and have you taken time to study what is happening in Newark at all?

Mr. LUBIENSKI. I am aware of Newark and I am aware of the CREDO studies, as well, and there are certainly success stories like Newark around there. There is a new book out about Newark which I have not had the chance to read yet. But, I have gone around the country. I talk with different policymakers, and they

are quite happy to talk about, I am from this city and we are doing well in terms of charter schools.

But, overall, the CREDO studies from earlier suggested about, I think it was 17 percent of the charter schools were performing above statistically—or demographically comparable public schools, and there are reasons to think that that number is actually inflated. Twice as many were actually performing at a level beneath demographically comparable public schools, and the rest were a wash. So, for every Newark, there is an Ohio or a Michigan where charter schools are pretty bad.

Senator BOOKER. Right. And I guess my point, the last point I will make, because my time has expired, is that there are enough examples of what is working, and the goal here is to learn from that and constantly work to make things better for our public schools. And to me, that is what is happening in Washington, DC. They have made mistakes in the program in the past and they are working to try to continue to make it better.

And, so, I am grateful for both sides of the aisle, Mr. Chairman, working to again deal with some of the mistakes that were made, control for some of the bad things, in my opinion, that might have happened in the past, really, and chart a course forward that works not just for the kids fortunate enough to get a scholarship, but really to focus on all three sectors within Washington, DC. and to see them improve.

Mr. Chairman, thank you.

Chairman JOHNSON. Thank you, Senator Booker. We have just got a couple minutes left on the vote.

I do ask unanimous consent that a written statement from Dr. Patrick Wolf, distinguished Professor of Education Policy at the University of Arkansas,<sup>1</sup> and a written statement from the Government Accountability Office, be included in the record.<sup>2</sup> Without objection, so ordered.

Chairman JOHNSON. We really do want to thank all of our witnesses. We obviously wish you all the best, but Linda, you are an extraordinary young woman. We wish you all the best. You are going to take advantage of this opportunity and we wish you well.

With that, the hearing record will remain open for the next 15 days, until November 19, 5 p.m., for the submission of statements and questions for the record.

Again, thank you all for your time, for your thoughtful testimony, and your thoughtful answers to our questions.

This hearing is adjourned.

[Whereupon, at 12:16 p.m., the Committee was adjourned.]

<sup>1</sup>The prepared statement of Dr. Patrick Wolf appears in the Appendix on page 101.

<sup>2</sup>The prepared statement from the Government Accountability Office appears in the Appendix on page 82.

## A P P E N D I X

---

**Opening Statement of Chairman Ron Johnson  
“The Value of Education Choices for Low-Income Families: Reauthorizing the D.C.  
Opportunity Scholarship Program”**

November 4, 2015

*As prepared for delivery:*

Good morning and welcome.

I want to open by thanking all the parents, students and teachers in the audience this morning. This hearing is about reauthorizing a program that affects the lives of thousands of students in the District of Columbia, and I am appreciative of everyone who took the time to attend this hearing.

This is now the second hearing I have chaired in this committee to discuss the issue of school choice. This summer, I held a hearing about the Milwaukee Parental Choice Program in my home state of Wisconsin. The Milwaukee program is the oldest and largest school choice program in the country, and its popularity among Milwaukee families continues to grow each year. One of the main purposes of that hearing was to take the success that we've seen in Wisconsin and apply it here in the nation's capital.

At the hearing in Milwaukee, witnesses discussed the benefits of being able to choose a school through Milwaukee Parental Choice Program — access to safer learning environments, higher graduation rates, and greater parent and student satisfaction with chosen schools. The Milwaukee program exists today thanks to bipartisan efforts in the late 1980s, and the D.C. Opportunity Scholarship Program was created in the same bipartisan manner in 2004. We will have the chance to hear more about this from one of those leaders in the district, the former chairman of the Education Committee in the D.C. Council, Mr. Kevin Chavous.

I also want to acknowledge those early champions of Washington's program, such as former Mayor Anthony Williams, former D.C. school board President Peggy Cooper Cafritz, former Department of Education Secretary Rod Paige, Congressman Tom Davis and Congressman Dan Lipinski. As the D.C. Opportunity Scholarship Program faced elimination from 2009 through 2011, the strong bipartisan leadership of Senators Joseph Lieberman, Susan Collins and Dianne Feinstein helped the program continue on for D.C. families.

Most importantly, we probably would not even be discussing this program's reauthorization if it were not for former Speaker John Boehner, who always made it one of his highest priorities to protect this important and innovative program.

Since this is the committee with jurisdiction to oversee federal programs for the District of Columbia, the reauthorization of the D.C. Opportunity Scholarship Program carries the debate about school choice to this committee. I have the same questions for this hearing as I did at our committee's hearing about the Milwaukee Parental Choice Program: Why do hundreds of D.C. families apply for this program each year? How are students' educations different in the

program than if they stayed at their neighborhood schools? Is the program having any positive effects on D.C. families?

Today, we will hear about the D.C. Opportunity Scholarship Program from several different perspectives: members of Congress from both political parties, a former D.C. Council member and now the head of the program's administration, a president of a private school that participates in the program, a student who is soon to graduate from a private school she attended through the program, and a parent who decided the program was the best available option for his daughters. I thank you all for being here today, and I look forward to your testimony.

**Statement of Ranking Member Tom Carper**  
**“The Value of Education Choices for Low-Income Families: Reauthorizing the D.C.**  
**Opportunity Scholarship Program”**

**Wednesday, November 4, 2015**

*As prepared for delivery:*

Thank you, Mr. Chairman, for holding this hearing to examine the DC Opportunity Scholarship Program. I look forward to learning more from our witnesses today about how this program works - or, in some cases, how it does not – and the questions we need to ask here on this committee and the Senate before deciding whether to reauthorize it.

Few issues are more important to me or to the future of our country than the quality of our schools and their ability – with the support of parents – to raise student achievement and better equip young people to compete successfully with the rest of the world.

If we're serious about winning that competition, we need to start by out-educating other countries. That means a major focus on early childhood education. It also means having in place rigorous academic standards across the board, so that our students truly are getting the highest quality education. It also means having great leaders at every school. And finally, it means investing in high-quality teachers, especially at schools with high-needs students.

In pursuing these goals, we must ensure that our states and school districts also focus on providing resources and support to disadvantaged children and to our lowest performing schools. I think all of us would probably agree that we have a special obligation to make sure that all students – no matter their zip code, their race, or their economic status – have access to an education that prepares them to achieve success in the classroom and go on to meaningful careers.

As a federal official and a former Governor of Delaware, I've thought about and sought solutions to these challenges for a number of years now. During my time as Governor, my colleagues and I decided that fostering competition among schools was a key part of our efforts to improve outcomes for Delaware students. And we decided that the best way to do that was through public school choice and charter schools rather than private school vouchers.

Local officials in the District of Columbia have made a similar decision to inject competition and choice into their public school system. Since 2004, DC Public Charter School enrollment has risen from 18 percent of total enrollment to 44 percent. But today our focus is not on the DC public schools, but on the DC Opportunity Scholarship Program, the federally-funded program created in 2004 to give low-income DC students financial assistance to attend private schools.

I think it's important to note that this program is not without controversy. As we'll hear in a moment from our colleague Congresswoman Eleanor Holmes Norton, it does not have universal support here in the District. In addition, the Department of Education, GAO, and others have highlighted a number of management and other challenges that have plagued the program.

Imagine for a moment a federal program that failed to meet its goals, that was mismanaged for a decade, and that left itself open to waste and abuse. My colleagues on both sides of the aisle would be highly dubious of continuing that program. The DC Opportunity Scholarship Program has actually been accused of all these things.

According to the U.S. Department of Education, the program produced 'no conclusive evidence that [it] affected student achievement.' According to GAO, the program lacks the 'financial systems, controls, policies, and procedures' to manage federal funds. And according to the Washington Post, the program has sent taxpayer dollars to unaccredited and questionable schools, including a 'Nation of Islam school' and 'a school built around the philosophy of a Bulgarian psychotherapist.'

All of this said, we'll hear testimony today that the DC Opportunity Scholarship Program has had a positive impact. And Chairman Johnson and I met with a number of students and teachers at Archbishop Carroll last week who are convinced that the aid we provide through the program has been of great assistance to students who without it would not have had access to the kind of education we owe them.

What we're tasked with doing today is finding what has worked in this program and what hasn't. The evidence we have before us tells me that things are far from perfect.

My hope is we won't turn a blind eye to either the good or the bad, and instead work together to find the best course of action for the DC students this committee has a special obligation to look out for.

I would be remiss if I didn't point out in closing that the reason why we have that special obligation – the reason why we're able to have this hearing and consider this legislation – is the political status of the District of Columbia.

I take very seriously this committee's responsibility for the District, and in working on these issues have tried to be very deferential to the experience and wisdom of those like Congresswoman Norton who are actually elected here and press us every day to treat DC residents fairly. I believe that she plans to make that case again today.

My colleagues are probably aware of the fact that I've introduced legislation again this Congress that would give residents of the District of Columbia the option of statehood and sending representatives to take two seats in the Senate, just like Delawareans and Wisconsinites can.

I don't expect that that bill will be enacted anytime soon, but I plan to continue building a case for it and making the case for using the 'Golden Rule' when it comes to this and other issues affecting DC.

My thanks again, Mr. Chairman. I look forward to hearing from our witnesses.

ELEANOR HOLMES NORTON  
DISTRICT OF COLUMBIA

COMMITTEE ON  
TRANSPORTATION AND  
INFRASTRUCTURE

SUBCOMMITTEES

RANKING MEMBER, HIGHWAYS AND  
TRANSIT

ECONOMIC DEVELOPMENT, PUBLIC  
BUILDINGS, AND EMERGENCY  
MANAGEMENT

WATER RESOURCES AND  
ENVIRONMENT



COMMITTEE ON OVERSIGHT  
AND GOVERNMENT REFORM

SUBCOMMITTEES

FEDERAL WORKFORCE, U.S. POSTAL SERVICE,  
AND THE CENSUS

ENERGY POLICY, HEALTH CARE, AND  
ENTITLEMENTS

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-1501**

Testimony of Congresswoman Eleanor Holmes Norton  
Committee on Homeland Security and Governmental Affairs  
"The Value of Education Choices for Low-Income Families: Reauthorizing the D.C.  
Opportunity Scholarship Program"  
November 4, 2015

As the only member privileged to represent the residents of the District of Columbia in Congress, I very much appreciate the opportunity to testify today. Chairman Johnson, I begin by thanking you for working with me on your bill (S. 1629) to make improvements to D.C. criminal justice agencies under federal jurisdiction. I appreciate your leadership as this bill is on its way to passage.

I recognize that the bill (S. 2171/H.R. 10) to reauthorize the D.C. voucher program may pass. Therefore, as the bill moves forward, I want to work with my colleagues who support this \$182 million program to ensure that the voucher students, who I am proud to represent as my constituents, receive a high-quality education. I will offer some suggestions shortly.

President Obama and I have always supported allowing current voucher students to remain in this program until they graduate high school, but we oppose admitting new students, a reasonable compromise considering that D.C. is one of the few jurisdictions in the United States that has built significant alternatives to its traditional public school system. I oppose this program because it has failed to improve academic achievement, including for the students it was designed to most benefit, those from low-performing public schools; it violates D.C.'s right to self-government; it deprives students of federal civil rights protections; and it is unnecessary for our city, which, unlike most jurisdictions, has robust public school choice programs. Few jurisdictions enjoy the quality or quantity of our charter schools, which 44 percent of our public school students attend, or have 75% of their students attending out-of-boundary schools.

The Government Accountability Office (GAO) has found that this program lacks quality controls and transparency. I appreciate that the bill attempts to improve this program, especially by requiring students, at the very least, to attend accredited schools. However, accreditation is a relatively low bar, and is not sufficient to ensure quality.

While there are a number of high-quality schools in this program, Congress should not fund low-quality schools that would not exist but for this program's virtually unconditional federal funds. These voucher mills are often fly-by-night schools in low-income neighborhoods that sprang up only after Congress created this program. For example, GAO found that voucher students comprised more than 80% of the total enrollment of six schools. *The Washington Post*, in an investigation titled "Quality Controls Lacking for D.C. Schools Accepting Federal

MIAMI DISTRICT OFFICE  
90 K STREET, N.E., SUITE 100  
WASHINGTON, D.C. 20002-4203  
(202) 408-9061  
(202) 408-9048 (FAX)

2136 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, D.C. 20515-5101  
(202) 925-8050  
(202) 225-3002 (FAX)  
(202) 225-7829 (TDD)  
WWW.HOLMESNORTON.GOV  
PRINTED ON RECYCLED PAPER

SOUTHEAST DISTRICT OFFICE  
2041 MARTIN L. KING, JR. AVENUE, S.E.  
SUITE 236  
WASHINGTON, D.C. 20002-7026  
(202) 678-8900  
(202) 678-8844 (FAX)

THIS MATERIAL WAS PREPARED, PUBLISHED, AND MAILED AT TAXPAYER EXPENSE.  
H-R-2015-11

Vouchers,” spoke to officials at some of these schools. The founder of one said, “If this program were to end, this school would end.” If a school can only survive by relying primarily or solely on federal funds, it suggests there is limited private market demand for the education that school provides. I hope to work with this program’s supporters to eliminate voucher mills.

To accomplish this purpose, I offered an amendment in the House to limit voucher students to 50% of a school’s total enrollment, a fairly liberal requirement. My amendment was rejected, but I appreciated that the majority indicated they support eliminating voucher mills. Perhaps the cap should be higher, or perhaps there are better, less blunt quality controls. However, the burden is on Congress to ensure that the high-quality schools funded by this program, such as our fully accredited Catholic schools, do not have to compete for these federal funds with voucher mills.

I am also concerned that the bill eliminates the requirement from the prior authorizations that this program’s evaluation be “conducted using the strongest possible research design.” Thus far, this program has been evaluated with the gold standard of scientific research, a randomized controlled trial (RCT). In contrast, the bill requires the evaluation to be conducted “using an acceptable quasi-experimental research design,” and expressly prohibits an RCT. However, the researchers conducting the current evaluation have indicated that an RCT “is especially important in the context of school choice because families wanting to apply for a choice program may have educational goals and aspirations that differ from the average family.”

Some suggest that it is unfair to deny students a voucher by putting them in a control group for an RCT. Others suggest that it is too difficult to administer an RCT. Given that this program is the first and only federally funded or created voucher program, we owe it to these students and the nation’s taxpayers to understand whether it is improving academic achievement and attainment.

I appreciate this committee’s interest in improving access to a high-quality education. I look forward to working with you to accomplish this goal.

STATEMENT OF KEVIN P. CHAVOUS  
BEFORE THE U.S. SENATE HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS COMMITTEE

November 4, 2015

***The Value of Education Choices for Low-Income Families:  
Reauthorizing the D.C. Opportunity Scholarship Program***

Thank you Chairman Johnson, Senator Carper, and Members of the Committee, for this opportunity to testify on a subject which is near and dear to my heart; specifically, the value of providing a full range of education choices for low income families. In particular, I am pleased to talk about my long history with the D.C. Opportunity Scholarship Program, known as the OSP program.

As many of you know, I served on the D.C. Council for 12 years. Over half of that time I chaired the Council's Education Committee. From that perspective I developed a keen awareness of the plight of many low income students in our Nation's Capital. During my tenure on the Council, it became increasingly evident to me that many of the public schools serving our most underserved students were failing our children. These students needed options other than their traditional neighborhood public schools. Here in the District, despite having high per pupil expenditures as compared to other states, our students were dropping out or performing abysmally on national assessment tests. I first sought to promote school choice by advocating for charter schools. This is a movement that has thrived in the District demonstrating the high demand for school choice amongst D.C. parents. Yet there was still a compelling need for enhanced options for low income students in the City; hence my collaboration with then Mayor Tony Williams to push for the D.C. Opportunity Scholarship Program.

I want to take this opportunity right away to point out, contrary to claims of critics, this program had strong support in the District. It was not forced upon us. And furthermore, contrary to claims of critics, it has not taken one dollar from public schools in D.C. To the contrary, it has brought hundreds of millions of new dollars to the District of Columbia for traditional public schools and for D.C. charter schools. From the onset, this was a 3-sector strategy to improve educational outcomes for all students in the District. As created, the program authorized equal funding for D.C.'s traditional public schools, D.C.'s charter schools, and the D.C. Opportunity Scholarship Program. The intent was to provide funding to improve

our public and charter schools, but to provide immediate options for kids stuck in schools that were failing them.

Members of the Committee, let me be clear: I fully support public schools in America. Most children in our country will be educated in our nation's public schools. As a country, we must provide sufficient funding and support to make our public schools the best in the world. I commend Kaya Henderson, and her predecessor Michelle Rhee, for their commitment to public school reform and improvement. But the fact is, it can take years to turn around a failing school. And for a child stuck in a failing school, a few years can mean a lifetime of lost opportunity. Our nation can't afford to let these kids ride it out. An adult can ride out a bad situation for a few years. A child with a growing mind can't. That mind might never reach its potential if left undernourished and under-stimulated in a critical period of life. A few lost years can be the difference between a life of drugs and crime and a life of opportunity.

Equal educational opportunity should be a civil right for all students in America. A quality education is the on-ramp to economic independence. It is the gateway to keeping at risk students away from drugs and out of prison. Regrettably, equal educational opportunity is not the norm today. Affluent families can get access to the best educational options. But too often, low income students have very limited, and often inadequate choices. The D.C. scholarship program provides expanded choice to those students most in need. And it has been a clear success. The graduation rate for students using a scholarship is 91%. That is 21% higher than the graduation rate for those students who applied for a scholarship, but were not offered one. It is a staggering statistic when compared to the citywide average graduation rate for the District of Columbia in 2015 of 64%. It should be noted, this is a citywide average. If you look at the graduation rates for many of the schools in the neighborhoods that the OSP program targets, the graduation disparity is greater.

A number of studies have reported on the relationship between high school graduation and crime. A 2013 report by the Alliance for Excellent Education, for example, cited several studies with varying estimates but the same general conclusion; completing high school reduces the likelihood of a young person turning to crime. For example, the Alliance report cited studies with the following findings:

- Dropouts are three and a half times more likely than high school graduates to be arrested.
- Dropouts are more than eight times as likely to be in jail or prison.
- Sixteen- to twenty-four-year-old high school dropouts are sixty-three times more likely to be institutionalized than those with a bachelor's degree or higher.

Consider this statistic from the Alliance report: "...the Alliance estimates that the nation's annual crime savings would be approximately \$18.5 billion if the high school male graduation rate increased by only 5 percentage points." Or this one from the same report: "A 10 percent increase in the male high school graduation rate would reduce murder and assault arrest rates by about 20 percent, motor vehicle theft by 13 percent, and arson by 8 percent."

While improvements have been made in D.C. public schools, it is clear that more needs to be done. The District of Columbia has historically had amongst the highest per pupil expenditures in the country, while our kids of scored amongst the lowest on the National Assessment of Educational Progress (NAEP) assessments. The 2015 NAEP scores -- otherwise known as the Nation's Report Card -- are out. The District has made progress, but is still underperforming. For example, the proficiency scores for 8<sup>th</sup> grade math for D.C. are 19%. Only 2 states in the country rank below the District. Yet we come in third across the nation in per pupil expenditure at nearly \$18,000 per child. Only Alaska and New York spend more per pupil. The District has made progress, but not enough for many kids in underperforming schools. And in terms of cost to the taxpayer, at \$8,381 for K-8, and \$12,572 for high school, the OSP is a bargain compared to per pupil costs for public school students.

Given these facts and statistics, it is puzzling to me how anyone can oppose this program: here is a program that brings new funds to all education sectors in the District -- over \$600 million to date; it has produced a 91% graduation rate, and has given thousands of poor kids a first class educational opportunity that otherwise would not have been available to them. What's not to like?

Mr. Chairman, and Ranking Member, you have also asked me to address the concerns raised by the Government Accountability Office (GAO) and others, and the goals of Serving our Children. Serving Our Children now officially has one month under its belt as Administrator of the D.C. Opportunity Scholarship Program. We only moved into our new office space and got our computers hooked up 2 days ago. We have a long to-do list. Of course one of our most important goals is to address concerns raised by GAO and others with respect to program and school oversight and data management. We intend to review all current policies and make significant technological, policy and programmatic improvements. Included in our goals:

1. We have received a significant private grant, much of which will go towards implementing major technology upgrades. We are currently talking to companies and receiving proposals. A major technology upgrade will allow for a more accurate, efficient and effective data intake and management systems. Not only will this allow for better management and oversight of our processes and programs, but it will free up staff time, no small amount of which is currently spent in labor intensive manual inputting and reviewing of data.

2. We intend to develop policies and procedures to ensure the financial viability and sustainability of the participating schools.
3. We intend to enforce the policy of ensuring that any unaccredited schools are fully accredited within 5 years. Otherwise these schools will not be able to participate in the program.
4. We intend to develop internal procedures to ensure that our administrative expenses are accurately tracked, and that our personnel policies ensure high performance.
5. We want to increase program participation and awareness.
6. We hope to significantly expand our marketing and community outreach efforts to ensure that the targeted communities of low income D.C. families are aware of the program, and have the support they need to apply if interested.
7. We hope to develop Academic Support and Tutoring services to ensure that OSP scholarship recipients have the support they need to succeed in a strong academic environment. The SOAR Act specifically designates funds for these purposes, but they have been underutilized.

In sum, a quality education is the foundation for achieving the American Dream. Promoting equal educational opportunity not only benefits disadvantaged children, but benefits all Americans. Equal educational opportunity is the key to tackling the rampant socio-economic problems that plague our inner cities. To the extent we can provide opportunities for at risk youth, our entire Nation benefits from reduced crime, a far more productive workforce and a more prosperous economy. In the past I have referred to Martin Luther King's message during the civil rights movement of the Fierce Urgency of Now. People shouldn't have to wait for their civil rights. A quality education should be a civil right, especially in a wealthy country like ours. A child can't wait 3-5 years for the education reforms de jour. We may lose a child in that time.

For these reasons, we at Serving Our Children are dedicated to the concept that all children can achieve and excel if given the opportunity and the right environment. We hope to do our part to help ensure that all kids, regardless of geography or socioeconomic status, have an opportunity for a quality education and a chance to thrive and achieve their full potential.

Again, thank you for this opportunity.

SOAR Act Re-authorization Testimony  
Mary E. (Beth) Blaufuss  
Archbishop Carroll High School  
November 4, 2015

On behalf of Opportunity Scholars and the schools that are privileged to educate them, thank you, Chairman Johnson, Ranking Member Carper, and all Committee members for this opportunity to testify to the value of the Opportunity Scholarship as an effective, innovative use of government funds.

I look forward to the day when I am fortunate enough to address senators that my neighbors and I will be empowered to elect. Given that our families lack voting representation in the Senate, I appreciate your concern for our students and their educational options.

As the vice principal for academic affairs at Archbishop Carroll High School from 2006, the second year of the Opportunity Scholarship, and as head of school since 2013, I have seen the Opportunity Scholarship's impact first-hand. It is a powerful tool for families and for our city to continue progressing in educational attainment and equality of opportunity.

The most compelling reason to reauthorize the Opportunity Scholarship Program is that it works where it really counts. In the rigorous June 2010 study of the program by the Department of Education's National Center for Educational Evaluation, researchers found that students with the Opportunity Scholarship were 21% more likely to graduate from high school than those in the control group who qualified for the scholarship but did not win the lottery for it<sup>1</sup>. On this basis alone—dropout prevention, which is one of the most significant outcomes we all want for students—the OSP is valuable to our city and our nation.

In a follow-up article, the same researchers called the program “one of the most effective urban dropout prevention programs yet witnessed.”<sup>2</sup> Surely it makes

---

<sup>1</sup> Wolf, Patrick, Babette Gutmann, Michael Puma, Brian Kisida, Lou Rizzo, Nada Eissa, and Matthew Carr. *Evaluation of the DC Opportunity Scholarship Program: Final Report* (NCEE 2010-4018). Washington, DC: National Center for Education Evaluation and Regional Assistance, Institute of Education Sciences, U.S. Department of Education. Pages 41-2.

<sup>2</sup> Wolf, Patrick, Babette Gutmann, Michael Puma, Brian Kisida, Nada Eissa, and Lou Rizzo. “School Vouchers and Student Outcomes: Experimental Evidence from

sense to continue a program whose own evaluators deem it so effective. That the OSP produces higher graduation rates with lower per-pupil public spending makes it even more compelling.

Since the OSP began, Archbishop Carroll High School has graduated 221 Opportunity Scholars. Internal data from the DC Children and Youth Investment Trust indicates that high schools with OSP students safely deliver 88% of them on to college—compared to a national rate of 49% for low-income families.<sup>3</sup> Archbishop Carroll's OSP graduates have gone on to colleges such as Dartmouth, Columbia, Georgetown, George Washington, Penn State, Mt. St. Mary's, Morehouse, Spelman, and a host of other institutions. We currently serve 198 Opportunity Scholars. While we often tout loudest those who go on to colleges with national reputations, many of our OSP graduates of whom I am the most proud are those who came to us reading two or three years behind grade level but who still completed a rigorous college prep curriculum; or those like Mark, a student who admitted to me last week that he wasn't really even thinking about college as an option before he came to our school; or the graduates I know who to have endured periods of homelessness or state custody while in high school. The numbers and the anecdotes tell the same story: the Opportunity Scholarship changes lives.

The 2010 evaluation revealed that OSP students scored 4.75 points higher in reading, which was deemed only marginally statistically significant because it fell just short of the 95% certainty standard, and .85 points higher in math, which was deemed not statistically significant.<sup>4</sup> When the researchers controlled for different sizes in the control and treatment groups and for clustering in specific schools, they found statistically significant reading gains equivalent to about one month of additional learning per year.<sup>5</sup>

I can understand why some would hesitate to reauthorize a program that in its first instantiation may not have produced unequivocal achievement gains. Yet I would urge this committee to consider the Department of Education's own words last week when it proposed limits on the amount of testing students receive and the weight we give those tests in evaluation: "no single assessment should ever be the sole factor in making an educational decision about a student, an educator or a

---

Washington, D.C." *Journal of Policy Analysis and Management*, Vol. 32, No. 2. Page 266.

<sup>3</sup> [https://nces.ed.gov/programs/coe/pdf/coe\\_cpa.pdf](https://nces.ed.gov/programs/coe/pdf/coe_cpa.pdf)

<sup>4</sup> Wolf, Patrick, et al., "School Vouchers and Student Outcomes," p. 262.

<sup>5</sup> Wolf, Patrick et al., "School Vouchers and Student Outcomes," p. 267.

school”<sup>6</sup>—or a program such as the OSP, I might add in this case. We offer extraordinary gains in dropout prevention, help our students get into college, and give them a clear boost in reading at the 94% confidence level.

The researchers state that “scoring high on tests is less important to a student’s graduation prospects than academic habits and dispositions such as self-discipline, commitment, grit, and determination.”<sup>7</sup> We foster those crucial dispositions. The District’s OSP students are pointing us to a riveting, marvelous paradox that deserves much wider conversation in educational and policy circles than it receives: educational achievement as measured by tests is crucial, but educational attainment, such as graduating high school, depends in part on other factors besides test scores. Here, in the District of Columbia, where lawmakers had the courage to try something new, and in private schools dedicated to excellence and pursuing our own paths to it, we are discovering that our kids are so much more than data points, and capable of so much more than standardized test scores might suggest.

I am looking forward eagerly to the evaluators’ Spring 2016 report on the program, which I hope will show even more gains. Since the OSP began, Archbishop Carroll has, like many schools, made innovations and improvements—and Opportunity Scholars have had longer periods of time in our schools compared with the period covered in the initial research study. Our school has implemented the International Baccalaureate Diploma Programme, a rigorous approach to college preparation, and we have collaborated with a wide array of public, charter and private schools on what we call the Virtues Project – a way to cultivate students’ responsible independence that is perhaps quite different from an older image of Catholic schools focused only on obedience.

While I can only speak for one school, I can say with confidence that our quest for innovation is yielding results; in the five year periods ending in 2013 and 2014, our school’s SAT scores in all three tests improved at a rate double that of the DC average for all public and private schools at a time when scores nationally were flat. Our school’s college persistence rate, as measured by the National College Clearinghouse, has increased as well; the Carroll Class of 2012, the last year for which data is available, persisted in college at a rate 20% higher than the national average, even though our school is graduating a higher percentage of low-income

---

<sup>6</sup> Department of Education Press Release, October 24, 2015.  
(<http://www.ed.gov/news/press-releases/fact-sheet-testing-action-plan>)

<sup>7</sup> Wolf, Patrick, et. al. “School Vouchers and Student Outcomes” page 266.

students than the national average. We are just one of many private schools in the District striving each day and each year to do better by all our students.

As with any innovation, adjustments to the OSP could be helpful. The GAO's 2013 inspection and report brought to light several concerns about program oversight—specifically, the lack of timely program information given to parents and shortfalls in oversight of schools that result in so-called “storefront schools” operating without the academic, financial or student safety accountability we must all expect. As a taxpayer and as a school leader who has received applications from students attending a few sub-par schools, I have every interest in accountability measures that preserve our schools’ independent approaches without tolerating fiscal or academic irresponsibility.

The DC charter schools faced similar challenges in their first decade of operation. In 2007 oversight of charter schools was consolidated in one body with streamlined accountability tools, and innovation continues to flourish with more accountability. Similarly, the OSP has a new administrator as of this Fall, and I urge committee members to consider that the answer to administrative deficiencies isn't eliminating the program or implementing a host of new regulations, but rather supporting the Department of Education in its choice of a new program administrator and allowing that administrator to prove its effectiveness.

More so than in previous decades, affluent families in Washington are considering D.C. public and charter schools among their options, and I am proud of our city's educational progress in the last decade—progress that makes all sectors of education attractive to a wide variety of families. The most important reason to seek private school choice is not that public schools are bad; it is that choice is good. Wealthy and middle-income families have the means to explore private schools along with public and charter options. It seems fundamentally unfair for low-income families to have fewer choices than wealthy ones. The Opportunity Scholarship is a way to maximize fairness in the choices families in our city have. As the graduation data for the OSP reveal, the mere presence of a full range of choices can improve outcomes for a low-income student.<sup>8</sup>

---

<sup>8</sup> As Wolf et al. point out in their 2013 analysis, simply being *offered* the OSP increased a student's chance of graduating, even if they chose not to enroll in private school; those *offered* scholarships graduated at a rate 12% higher than those not offered, while those who *used* scholarships graduated at a rate 20% higher.

In a city that is alive with so much innovation, I hope that we recognize the value of empowering as many families as possible with as much educational choice as possible. If we do not trust low-income parents with the same range of choices as upper-income parents have, then perhaps that distrust bares as much scrutiny as this program has received.

A growing body of research, much of it analyzed by Richard Kahlenberg of The Century Foundation, suggests that socioeconomically diverse schools improve achievement and social skills for all students in them. Particularly when the gap between high- and low-income Washingtonians is at its highest since 1979, with no real income gains for the bottom twenty percent of wage earners and a disappearing middle class<sup>9</sup>, we risk real dangers to all children if we allow them to grow up with unchallenged economic segregation. I would ask this committee to consider the inherent good for our city that comes from the economic diversity in schools that the Opportunity Scholarship helps promote.

I see examples of the power of our school's diversity every day, but one moment sticks out in my mind: the day I encountered two students in the cafeteria, their heads together, chatting eagerly about the upcoming I.B. French classes' trip to Paris. One girl had transferred to our school from the International School of Paris when her father was named an ambassador to the United States, and the other one, an Opportunity Scholar, grew up in an apartment in Anacostia. One had lived all over the world; the other had never been on a plane but was rich in experiences of life in Ward 7. They were both learning from each other, in a powerful way. Our nation's greatest aspirations for community amid diversity live themselves out in the hallways of OSP-participating schools like Archbishop Carroll, and the Opportunity Scholarship can ensure that our city experiences not only the educational advantages of economic diversity but the social advantages as well.

Each one of the Catholic high schools in our city has supports for students with learning disabilities, and I am confident that many of the non-Catholic private schools do as well. We can and should do more to accept a wider array of Opportunity Scholars with special needs. One of the significantly mismanaged aspects of the Opportunity Scholarship under the previous administrator has been the SOAR Act's allocation for academic support services, which was not implemented during the last four years. I urge the Senate to maintain the academic

---

<sup>9</sup> D.C. Fiscal Policy Institute, as quoted by Aaron Wiener, "Gap Between D.C.'s Rich and Poor Hits 35-Year High," *Washington City Paper*, Posted online January 28, 2015.

support provision of the SOAR Act now that we have an administrator and a Department of Education committed to making that element of the program work.

Our school currently raises an average of over \$5,000 per student to provide small class sizes, low counselor-to-student ratios, English Language Learner supports, and academic interventions for students with diagnosed learning disabilities; so like most private schools in the District, we are not entirely dependent on government funding to serve students with learning challenges. Our ability to serve a wider array of students with more significant challenges will be greatly enhanced if academic supports remain part of the SOAR Act and are implemented by the program administrator. It could also help with crucial extra steps needed for students who are starting from farther behind but trying to catch up, such as summer school.

In so many of the socially progressive democracies I admire, including many that outrank the United States on the International PISA testing, public funding of private education exists. While what is right for Finland, Norway, New Zealand, Germany, the Netherlands, Denmark and Canada certainly is not always right for the U.S., these countries' openness to public funding of private schools may serve as a source of assurance that the OSP is not an anomaly but rather an example of an American strength—borrowing what is best in other cultures and making it our own.

Amid talk of data and programs, it is easy to forget that the core of education is very small: it is the sparks of relationship between a teacher and a student, and among students and their peers. In the end, there is no truly transformational learning where there is not trust; there is more trust where there are strong relationships; and relationships are stronger when people choose to be in them. Education is not like some intellectual carwash, where we just figure out the right series of functions to perform on hordes of identical, passive students until they come out bright and clean. It is a series of leaps that individual students' own minds and hearts must make. The greater the intellectual risks we are asking students to make, the stronger must be their relationships with the people who are asking them to make those leaps. In the final analysis, it is these crucial relationships that are the single most important reason to support a menu of educational choices that includes Opportunity Scholarships.

The students, parents and teachers at Archbishop Carroll are no different than those at any other public, private or charter school in our area. But we choose each other. We form relationships in a way that makes sense to all of us and that happens to be grounded in a faith that only 24% of our students share. Thus our school is able to

ask our most vulnerable students, many of whom will be the first in their families to finish college, to take on demanding homework each night, to try languages and manners and patterns of thought they have never before experienced. Our way of forming relationships may not work for every student, which is precisely why a range of choices—including a diversity of faith-based ones—has a pragmatic value in educational outcomes for a diversity of students.

I have almost four hundred examples of different webs of relationships our OSP students have with teachers and each other, so I will share only one. Dajanae is a bright, determined high school senior who spent plenty of time in our Dean of Students' office her first two years of high school. Like some members of Congress, she was always convinced that she was right and resisted most attempts at constructive criticism. The only child of a single mother, she received the Opportunity Scholarship in 5<sup>th</sup> grade and spent five years trying to convince her mother to let her go back to public school with her friends. She has become a student leader at Carroll—a cheerleader and an active participant in our virtue cultivation efforts. She is taking on academic challenges such as International Baccalaureate-level Chemistry. When I asked her if she felt the Opportunity Scholarship and Archbishop Carroll made a difference for her, she nodded vigorously and then said she came to see that the teachers and staff at Archbishop Carroll offered her something as crucial as academic rigor: forgiveness and patience. "I never would have grown as much if I hadn't come here," she smiled and told me—and we had a moment when we both marveled at all the times she bristled under the expectations to which my colleagues and I have held her.

Choice matters because relationships matter. Dajanae stuck with private schools because of her relationship with her mother; she made our expectations her own because our faculty spent hours and days building relationships with her. She is but one example of a student for whom the choice of a school community—even when it was not initially her choice—has made all the difference. Too often educational conversations pretend as if relationships have no impact on outcomes. The OSP proves that they do, and thus it has value far beyond the District of Columbia's boundaries.

In a nation where the notion of "e pluribus unum"—out of many, one—is our nation's original motto—it is only fitting that the wide array of private school options in our city be made available to the widest possible array of its citizens, so that out of many options, we can accomplish the goal of high school graduation and college success for more kids.

Thank you for your consideration of our students.

**Statement of Gary Jones**  
**“The Value of Education Choices for Low-Income Families: Reauthorizing the D.C.**  
**Opportunity Scholarship Program”**  
**November 4, 2015**

Good morning Chairman Johnson, Ranking Member Carper, Members of the Committee, staff and guests. My name is Gary Jones and I am a native of Washington, DC. I was educated in the District of Columbia and earned an Associates Degree in Business Administration. My wife, Stacy and I have been married for 21 years and have 5 children and one grandchild. We are active members of our religious community and volunteers in our neighborhood.

My children have had the opportunity to attend DC schools in all three sectors: public, charter and private schools through the years with varying degrees of success. By far, we saw the greatest level of achievement for our children when we had them in private schools. Charters did not work for my children, while DCPS was mediocre at best.

My three older children were OSP recipients under the old Washington Scholarship Fund, an administrator that gave siblings a preference for entry. This allowed my son, Joshua and daughters, Aaliyah and Yasmine, to attend the same school. Joshua received a full scholarship and his sisters' partial scholarships. This was a huge benefit to my older children and to our family for which my wife and I are truly grateful.

However, due to this Department of Education's misinterpretation of the law, my daughter Sabirah is in the program through high school, but my youngest daughter because she is already enrolled in a private school is considered ineligible. I have to tell you the financial burden is wearing on our family. I am currently making ends meet by working two jobs in order to keep my daughters together in the same school. They're in an educational community that I trust will keep them safe, educate them at a level that more than prepares them for college and will give them a better future than their parents. Isn't that the American dream?

Having parental choice in education is what will give my children their best chance at the American Dream.

I am stunned at the attitude of my representative, Delegate Eleanor Holmes Norton and her opposition to this incredible program. Delegate Norton, like President Obama, only supports allowing the current children to finish while opposing the admitting of new students. Seriously? What makes the children in the program now more deserving than the children who desperately want the same opportunity? Parents in parts of DC need good choices now and we can't wait for schools to improve or waiting lists to drop.

Ms. Norton talked about accountability. More than 90 percent of OSP kids graduate and go on to college. That's accountability. Some of the best private schools in DC participate in the OSP, including Sidwell Friends, Archbishop Carroll, Georgetown Day, Gonzaga, and St. Thomas More. Those individuals who are more fortunate can afford to send their children

to schools on that list. The public schools in this city have failed tens of thousands of children over the years, and while there has been improvement, they are nowhere near where they need to be. What should we do, continue to wait?

Sadly, eight members of the DC City Council signed a letter saying they oppose the program. I don't remember any of these Councilmembers, including my own, ask me or the other 1,600 families that take advantage of this fantastic program our opinion. Do any of these council members have any idea how much this initiative generates in additional funds for all of the Districts' children whether they are in DC's public schools, charter schools, or the OSP program? Do these council members really want to turn their backs on millions of dollars. Where is the logic in that line of thinking?

The DC OSP is an amazing program and for those of us fortunate enough to have a child in the program, we're grateful. Thank you. It makes a difference. We the families that have seen this program make a difference in our children's lives want the program to be reauthorized, we the families want the law to be followed so siblings get preference, and we the families want to make sure that other families desperate for a better educational environment for their children get this opportunity. We the families are desperate for an ongoing choice will continue to fight for those who have not had this life changing opportunity.

Thank you for the opportunity to testify today in support of the reauthorization of the Opportunity Scholarship Program.

**Testimony of Linda Cruz Catalan**  
**Committee on Homeland Security and Governmental Affairs**  
**November 4, 2015**

Hello,

My name is Linda Cruz Catalan and I am currently enrolled in the Field School in Washington DC. At Field I have had the opportunity to learn, create, and build connections that will last me years and years to come. I am extremely lucky to be going to the Field School itself. I have always come from a low income family. My parents work extremely hard to pay for clothes, food, and the town house we live in. They are the two hardest working people I know today and they are extremely resilient. In my mind they have always been the pure image of what it means to make something out of nothing.

Before Field, I went to a school called Oyster Adams Bilingual School. This school was a very good stepping stone in my life and I was exposed to a lot of cultures/backgrounds. Besides seeing kids from middle class families who could afford a high school education for their children, I also saw kids who were from lower income families like mine. These kids usually went on to the local high school which was next in line for them if they didn't either pay for a private school education or take advantage of programs and scholarships to get them there. I saw that a lot of these kids had multiple problems meaning that a large public high school wouldn't be beneficial for them at all.

At the time I was associated with a program that gives underprivileged kids these opportunities called "D.C Opportunity". They helped me and gave me many opportunities, biggest one being the opportunity to go to the Field School. A program

called "DC Opportunity" awarded me with a \$12,000 scholarship to attend the school of my choice. Since 2004 there have been 16,000 children that have applied for this opportunity in the Washington DC area and I was one of the 6,100 extremely grateful and lucky kids to receive it.

So far, throughout my lifetime I have seen many underprivileged kids that come from lower class homes/families have no opportunity given to them like I have. Most of these kids are extremely smart and deserve a big future where they can get educated in any institution they choose. I recommend that kids enroll in all the programs I went into similar to "D.C. Opportunity. I currently am interested in math, programming, engineering, and dance. I wish to explore these things far into my future without anybody telling me I cant just because of my background and socio- economic class. If it wasn't for these many programs I wouldn't have been able to explore all of these at The Field School and have the amazing privilege to explore them throughout the college of my choosing. Eventually, I wish to have a fruitful career in any one of these fields and I am confident that I can do so.

Linda Cruz Catalan

DR. CHRISTOPHER A. LUBIENSKI

WRITTEN TESTIMONY FOR THE HEARING ON "THE VALUE OF EDUCATION  
CHOICES FOR LOW-INCOME FAMILIES: REAUTHORIZING THE D.C. OPPORTUNITY  
SCHOLARSHIP PROGRAM"

SENATE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

NOVEMBER 4, 2015

Please Note: The views expressed in this testimony are those of the author and should not be seen as representing the positions of the University of Illinois, nor the organizations that have funded his research (including but not limited to the William T. Grant Foundation and the Institute of Education Sciences), nor other organizations with which he is affiliated.

CHAIRMAN JOHNSON, RANKING MEMBER CARPER, & DISTINGUISHED  
COMMITTEE MEMBERS,

Thank you for the opportunity to speak with you about this topic. My name is Chris Lubienski, and I am a professor at the University of Illinois, where I study education policy. My research over the past two decades has focused on education reform, and specifically on the impacts of school choice policies — such as vouchers and charter schools — in the US as well as in other nations around the world.

As we all know, this is a contentious issue, with serious questions about public schooling, private interests, parental control, church and state, individual rights and democratic accountability. And reasonable people often disagree on how to address those questions. Unfortunately, we are too often seeing the politicization of the research on these programs as well.

Research on school choice has typically focused on three areas: 1) academic achievement; 2) more recently, a focus on other academic outcomes, such as degree attainment; and 3) to a much smaller degree, the social impacts. The questions of academic outcomes typically get the most attention and are the most contentious; the third consideration is the least studied, particularly with respect to vouchers, but still quite important.

#### **Academic Achievement<sup>1</sup>**

Aside from older “tuitioning” programs in Maine and Vermont, publicly funded voucher programs have been operating since 1990. Since that time, numerous studies have been conducted on student achievement in different programs. As part of the first publicly funded voucher program, in Milwaukee, the Wisconsin Legislature mandated a formal annual evaluation of the program, which focused on student achievement, and tended to find no significant impact of vouchers on students in the program. Indeed, in a peer-reviewed study summarizing his research, the evaluator found “no substantial difference over the life of the program between the Choice and MPS [Milwaukee Public Schools] students” (Witte, 1998, pp. 237-8).<sup>2</sup> Similarly, the official evaluation of the Cleveland voucher program concluded that, after controlling for demographic differences like family income, “there are virtually no differences in performance between students who use a scholarship and students who attend public school” (Metcalf, West, Legan, Paul, & Boone, 2003, p. 11).

<sup>1</sup> This section draws on Lubienski and Brewer (forthcoming).

<sup>2</sup> Recent research from Milwaukee indicates that there is still very little statistical difference between groups over the course of the study, except for an aberrant spike in reading scores, but not in math, in the final year of the program, possibly due to the introduction of a high-stakes policy for voucher-accepting private schools prior to the final test (Wolf, 2012). Still, the program continues to grow, although there is still substantial attrition typical of both voucher programs and urban schools in general.

Reports by voucher proponents subsequently challenged those results from the official evaluation studies, and instead presented findings of significant benefits for students using vouchers in these programs (Greene, Howell, & Peterson, 1997; Greene, Peterson, & Du, 1996; Greene, Peterson, & Du, 1998). These findings were then challenged in turn (Witte, 1996). Such patterns were then also evident in subsequent debates about the impacts of privately funded programs in New York City, the District of Columbia and Dayton, with proponents first findings gains, while others challenged the methods and found no impact from the voucher program on student achievement (Howell & Peterson, 2002; Howell, Wolf, Peterson, & Campbell, 2000; Krueger & Zhu, 2004).

One way forward from this unfortunate and often ideological morass is to use a “nomination strategy.” With that approach, the strength of an intervention is evaluated based on the research that proponents put forward as the best evidence for a given intervention. Recently, Jameson Brewer and I used such a strategy, looking at the studies listed as such by the Friedman Foundation for Educational Choice — founded by the economist and intellectual author of the modern voucher movement. We analyzed this select set of studies to determine how solid and consistent the findings on vouchers effects are with respect to student achievement, and the findings are relevant to the discussion we are having today at this hearing.

There are some eleven studies listed as evidence of the positive effects of vouchers on the academic achievement of those using vouchers.<sup>3</sup> These cover programs in five cities, including Washington, DC, and typically (but not always) report results separately in reading and in math, and by different sub-groups of students. While these are considered the best evidence on voucher impacts, there is substantial variation among the findings regarding voucher impact on student achievement.

In most of the overall and subgroup analyses conducted for these reports, there were no measurable impacts of voucher use on academic achievement. Moreover, if impacts are evident, those impacts are inconsistent, varying by group (race, gender, prior school performance, etc.), city, year, and subject. For instance:

- Howell and Peterson (2002) found no overall impact in Washington D.C., Dayton, and New York City. While finding no statistically significant impact for other ethnic groups, the authors find statistically significant impacts for African-American students in New York in Years 1 and 3, but not Year 2; in Washington in Year 2 (after losing 25% of the sample from Year 1), but not

---

<sup>3</sup> Although the Foundation’s total list is slightly larger, but we excluded studies from our review if they were focused not on the direct K-12 achievement effects of vouchers, but on other issues such as effects in higher education, or competitive effects on non-voucher schools.

Years 1 and 3; and never in Dayton. Reported results were not disaggregated by subject.<sup>4</sup>

- Rouse (1998a) found no impact in reading in the Milwaukee voucher program, but a positive impact in math after four years.<sup>5</sup>
- Barnard et al. (2003) in New York found no statistically significant impacts in reading, and in math for students applying for the voucher program at grade 1, and not those applying at grade 2, 3, or 4
- In a reanalysis of these data, Jin worked with Barnard and Rubin (2010) on an alternative approach, finding that a significant impact from vouchers appeared in reading but disappeared in math for grade 1 applicants coming from high-performing schools, while also finding an impact in reading for grade 4 applicants coming from low-performing schools. No other statistically significant impacts were found.
- In the official evaluation of the District of Columbia Opportunity Scholarship Program, Wolf et al. (2013) found no overall impact from vouchers. While there were no impacts on math achievement (a subject generally considered a better measure of school effects) overall, nor for any of the subgroups, they report “suggestive” evidence in reading (which is more closely associated with home factors) after at least four years of the program. Results from the third year of the evaluation were statistically significant at conventional levels, although subsequently declined, possibly due to program completion. These benefits were evident for three of the six sub-groups: girls, students with higher initial achievement, and students who left higher performing public schools.

Overall, based on the research highlighted by proponents, vouchers have no measurable impact in most cases, and in the minority of instances where they appear to have an effect, it is often minor and rather haphazard, thus failing to reflect any underlying logic of program effects that we might expect from the clear theory of vouchers as change agents in education. Moreover, as I discuss below, any effects are likely at least partially a result of factors not accounted for in the voucher studies.

### **Academic Attainment**

Given that evidence of achievement gains has been somewhat illusive, some

---

<sup>4</sup> This is unfortunate because, as one of the authors had previously noted elsewhere, “Math tests are thought to be especially good indicators of school effectiveness, because math, unlike reading and language skills, is learned mainly in school” (Peterson, 1998, p. 3). See also Heyneman (2005).

<sup>5</sup> In a separate study not cited by the Friedman Foundation, Rouse (1998b) found that students using vouchers had achievement gains in mathematics similar to, but reading gains lower than, those of public school students in a program that provided the public schools with smaller class sizes. The implication that any voucher benefit is explained by smaller class sizes in private schools is aligned with other work indicating that one of the main factors explaining any advantages of private school attendance is their smaller average class size (Lubienski & Lubienski, 2014).

research has recently turned to other indicators of voucher effects in terms of other academic behaviors. There are fewer studies on the Friedman list devoted to this topic than to student achievement, mirroring research on these topics overall. From this smaller research basis, we see similarly mixed findings on the effects of vouchers in increasing graduation rates, college attendance, and college persistence. Wolf et al. (2013) found a very significant difference in graduation rates: 82% as opposed to 70%, respectively, for the treatment and control groups. Students from poorly-performing schools,<sup>6</sup> students who had higher levels of academic performance on application, and girls saw benefits from the voucher program for their likelihood of graduating from high school; boys, student who applied to the program from better performing schools, or students with higher levels of academic performance, did not. More recently, Chingos and Peterson (2015, p. 10) found “no overall impact of the voucher intervention in New York City on college enrollment and attainment,” but found disparate impacts various subgroups, such as for children of US-born mothers.

This, of course, raises important questions about why we see no consistent impacts of vouchers on academic growth, but may see impacts in school attainment. That is, there appears to be no underlying logic of causation for the effects of vouchers on a student’s learning in a classroom, but there may be on a student’s academic aspirations extended into higher education. The evidence available in the set of voucher studies explored here does little to explain the factors that might account for this disjuncture, since it is essentially focused on vouchers as treatments, and does not look at specific causal mechanisms in schools. However the broader research evidence suggests that peer-effect sorting — clustering students by academic inclinations and abilities — may play a substantial role in this. I take up this question in the concluding discussion.

### **Societal Impacts**

While a substantial volume of research has investigated academic achievement in voucher programs, and a few recent studies have looked at academic attainment, the question of the social effects of voucher programs has been severely under-examined.<sup>7</sup> Although there is insufficient research so far in this regard on voucher programs for private schools, research on more controlled and regulated programs such as public charter schools suggests cause for concern. Indeed, there appear to be a growing consensus that these programs are linked to greater social segregation, by race, social class, and academic ability (Elacqua, 2004, 2012; Frankenberg, Siegel-Hawley, & Wang, 2011) (Fiske & Ladd, 2000; Garcia, 2008) (Rotberg, 2014). This is particularly unfortunate for two reasons. First, choice programs have a unique potential to allow students trapped in segregated and failing public schools to cross

---

<sup>6</sup> This is in contrast to the students from higher-performing schools, who saw a benefit in the achievement findings noted in the previous section.

<sup>7</sup> The School Choice Demonstration Project has considered social impacts in Milwaukee, but focuses only on race in an overwhelming minority city, and foregoes any analyses of sorting by social-economic status or ability (Wolf, 2012).

attendance zones and/or district boundaries. Second, evidence suggests that more integrated learning environments can lead to better overall outcomes — boosting in particular the achievement of less advantaged students, while not impeding the achievement of students from more affluent families (Kahlenberg, 2000; Mickelson & Bottia, 2010; Perry & McConney, 2010) (Spencer & Reno, 2009).

Nonetheless, the research on choice and segregation is pointing to clearer patterns of school segregation, whether through self-sorting by families, through schools' selection of students, or through other school practices, such as marketing, that may facilitate social sorting.<sup>8</sup> For instance, evidence indicates that private and charter schools tend to serve proportionately fewer students with special needs or limited English proficiency (Lubienski & Lubienski, 2014). Even in cases where basic measures suggest that private or charter schools are serving higher proportions of disadvantaged students, as determined, for instance, by subsidized lunch eligibility (as is the case with charter schools in Washington, DC), more nuanced research indicates that these tend to be more advantaged of the disadvantaged or minority student populations (Lubienski & Lubienski, 2014; Witte, 2000).

This echoes evidence on school choice and segregation elsewhere. The OECD analysis of 2012 PISA data found that mathematics performance across countries is not related to whether or not schools compete for the choices of students; even within school systems, the OECD found no advantage in the performance of schools that compete for students (Organisation for Economic Co-Operation and Development, 2014). However, the OECD noted that competition between schools is linked to greater socio-economic segregation. The PISA data suggest that this is because, for affluent parents, “cost-related factors weigh less than the quality of instruction in their choice of schools... for disadvantaged parents, cost-related factors often weigh as much as, if not more than, the factors related to the quality of instruction.” Thus, “in systems where parents can choose schools, and schools compete for enrollment, schools are often more socially segregated.”<sup>9</sup>

### **Discussion**

While school choice programs may entail potentially substantial equity costs, in terms of benefits, we see patterns where voucher programs have no overall impact on student learning, but may have inconsistent benefits for some groups in some sporadic instances. This is evident across cities, sub-populations, and subjects studied, although particularly disappointing in math, since that subject is seen as a better measure of school effects. On the other hand, some researchers report notable advantages for students offered a voucher in terms of later academic behaviors, such as high school completion and college persistence.

---

<sup>8</sup> For instance, with charter schools, see the comprehensive review by Rotberg (2014); for causal factors in such patterns, see Bifulco and Ladd (2006); in DC, see Schneider and Buckley (2002).

<sup>9</sup> See OECD, 2014.

Since these studies highlighted by proponents tend not to examine the specific mechanisms by which these later outcomes are attained, outside of the offer or use of a voucher, we do not really know what factors are involved in causing these outcomes, and whether they can be replicated or scaled up. The research reviewed here is not designed in ways to give us any certainty that behavior outcomes are simply a matter of program effects — for example, if there is better college counseling in schools that accept vouchers. Moreover, the nature of these studies means that the results, whether positive or negative, “cannot be easily generalized to other settings” (Chingos & Peterson, 2015, p. 10). These programs do not just study the effects of the program, but the effects of the program on the types of students from families who typically apply for these programs — families whose interest in applying for the voucher suggests characteristics associated with academic success.

While we may like to think that any positive effects are the result of better teaching, curricula, or programs in the voucher schools, the data do not support that conclusion. Instead, a lengthy literature of research would strongly suggest that these outcomes are in no small part a matter of peer-group influences: the profile of the people with whom a student is learning (Coleman et al., 1966; Hanushek, Markman, Kain, & Rivkin, 2003; Jencks et al., 1972; Kahlenberg, 2000). One could argue that families are choosing not just private schools, but also peer groups for their children. But that could have a diminishing effect, as Chingos and Peterson (2015, p. 10) suggest: “scaling up voucher programs can be expected to change the social composition of private schools. To the extent that student learning is dependent on peer quality, the impacts ... could easily change.” Moreover, the implication is that benefits are at least partly a result of social segregation. In all likelihood, this is detrimental to the peer-effect in schools of children left behind, although those impacts have not been well studied. As Rouse and Barrow (2008) note, “the research designs for studying the potential impacts of vouchers on students who remain in the public schools are far from ideal” (p. 3).

### **Conclusions**

The academic impacts of vouchers on student achievement are generally lacking, and sporadic and inconsistent, at best. Even focusing only on the studies highlighted by the pro-voucher Friedman Foundation, most found no effect for the clear majority of overall and subgroup analyses. However, for both achievement and attainment, the problem is that findings of impact that do exist reflect no underlying causal logic. In the exceptional cases where researchers report an impact, they appear to have an effect for one group in one grade in one subject, but not with that same group in a different subject, or year, or in a different city — or even if examined in a different study, even by the same researchers. Indeed, the equity premise for vouchers — that private schools offer students a better educational opportunity — may be misguided, since nationally representative evidence indicates that private schools are no more effective (and often less so) than public schools (Braun, Jenkins, & Grigg, 2006; Lubienski & Lubienski, 2014; Reardon, Cheadle, & Robinson, 2009). So there are reasons for caution in hearing claims

about the impact of vouchers. Said another way, there are better arguments for vouchers than their academic impacts.

At the same time, while we have evidence on the academic benefits (or lack thereof) of vouchers, policymakers and researchers may also need to attend to the question of potential social costs. Research points to concerns about social segregation from choice programs that may further hinder educational opportunity for disadvantaged students, relative to their more advantaged peers, even though disadvantaged students are often the intended beneficiaries of voucher policies. As the OECD noted:

School competition can involve costs and benefits that may not be equally distributed across students. Some of the intended benefits of competition... are not necessarily related to student achievement, and must be weighed against the possible cost in equity and social inclusion. (Organisation for Economic Co-Operation and Development, 2014)

Weighing the potential costs and benefits of education policies is a contentious and difficult exercise, with serious implications for individuals, schools, families, and communities. While there is an obvious appeal to interventions that may appear to be a panacea for the deep-seated problems facing urban schools, the best evidence in this case indicates that this approach is not particularly effective, and should be treated by policy makers with a reasonable degree of caution.

Thank you Mr. Chairman and Members of the Committee for this opportunity to share my professional assessment with you.

**REFERENCES**

- Barnard, J., Frangakis, C. E., Hill, J. L., & Rubin, D. B. (2003). Principal Stratification Approach to Broken Randomized Experiments: A Case Study of School Choice Vouchers in New York City. *Journal of the American Statistical Association*, 98(462), 299-324.
- Bifulco, R., & Ladd, H. F. (2006). School Choice, Racial Segregation, and Test-Score Gaps: Evidence from North Carolina's Charter School Program. *Journal of Policy Analysis and Management*, 26(1), 31-56.
- Braun, H., Jenkins, F., & Grigg, W. (2006). Comparing Private Schools and Public Schools Using Hierarchical Linear Modeling. Washington, DC: National Center for Education Statistics.
- Chingos, M. M., & Peterson, P. E. (2015). Experimentally Estimated Impacts of School Vouchers on College Enrollment and Degree Attainment. *Journal of Public Economics*, 122, 1-12.
- Coleman, J. S., Campbell, E. Q., Hobson, C. J., McPartland, J., Mood, A. M., Weinfeld, F. D., & York, R. L. (1966). *Equality of Educational Opportunity*. Washington, DC: National Center for Educational Statistics.
- Elacqua, G. (2004). School Choice in Chile: An Analysis of Parental Preferences and Search Behavior (pp. 1 - 34). New York: National Center for the Study of Privatization in Education.
- Elacqua, G. (2012). The Impact of School Choice and Public Policy on Segregation: Evidence from Chile. *International Journal of Educational Development*, 32(3), 444-453.
- Fiske, E. B., & Ladd, H. F. (2000). *When Schools Compete: A Cautionary Tale*. Washington, DC: Brookings Institution Press.
- Frankenberg, E., Siegel-Hawley, G., & Wang, J. (2011). Choice without Equity: Charter School Segregation. *Educational Policy Analysis Archives*, 19(1), <http://epaa.asu.edu/ojs/article/view/779>.
- Garcia, D. R. (2008). Academic and Racial Segregation in Charter Schools: Do Parents Sort Students into Specialized Charter Schools? *Education and Urban Society*, 40(5), 590-612.
- Greene, J. P., Howell, W. G., & Peterson, P. E. (1997). An Evaluation of the Cleveland Scholarship Program: Program on Education Policy and Governance, Harvard University.
- Greene, J. P., Peterson, P. E., & Du, J. (1996). The Effectiveness of School Choice in Milwaukee: A Secondary Analysis of Data from the Program's Evaluation (pp. Retrieved on February 18, 1997 from the World Wide Web: <<http://hdc-www.harvard.edu/pepg/op/evaluate.htm%3E>): Program on Education Policy and Governance, Harvard University.
- Greene, J. P., Peterson, P. E., & Du, J. (1998). School Choice in Milwaukee: A Randomized Experiment. In P. E. Peterson & B. C. Hassel (Eds.), *Learning from School Choice* (pp. 335-356). Washington, DC: Brookings Institution Press.
- Hanushek, E. A., Markman, J. M., Kain, J. F., & Rivkin, S. G. (2003). Does Peer Ability Affect Student Achievement? *Journal of Applied Econometrics*, 18(5), 527-544.

- Heyneman, S. P. (2005). Student Background and Student Achievement: What Is the Right Question? *American Journal of Education*, 112(1), 1-9.
- Howell, W. G., & Peterson, P. E. (2002). *The Education Gap: Vouchers and Urban Schools*. Washington, DC: Brookings Institution Press.
- Howell, W. G., Wolf, P. J., Peterson, P. E., & Campbell, D. E. (2000). Test-Score Effects of School Vouchers in Dayton, Ohio, New York City, and Washington, D.C.: Evidence from Randomized Field Trials. Cambridge, MA: Harvard Program on Education Policy and Governance.
- Jencks, C., Smith, M., Acland, H., Bane, M. J., Cohen, D. K., Gintis, H., . . . Michelson, S. (1972). *Inequality: A Reassessment of the Effect of Family and Schooling in America*. New York: Basic Books.
- Jin, H., Barnard, J., & Rubin, D. B. (2010). A Modified General Location Model for Noncompliance with Missing Data: Revisiting the New York City School Choice Scholarship Program Using Principal Stratification. *Journal of Educational and Behavioral Statistics*, 35(2), 154-173. doi: 10.3102/1076998609346968
- Kahlenberg, R. D. (2000). *All Together Now: Creating Middle-Class Schools through Public School Choice*. Washington, DC: Brookings Institution Press.
- Krueger, A. B., & Zhu, P. (2004). Another Look at the New York City School Voucher Experiment. *American Behavioral Scientist*, 47(5), 658-698.
- Lubienski, C., & Brewer, T. J. (forthcoming). An Analysis of Voucher Advocacy: Taking a Closer Look at the Uses and Limitations of "Gold Standard" Research. *Peabody Journal of Education*.
- Lubienski, C., & Lubienski, S. T. (2014). *The Public School Advantage: Why Public Schools Outperform Private Schools*. Chicago: University of Chicago Press.
- Metcalfe, K. K., West, S. D., Legan, N. A., Paul, K. M., & Boone, W. J. (2003). Evaluation of the Cleveland Scholarship and Tutoring Program: Summary Report 1998-2002. Bloomington, IN: Indiana University.
- Mickelson, R. A., & Bottia, M. (2010). Integrated Education and Mathematics Outcomes: A Synthesis of Social Science Research. *North Carolina Law Review*, 88, 993-1090.
- Organisation for Economic Co-Operation and Development. (2014). *PISA 2012 Results: What Makes Schools Successful (Volume IV)* (Vol. Paris): OECD Publishing.
- Organisation for Economic Co-Operation and Development. (2014). PISA in Focus: #42. Organisation for Economic Co-Operation and Development.
- Perry, L., & McConney, A. (2010). Does the SES of the School Matter? An Examination of Socioeconomic Status and Student Achievement Using Pisa 2003. *Teachers College Record*, 112(4), 1137-1162.
- Peterson, P. E. (1998). School Choice: A Report Card. In P. E. Peterson & B. C. Hassel (Eds.), *Learning from School Choice* (pp. 3-32). Washington, DC: Brookings Institution Press.
- Reardon, S. F., Cheadle, J. E., & Robinson, J. P. (2009). The Effects of Catholic School Attendance on Reading and Math Achievement in Kindergarten through Fifth Grade. *Journal of Research on Educational Effectiveness*, 2(1), 45-87.

- Rotberg, I. C. (2014, February). Charter Schools and the Risk of Increased Segregation. *Phi Delta Kappan*, 95, 26-30.
- Rouse, C. E. (1998a). Private School Vouchers and Student Achievement: An Evaluation of the Milwaukee Parental Choice Program. *Quarterly Journal of Economics*, 113(2), 553-603.
- Rouse, C. E. (1998b). Schools and Student Achievement: More Evidence from the Milwaukee Parental Choice Program: Princeton University and the National Bureau of Economic Research.
- Rouse, C. E., & Barrow, L. (2008). School Vouchers and Student Achievement: Recent Evidence, Remaining Questions. New York: National Center for the Study of Privatization in Education.
- Schneider, M., & Buckley, J. (2002). What Do Parents Want from Schools? Evidence from the Internet. *Educational Evaluation And Policy Analysis*, 24(2), 133-144.
- Spencer, M. L., & Reno, R. (2009). The Benefits of Racial and Economic Integration in Our Education System. Columbus, OH: Kirwan Institute for the Study of Race and Ethnicity.
- Witte, J. F. (1996). Reply to Greene, Peterson and Du: "The Effectiveness of School Choice in Milwaukee: A Secondary Analysis of Data from the Program's Evaluation". Madison, WI: Department of Political Science and The Robert La Follette Institute of Public Affairs, University of Wisconsin-Madison.
- Witte, J. F. (1998). The Milwaukee Voucher Experiment. *Educational Evaluation And Policy Analysis*, 20(4), 229-251.
- Witte, J. F. (2000). *The Market Approach to Education: An Analysis of America's First Voucher Program*. Princeton, NJ: Princeton University Press.
- Wolf, P. (2012). The Comprehensive Longitudinal Evaluation of the Milwaukee Parental Choice Program: Summary of Final Reports. Fayetteville, AK: School Choice Demonstration Project, University of Arkansas.
- Wolf, P. J., Kisida, B., Gutmann, B., Puma, M., Eissa, N., & Rizzo, L. (2013). School Vouchers and Student Outcomes: Experimental Evidence from Washington, Dc. *Journal of Policy Analysis & Management*, 32(2), 246-270. doi: 10.1002/pam.21691



November 3, 2015

Senator Ron Johnson  
Chairman  
Senate Homeland Security and  
Governmental Affairs  
386 Russell Senate Office Building  
Washington, DC 20510

Senator Thomas Carper  
Ranking Member  
Senate Homeland Security and  
Governmental Affairs  
513 Hart Senate Office Building  
Washington, DC 20510

Dear Chairman Johnson and Ranking Member Carper:

On behalf of the 170,000 bipartisan members and supporters of the American Association of University Women (AAUW), I urge you to oppose the reauthorization of the District of Columbia private school voucher program and vote no on the Scholarships for Opportunity and Results Act (S. 2171).

AAUW has long opposed diverting public funds to private or religious elementary and secondary schools which do not have to follow civil rights laws, including Title IX. What makes the D.C. voucher program particularly egregious is that it is ineffective and unaccountable to the taxpayers. The objective evidence does not support spending millions of dollars of taxpayer funding on the D.C. private school voucher program.

Several reports have identified serious efficacy and accountability failures.<sup>1</sup> A November 2007 U.S. Government Accountability Office report revealed several problems including shoddy fiscal policies, problems making scholarship payments, and many schools conducted classes in unsuitable learning environments led by teachers lacking bachelor's degrees.<sup>2</sup> Additionally, a 2010 Department of Education report found that there was "no conclusive evidence that the [voucher] program affected student achievement."<sup>3</sup> Finally, a 2013 GAO report showed significant and repeated management and accountability failures.<sup>4</sup>

Public funds should only be used for public education — not private or religious school voucher schemes that benefit only a few. D.C.'s severely mismanaged and ineffective voucher program should not be reauthorized. We urge you to vote "no" on S. 2171 and any other private voucher programs.

Cosponsorship and votes associated with these issues may be included in the AAUW Action Fund *Congressional Voting Record*. If you have any questions or need additional information, feel free to contact me at 202/785-7720, or Erin Prangle, associate director of government relations, at 202/785-7730.

Sincerely,

Lisa M. Maatz  
Vice President for Government Relations

---

<sup>1</sup> See U.S. Government Accountability Office. (November 2013). District of Columbia Opportunity Scholarship Program: Actions Needed to Address Weaknesses in Administration and Oversight, Publication No. GAO-13-805. and U.S. Department of Education, Institute of Education Sciences. (June 2010). Evaluation of the DC Opportunity Scholarship Program: Final Report. <http://ies.ed.gov/ncee/pubs/20104018/pdf/20104018.pdf>

<sup>2</sup> U.S. Government Accounting Office. (November 2007). District of Columbia Opportunity Scholarship Program: Additional Politics and Procedures Would Improve Internal Controls and Program Operations. GAO-08-9. <http://www.gao.gov/new.items/d089.pdf>.

<sup>3</sup> U.S. Department of Education, Institute of Education Sciences. (June 2010). Evaluation of the DC Opportunity Scholarship Program: Final Report. <http://ies.ed.gov/ncee/pubs/20104018/pdf/20104018.pdf>

<sup>4</sup> U.S. Government Accountability Office. (November 2013). District of Columbia Opportunity Scholarship Program: Actions Needed to Address Weaknesses in Administration and Oversight, Publication No. GAO-13-805.

WASHINGTON  
LEGISLATIVE OFFICE



November 3, 2015

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

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

AMERICAN CIVIL  
LIBERTIES UNION  
WASHINGTON  
LEGISLATIVE OFFICE  
511 EIGH STREET, NW, 6 FL.  
WASHINGTON, DC 20001  
202.644.1000  
F/202.644.1004  
[WWW.ACLU.ORG](http://WWW.ACLU.ORG)

KARIN JOHNSON  
DIRECTOR

NATIONAL OFFICE  
125 BROAD STREET, 14TH FL.  
NEW YORK, NY 10004-2400  
T/212.464.2500

OFFICERS AND DIRECTORS  
SUSAN R. BERMAN  
PRESIDENT

ANTHONY D. BOHERO  
EXECUTIVE DIRECTOR

ROBERT BEMAR  
TREASURER

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

Dear Chairman Johnson and Ranking Member Carper:

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

For nearly 100 years, the ACLU has been our nation’s guardian of liberty, working in courts, legislatures, and communities to defend and preserve the individual rights and liberties that the Constitution and the laws of the United States guarantee everyone in this country. With more than a million members, activists, and supporters, the ACLU is a nationwide organization that fights tirelessly in all 50 states, Puerto Rico, and Washington, D.C., for the principle that every individual’s rights must be protected equally under the law.

Originally started as a five-year pilot program in 2004, making it the nation’s first and only federally-funded private and religious school voucher program, the D.C. voucher program should not be reauthorized.

Multiple Department of Education studies<sup>1</sup> have concluded that the program has failed to improve educational outcomes for participating students, and two U.S. Government Accountability Office reports have also identified its repeated management and accountability failures.<sup>2</sup>

Additionally, under this program, taxpayer dollars have been provided to schools even though they infuse their curricular materials with specific religious content. Private religious schools have a clear and undisputed right to include religious content in their school curriculum – but only when those schools are privately funded. Once taxpayer dollars enter the equation, it is impossible for the government to avoid funding religious activity or favoring one religious program over another or over non-religious programming. Congress should not reauthorize sending taxpayer dollars to fund the religious education of children.

**Threatening Civil Rights and Undermining Constitutional Protections**

The voucher program strips students of civil rights protections. Despite receiving public funds, the private schools participating in the D.C. voucher program are not subject to all federal civil rights laws and do not adhere to religious freedom protections provided to public school students under the First Amendment of the U.S. Constitution. Moreover, these schools do not face the same public accountability standards that all public schools must meet, including those in Title VI, Title IX, the Individuals with Disabilities Education Act (IDEA), Title II of the Americans with Disabilities Act, and the Elementary and Secondary Education Act (ESEA). Schools that do not provide students with these basic civil rights protections should not receive taxpayer dollars.

**Failure to Improve Education**

All four congressionally-mandated Department of Education studies that have analyzed the D.C. voucher program have concluded that it did not significantly improve reading or math

<sup>1</sup> US Dep't of Educ., *Evaluation of the D.C. Opportunity Scholarship Program: Final Report* xv, xix, 34 (June 2010) (*Final US Dep't of Educ. Report*); *Final US Dep't of Educ. Report* at 34; US Dep't of Educ., *Evaluation of the D.C. Opportunity Scholarship Program: Impacts After Three Years* 34 (March 2009) (*2009 US Dep't of Educ. Report*); US Dep't of Educ., *Evaluation of the D.C. Opportunity Scholarship Program: Impacts After Two Years* 34, 36-38 (June 2008) (*2008 US Dep't of Educ. Report*); US Dep't of Educ., *Evaluation of the D.C. Opportunity Scholarship Program: Impacts After One Year* xvii, 44, 46 (June 2007) (*2007 US Dep't of Educ. Report*).

<sup>2</sup> U.S. Gov't Accountability Office, *District of Columbia Opportunity Scholarship Program: Actions Needed to Address Weaknesses in Administration and Oversight*, Publication No. GAO-13-805 (Nov. 2013) <http://www.gao.gov/assets/660/658416.pdf> [hereinafter 2013 GAO Report]; US Gov't Accountability Office, *District of Columbia Opportunity Scholarship Program: Additional Policies and Procedures Would Improve Internal Controls and Program Operations*, Pub. No. 08-9 at 26 (Nov. 2007) <http://www.gao.gov/new.items/d089.pdf> [hereinafter 2007 GAO Report].

achievement.<sup>3</sup> The studies further found that the voucher program had no effect on student satisfaction, motivation or engagement, or student views on school safety.<sup>4</sup> The studies also indicated that many of the students in the voucher program were less likely to have access to key services such as ESL programs, learning supports, special education supports and services, and counselors than students who were not part of the program.<sup>5</sup> A program that has failed to improve the academic achievement or school experience of the students in the District of Columbia does not warrant reauthorization.

For all of these reasons, we are opposed to the SOAR Reauthorization Act (S. 2171). Please contact Ian Thompson with any questions at (202) 715-0837 or [ithompson@aclu.org](mailto:ithompson@aclu.org).

Sincerely,



Karin Johanson  
Director, Washington Legislative Office



Ian Thompson  
Legislative Representative

**Cc: Senate Committee on Homeland Security and Governmental Affairs**

---

<sup>3</sup> *Final US Dep't of Educ. Report* at xv, xix, 34; *2009 US Dep't of Educ. Report* at 39; *2008 US Dep't of Educ. Report* at 34, 36-38; *2007 US Dep't of Educ. Report* at xvii, 44, 46.

<sup>4</sup> *Final US Dep't of Educ. Report* at 43-47; *2009 US Dep't of Educ. Report* at xxvi, xviii, 35, 44-45, 49-50; *2008 US Dep't of Educ. Report* at 42-43, 50, 57; and *2007 US Dep't of Educ. Report* at xx, 53-55.

<sup>5</sup> *Final US Dep't of Educ. Report* at 20; *2009 US Dep't of Educ. Report* at xxii, 17; *2008 US Dep't of Educ. Report* at xviii, 16.



200 Maryland Avenue, N.E.  
Washington, D.C. 20002-5797

November 3, 2015

<p>Alliance of Baptists</p> <p>American Baptist Churches USA</p> <p>Baptist General Association of Virginia</p> <p>Baptist General Conference</p> <p>Baptist General Convention of Missouri</p> <p>Baptist General Convention of Texas</p> <p>Baptist State Convention of North Carolina</p> <p>Cooperative Baptist Fellowship</p> <p>National Baptist Convention of America</p> <p>National Baptist Convention U.S.A. Inc.</p> <p>National Missionary Baptist Convention</p> <p>North American Baptist Conference</p> <p>Progressive National Baptist Convention Inc.</p> <p>Religious Liberty Council</p> <p>Seventh Day Baptist General Conference</p>	<p>Senator Ron Johnson Chairman Senate Committee on Homeland Security and Government Affairs 386 Russell Senate Office Building Washington, DC 20510</p> <p>Senator Thomas Carper Ranking Member Senate Committee on Homeland Security and Government Affairs 513 Hart Senate Office Building Washington, DC 20510</p> <p>RE: BJC Opposes the Reauthorization of the D.C. School Voucher Program</p> <p>Dear Chairman Johnson and Ranking Member Carper:</p> <p>The Baptist Joint Committee for Religious Liberty (BJC) serves fifteen national and state Baptist bodies, and thousands of churches and individuals nationwide. We write today to ask that you oppose any attempt to reauthorize the D.C. School Voucher Program, as the current program has been ineffective and remains at odds with the American tradition of religious liberty.</p> <p>The BJC opposes efforts to fund private religious education with public dollars, including through vouchers. While we recognize parochial schools serve a valuable function, religious teaching should be funded by voluntary contributions, not through taxation. Government proposals that divert public dollars to private religious interests violate this principle and threaten religious liberty. Most parochial schools either cannot or do not wish to separate the religious components of the education they offer from the academic programs. Indeed, that is why most of the schools were created and continue to exist. Parents certainly may choose such an education for their children, but should not ask the federal government, which must remain neutral in matters of religion, to fund private, religious interests.</p> <p>Vouchers violate the religious liberty rights of all taxpayers – rights that are protected by the “no establishment” principles of the First Amendment to the U.S. Constitution. Vouchers may also bring unintended consequences for religious schools accepting the government money. It is an iron law of politics that what the government funds, the government regulates. Without regulation, there can be no accountability. Vouchers open the door to excessive government entanglement with religion through burdensome government regulation and oversight. If religious schools are to maintain their distinct character, they should not accept government vouchers.</p> <p>The U.S. Supreme Court has upheld a voucher program under specific criteria. It did not hold that vouchers were <i>per se</i> constitutional in all cases or imply that they are a good policy response to perceived problems in public schools. Studies of the D.C. Voucher Program have shown that it falls short of the goals of improving student education and improving public schools by fostering competition.</p> <p>Expanding educational opportunities for young residents of the District is a laudable goal. While the BJC supports such efforts, we call on the Congress to find solutions that do so without continuing an ineffective and constitutionally-suspect voucher program. We invite you to contact us if we can be of any assistance and strongly urge you to oppose any efforts to reauthorize the D.C. School Voucher Program.</p> <p>Sincerely,</p> <p><i>K. Hollyn Hollman</i></p> <p>K. Hollyn Hollman General Counsel</p>
---	--

*The Baptist Joint Committee is a 79-year-old, Washington, D.C.-based religious liberty organization that works to defend and extend God-given religious liberty for all, bringing a uniquely Baptist witness to the principle that religion must be freely exercised, neither advanced nor inhibited by government.*

Phone: 202-544-4226 • Fax: 202-544-2094 • E-mail: [bjc@BJCOnline.org](mailto:bjc@BJCOnline.org) • Website: [www.BJCOnline.org](http://www.BJCOnline.org)



November 4, 2015

The Honorable Ron A. Johnson  
Chairman  
Senate Homeland Security and Government Affairs Committee  
U.S. Senate  
Washington, DC 20510

Dear Chairman Johnson:

The Council of Parent Attorneys and Advocates, Inc. (COPAA) is an independent, nonprofit organization who works to protect the civil rights and secure excellence in education on behalf of the 6.5 million children with disabilities attending our public schools. COPAA is premised on the belief that every child has the right to high-quality education and an equal opportunity to achieve his or her full academic potential. Our members support tens of thousands students with disabilities and their families each year. We write to **oppose** the *Scholarships for Opportunity and Results (SOAR) Reauthorization Act*.

COPAA opposes the SOAR Reauthorization Act - which seeks to create portability of federal funds for students with disabilities to private schools. This portability is egregious for the following reasons: First, the purpose is disingenuous in that all parents would be required to give up rights under Individuals with Disabilities Education Act (IDEA) in the name of "choice." Parents or students must not be required to give up procedural or substantive requirements under the IDEA, nor their right to an impartial due process hearing when the schools fails to comply. Schools that accept federal funds under voucher programs must comply with applicable federal laws, and the Individualized Education Program (IEP) must remain the cornerstone of providing individualized special education and related services designed to meet each eligible student's unique needs. Second, states, including the District of Columbia cannot, by delegating the education function to private voucher schools, place students beyond the reach of the federal laws in its administration of publicly funded programs.

We are committed to ensuring that all students with disabilities are fully and equitably included in the law; therefore, we oppose the bill in its current form. Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Denise Marshall".

Denise Marshall, Executive Director

cc: Members of the Senate Homeland Security and Government Affairs Committee  
Members of the Senate Health, Education, Labor and Pensions Committee

*COPAA's mission is to serve as a national voice for special education rights and is grounded in the belief that every child deserves the right to a quality education that prepares him or her for meaningful employment, higher education and lifelong learning.*



---

United States Government Accountability Office

Statement for the Record  
to the Committee on Homeland Security  
and Governmental Affairs, U.S. Senate

---

For Release on Delivery  
Expected at 10:00, a.m. ET  
Wednesday, November 4, 2015

## K-12 EDUCATION

### Internal Controls for Program Management and Oversight Can Help Ensure the Success of School Choice Programs

Statement of the Record of Jacqueline M. Nowicki,  
Director, Education, Workforce, and Income Security

---

Chairman Johnson, Ranking Member Carper, and Members of the Committee:

I am pleased to submit this statement on how lessons learned from the District of Columbia Opportunity Scholarship Program (OSP)—the only federally funded kindergarten-through-grade-12 private school choice program in the United States—could strengthen this or any similar federally funded voucher program in the future. Students and families in the District of Columbia (District) may choose among a variety of public and private options for their K-12 education. According to data from the Department of Education (Education), 41 percent of the District's approximately 78,000 public school students attended charter schools, 5 percent attended magnet schools, and 51 percent attended traditional public schools in the 2013-2014 school year.<sup>1</sup> In addition to the District's public school choice options, District students may be eligible for OSP's annual scholarships that allow students to attend participating private elementary or secondary schools of their choice. According to the OSP Web site, 1,660 students attended private schools under this program in school year 2013-2014. Since the program's inception, Congress has provided more than \$180 million for OSP, according to Education. These funds have, in turn, awarded over 6,100 scholarships to students who would likely not have the resources to attend private school.

The Secretary of Education and the Mayor of the District of Columbia have a memorandum of understanding (MOU) that delineates responsibilities for implementing OSP. According to the MOU, Education is responsible for working with the OSP administrator—an entity funded by a grant from Education—to improve certain aspects of administration.<sup>2</sup> In addition, the MOU states that District agencies are directly responsible for conducting required inspections of participating schools when notified by the OSP administrator.

---

<sup>1</sup> The remaining 3 percent attended other types of public schools, such as special education, vocational education, or alternative schools.

<sup>2</sup> At the time of our review, the OSP administrator was the DC Children and Youth Investment Trust Corporation. In August 2015, Education named Serving Our Children—a District-based nonprofit organization—as the OSP administrator. As our recommendations are relevant to any entity administering OSP, we refer to that entity as "OSP administrator" or "OSP" throughout this statement.

---

School voucher programs are gaining in popularity across the country. In addition to DC's federally funded OSP, 10 states currently operate state-funded school voucher programs.<sup>3</sup> Further, Congress has considered creating a national school voucher program in recent years. Given these developments, this statement discusses the importance of proper management and oversight of these programs to ensure they are implemented effectively and provide accountability over public funds.

This statement is based on a GAO report released in 2013, titled *District of Columbia Opportunity Scholarship Program: Actions Needed to Address Weaknesses in Administration and Oversight*.<sup>4</sup> This report responded to a request from the Chairman of the Subcommittee on Financial Services and General Government, Committee on Appropriations, U.S. Senate for GAO to assess the extent to which the OSP administrator was meeting its stated goals and properly managing federal funds.<sup>5</sup> In the report, we examined (1) the extent to which the OSP administrator provides information that enables families to make informed school choices, (2) whether OSP's internal controls ensure accountability, and (3) how Education and District agencies responsible for overseeing OSP have performed their stated roles and responsibilities.

To address these objectives, we analyzed key documents regarding participating schools and OSP that were available to parents. We visited 10 of the 53 participating private schools and interviewed key officials. We

---

<sup>3</sup> The 10 states are Florida, Georgia, Indiana, Louisiana, Mississippi, North Carolina, Ohio, Oklahoma, Utah, and Wisconsin. In addition, there are other types of state-funded private school choice programs operating in states—tax-credit scholarships, individual tax credits and deductions, and education savings accounts.

<sup>4</sup> GAO, *District of Columbia Opportunity Scholarship Program: Actions Needed to Address Weaknesses in Administration and Oversight*, GAO-13-805 (Washington, D.C.: Sept. 30, 2013).

<sup>5</sup> In response to a similar previous request, we issued a report assessing OSP implementation and found that the OSP administrator did not have the capacity to oversee participating private schools and administer a growing scholarship program funded with federal dollars. We also found that because of inadequate accountability mechanisms, the program administrator could not provide key information to low-income families about school performance. We made eight recommendations to Education, and all but one was closed as implemented. See GAO, *District of Columbia Opportunity Scholarship Program: Additional Policies and Procedures Would Improve Internal Controls and Program Operations*, GAO-08-9 (Washington, D.C.: Nov. 1, 2007).

---

selected the schools based on the highest number and concentration of OSP students given the total enrollment at the school in the 2011-2012 school year. We also conducted two discussion groups with families of students who received and used an OSP scholarship in the 2012-2013 school year. We analyzed OSP's administrative database, and assessed the reliability of enrollment data for selected years from the database. We found the data to be sufficiently reliable for the purposes of determining characteristics of OSP schools and students. In addition, we reviewed relevant federal laws and regulations and internal OSP documents, and interviewed officials representing OSP, Education, and select District agencies. The report contains a detailed description of our scope and methodology. The work upon which this statement is based was conducted in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

In our 2013 review of OSP, most families we spoke with were generally happy with their children's participation in the program, citing increased safety and security at their children's OSP schools and improved quality of education. However, we found weaknesses in three areas—access to complete and timely program and award information, effective controls to safeguard federal funds, and clearly defined and properly executed roles and responsibilities—that are the result of internal control deficiencies that may limit the effectiveness of OSP and its ability to meet its goal of providing a quality educational experience for students in the District. Strong internal controls in these areas would strengthen the OSP and are, we believe, critical to the success of any similar federally funded school voucher program.

Effective internal control is a major part of managing any organization to achieve desired outcomes and manage risk. Internal control is broadly defined as a process designed to provide reasonable assurance that an organization can achieve its objectives. It includes management and program policies, procedures, and guidance that help ensure effective and efficient use of resources; compliance with laws and regulations; prevention and detection of fraud, waste, and abuse; and the reliability of financial reporting. Five internal control standards—control environment, risk assessment, control activities, information and communication, and monitoring—apply to all aspects of an organization's operations and

---

should be an integral part of a system that managers use to regulate and guide an organization or program's operations.<sup>6</sup>

---

**Access to Complete and Timely Program and Award Information**

Families of OSP scholarship award recipients, as consumers, need complete and timely information about participating schools to make informed decisions about what school is best for the student. Further, federal internal control standards state that organizations must have relevant, reliable, and timely communications, and adequate means of communicating with external parties who may have an impact on the organization achieving its goals. During our 2013 review, we found that OSP provided information to prospective and current OSP families through a variety of outreach activities. However, families lacked key information necessary to make informed decisions about school choice because the directory of participating schools—a key communication tool—was not published in a timely fashion and did not contain key information about tuition, fees, and accreditation. Additionally, scholarships to students were awarded several months after many schools had completed their admissions and enrollment processes, limiting the amount of time and choice in selecting schools. To address these issues, we recommended that Education take steps to ensure that the OSP administrator improve the timing of key aspects of program administration and program information for prospective and participating families. In late October 2015, Education described to us actions that had been taken to address these issues. For example, Education stated that the OSP administrator published its school directory in a timely manner in 2013 and 2014.<sup>7</sup> The SOAR Reauthorization Act, which recently passed

---

<sup>6</sup> In 1992, the Committee of Sponsoring Organizations of the Treadway Commission (COSO) issued *Internal Control—Integrated Framework* to help businesses and other entities assess and enhance their internal control. It includes the five key internal control elements, which are intended to promote efficiency, reduce risk of asset loss, and help ensure the reliability of financial reports and compliance with laws and regulations. Since that time, COSO's internal control framework has been recognized by regulatory standards setters and others as a comprehensive framework for evaluating internal control. Federal internal control standards (see GAO, *Standards for Internal Control in the Federal Government*, GAO-14-704G, Washington, D.C., September 2014) are consistent with COSO's internal control framework. We used COSO's standards to assess the Trust because the COSO framework applies to nonprofit entities.

<sup>7</sup> Although Education stated that they had addressed the issues, they did not provide documentation of how the recommendations were implemented. As a result, we were unable to assess the extent to which they had implemented our recommendations in time for this statement.

---

in the House and has been introduced in the Senate, includes provisions to address accreditation of participating schools.<sup>8</sup>

---

**Effective Controls to  
Safeguard Federal Funds**

**Effective policies and procedures:** During our 2013 review, we found that OSP's policies and procedures lacked detail in several areas related to school compliance and financial accounting, which may weaken overall accountability for program funds. Policies and procedures are a central part of control activities and help ensure necessary actions are taken to address risks to achievement of an organization's objectives. The absence of detailed policies and procedures reflect weak internal control in the areas of risk assessment, control activities, information and communication, and control environment. For example, we found that OSP relied on schools' self-reported information to ensure school compliance and did not have a process for independently verifying information, such as a school's student academic performance, safety, and maintenance of a valid certificate of occupancy. Without a mechanism or procedures to verify the accuracy of the information provided, OSP cannot provide reasonable assurance that participating schools meet the criteria established for participation in the program. As a result, there is a risk that federal dollars will be provided for students to attend schools that do not meet the education and health and safety standards required by the District.

Further, at the time of our review, OSP's policies and procedures lacked sufficient detail to ensure each participating school in OSP has the financial systems, controls, policies, and procedures in place to ensure federal funds were used according to federal law. OSP's policies and procedures for the financial stability review of participating schools did not identify the specific risk factors that should be considered when assessing schools' financial sustainability information. As a result, the OSP administrator was unable to confirm that all schools participating in the program were financially sustainable. In addition, OSP lacked detailed policies and procedures for dealing with schools not in compliance with program rules. Furthermore, policies and procedures for fiscal years 2010 through 2012 did not specify how to track administrative expenses, including what should be included, and OSP had little documentation to support administrative expenses incurred during these years. Therefore,

---

<sup>8</sup>H.R. 10, 114<sup>th</sup> Cong. § 6(b) (2015).

---

while federal law limits the administrative expenses to 3 percent of the annual grant amount, the true cost of administering the OSP program during these years is not known and could be higher or lower than the 3 percent allotted.

Without sufficiently detailed policies and procedures for all aspects of a school choice program, the program administrator cannot effectively monitor program operation and may not be able to account for all federal or public dollars spent. To address these issues, we recommended Education require the OSP program administrator to add additional detail to their policies and procedures to more efficiently manage day-to-day program operations. OSP amended its policies and procedures in August 2013 which addressed some of these issues, but OSP did not address all of the weaknesses described and the policies and procedures had not been fully implemented at the time of our review. In addition, in late October 2015, Education described to us actions that they had taken to address these issues. For example, Education stated that its Office of Risk Management Services provided feedback on the OSP administrator's internal policies and procedures.<sup>9</sup> The SOAR Reauthorization Act recently passed by the House and introduced in the Senate includes a provision to address how the program administrator will ensure that it uses internal fiscal and quality controls for OSP.<sup>10</sup>

**Accurate, Up-to-Date Student Information:** According to the internal controls framework, information should be communicated to management and within an organization in a form and time frame that enables officials to carry out their responsibilities and determine whether they are meeting their stated objectives. For example, in OSP—and other eligibility-based choice programs—it is important to have accurate, up-to-date student application information in order to meet program objectives, such as determining eligibility and awarding program scholarships in an efficient and timely manner. However, at the time of our 2013 review OSP's database containing past and current student and school information had several weaknesses, including a lack of documentation and automated

---

<sup>9</sup>Although Education stated that they had addressed the issues, they did not provide documentation of how the recommendations were implemented. As a result, we were unable to assess the extent to which they had implemented our recommendations in time for this statement.

<sup>10</sup>H.R. 10, 114<sup>th</sup> Cong. § 4 (2015).

---

checks, and a deficient structure, which left the database open to errors. For example, there were many records with missing fields and data that were partially entered, and the database did not have automated data checks, which would reduce the risk that significant errors could occur and remain undetected and uncorrected. We found these deficiencies also negatively affected day-to-day program management, and impeded efforts to communicate information about the program to families and Education. In addition, the database's current structure hampers OSP's ability to look at historical trends and use them as an effective management tool. We also found incomplete records from past years which will continue to be a problem for future program administrators who need them for effective program implementation and oversight. In addition, because a key variable in the OSP database used in the student selection process was unreliably populated, OSP's ability to accurately select students based on established priorities for the program may have been compromised. To address issues with the database, we recommended Education have the program administrator improve the program database to provide reasonable assurance that there is sufficiently reliable data regarding the operation of OSP. In late October 2015, Education stated that OSP did not have the capacity or financial resources to update the database and Education could not require them to make the suggested updates. As noted above, the SOAR Reauthorization Act recently passed by the House and introduced in the Senate includes a provision intended to ensure the entity uses internal fiscal and quality controls for OSP.

**Timely Financial Reporting:** Reliable published financial statements, such as those required by the Single Audit Act, are needed to meet program requirements and to ensure federal funds are being used appropriately. The Single Audit Act requires that recipients submit their Single Audit reports to the federal government no later than 9 months after the end of the period being audited.<sup>11</sup> However, the required audit documents for the year ended Sept. 30, 2010 were issued by the program administrator on Jan. 31, 2013—more than 2 years after the end of its

---

<sup>11</sup>The Single Audit Act, as amended, requires each reporting entity that expends \$500,000 or more in federal awards, including grants and other assistance, in a fiscal year to obtain an annual single organizational audit from an independent auditor. This includes an audit of the entity's financial statements and its schedule of the expenditure of federal awards, as well as a review of related internal controls and the recipient's compliance with the laws and regulations governing the federal financial assistance received. For audits of fiscal years beginning on or after December 26, 2014, the threshold increased to \$750,000.

---

2010 fiscal year. As a result, until these reports were issued Education did not have the financial reports required to properly account for the federal funds expended for OSP. To address these issues we recommended Education explore ways to improve monitoring and oversight of the program administrator. In 2014, Education stated that OSP was current with all required financial audits and provided documentation that, OSP's 2014 Grant Award Notification imposed a special condition due to OSP's history of untimely financial reporting. Specifically, the award notification stated that Education could impose sanctions, such as withholding a percentage of or entirely suspending federal awards, if OSP fails to submit a timely financial audit or written explanation.

---

**Proper Execution of Roles and Responsibilities**

Internal control activities help ensure that actions are taken to address risks, and include a wide range of activities such as approvals, authorizations, and verifications. According to the MOU between Education and the District, the District is responsible for conducting regulatory inspections of participating schools and providing the administrator with the results of those inspections. However, we found that requirements under the MOU were not being met. For example, inspections of participating private schools were often not conducted. For our 2013 report, OSP told us they did not receive any information from the District as a result of any inspections, nor did the administrator follow up with District agencies to inquire about them. Given that the program administrator is responsible for ensuring that participating schools continue to be eligible to receive federal dollars through OSP, notifying the District agencies about inspections is important in ensuring appropriate oversight of participating schools. The MOU includes a responsibility for the program administrator to notify District agencies to conduct these inspections, but because the program administrator is not a signatory to the MOU, OSP officials were not fully aware of this responsibility, they said. As a result, activities crucial to the successful implementation of the program—such as building, zoning, health, and safety inspections—may not be occurring for all participating schools. To address these issues, we recommended Education work with the Mayor of the District of Columbia to revise the MOU that governs OSP implementation to include processes that ensure the results of OSP school inspections are communicated to the program administrator. In late October 2015, Education described to us actions that they had taken to address these issues. For example, Education stated that it ensured that the OSP administrator informed the appropriate District agency of the names of the participating schools for the purpose of conducting required

---

inspections.<sup>12</sup> The SOAR Reauthorization Act recently passed by the House and introduced in the Senate includes provisions that require Education and the District to revise their MOU to, among other things, address some of these issues.<sup>13</sup>

In conclusion, OSP has provided low-income families in the District additional choices for educating their children and has likely made private school accessible to some of these children who would not otherwise have had access. However, to help ensure that OSP efficiently and effectively uses federal funds for their intended purpose—that is, to provide increased opportunities to low-income parents to send their children, particularly those attending low-performing schools<sup>14</sup>, to private schools—any entity responsible for operating a school choice program such as OSP needs a strong accountability infrastructure that incorporates the elements of internal control discussed above. Well-designed and executed operational and financial management policies and procedures and the underlying systems help provide reasonable assurance that federal funds are being used for the purposes intended and that funds are safeguarded against loss from error, abuse, and fraud. Education stated that they had addressed some of the issues that we identified, but we were unable to assess the extent to which they had implemented our recommendations in time for this statement. We continue to believe that by fully addressing our nine remaining recommendations for the OSP program, Education would promote more efficient and effective program implementation and accountability over federal funds, regardless of which entity is administering the program.

Mr. Chairman Johnson, Ranking Member Carper, and Members of the Committee, this concludes my statement for the record. If you or your staff have any questions about this statement, please contact Jacqueline M. Nowicki at (617) 788-0580. You may also reach me by email at

---

<sup>12</sup>Although Education stated that they had addressed the issues, they did not provide documentation of how the recommendations were implemented. As a result, we were unable to assess the extent to which they had implemented our recommendations in time for this statement.

<sup>13</sup>H.R. 10, 114<sup>th</sup> Cong. § 9 (2015).

<sup>14</sup>Low-performing schools refers to schools identified as in need of improvement, corrective action, or restructuring under the Elementary and Secondary Education Act of 1965, as amended.

---

nowickij@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this statement. Key contributors to this statement include Nagla'a El-Hodiri (Assistant Director), Jamila Jones Kennedy, and Michelle Loutoo Wilson. In addition, key support was provided by Susan Aschoff, William Colvin, Julianne Cutts, Alexander Galuten, Gretta L. Goodwin, Sheila McCoy, Kimberly McGatlin, Jean McSween, John Mingus, Linda Siegel, Deborah Signer, and Jill Yost. Other contributors to the report on which the statement is based are Hiwotte Amare, Carl Barden, Maria C. Belaval, Edward Bodine, Melinda Cordero, David Chrisinger, Carla Craddock, Kristy Kennedy, John Lopez, Mimi Nguyen, James Rebbe, Ramon Rodriguez, George A. Scott, Aron Szapiro, and Helina Wong.

**The National Coalition**  
 \_\_\_\_\_  
*for*  
 \_\_\_\_\_  
**Public Education**

November 3, 2015

Senator Ron Johnson  
 Chairman  
 Senate Committee on Homeland Security and  
 Government Affairs  
 386 Russell Senate Office Building  
 Washington, DC 20510

Senator Thomas Carper  
 Ranking Member  
 Senate Committee on Homeland Security and  
 Government Affairs  
 513 Hart Senate Office Building  
 Washington, DC 20510

RE: NCPE Opposes Reauthorization of the D.C. School Voucher Program

Dear Chairman Johnson and Ranking Member Carper:

The 55 undersigned organizations write to voice opposition to the reauthorization of the District of Columbia private school voucher program. We oppose this and all private school voucher programs because public funds should be spent on public schools, not private schools. But the D.C. program, in particular, has proven ineffective and unaccountable to taxpayers. Not only have multiple Department of Education (USED) studies<sup>1</sup> concluded that the program has failed to improve educational outcomes for participating students, but two U.S. Government Accountability Office (GAO) reports have also identified its repeated management and accountability failures.<sup>2</sup>

We acknowledge that the Committee may be able to point to some students who have gone to exemplary schools and seen improvement from the program. But according to government studies and investigative reports, these students are, unfortunately, the exception rather than the rule. Congress should not reauthorize this unsuccessful and poorly managed program.

Our Public Schools Have Great Value, but They Are Undermined by Private School Vouchers

Open and nondiscriminatory in their acceptance of all students, American public schools are a unifying factor among the diverse range of ethnic and religious communities in our society. Public schools are the only schools that must meet the needs of all students. They do not turn children or families away. They serve children with physical, emotional and mental disabilities, those who are extremely gifted, and those who are learning challenged, right along with children without special needs.

Vouchers undermine this vital function, however, by diverting desperately needed resources away from the public school system to fund the education of a few voucher students—without offering any actual reforms. The government would better serve our children by using these funds to make the public schools stronger.

<sup>1</sup> US Dep't of Educ., *Evaluation of the D.C. Opportunity Scholarship Program: Final Report* xv, xix, 34 (June 2010) (*Final US Dep't of Educ. Report*); *Final US Dep't of Educ. Report* at 34; US Dep't of Educ., *Evaluation of the D.C. Opportunity Scholarship Program: Impacts After Three Years* 34 (March 2009) (*2009 US Dep't of Educ. Report*); US Dep't of Educ., *Evaluation of the D.C. Opportunity Scholarship Program: Impacts After Two Years* 34, 36-38 (June 2008) (*2008 US Dep't of Educ. Report*); US Dep't of Educ., *Evaluation of the D.C. Opportunity Scholarship Program: Impacts After One Year* xvii, 44, 46 (June 2007) (*2007 US Dep't of Educ. Report*).

<sup>2</sup> U.S. Gov't Accountability Office, *District of Columbia Opportunity Scholarship Program: Actions Needed to Address Weaknesses in Administration and Oversight*, Publication No. GAO-13-805 (Nov. 2013) <http://www.gao.gov/assets/660/658416.pdf> (2013 GAO Report); US Gov't Accountability Office, *District of Columbia Opportunity Scholarship Program: Additional Policies and Procedures Would Improve Internal Controls and Program Operations*, Pub. No. 08-9 at 26 (Nov. 2007) <http://www.gao.gov/newitems/d089.pdf> (2007 GAO Report).

November 3, 2015  
Page 2 of 4

#### The D.C. Voucher Program Does Not Improve Academic Achievement

All four of the congressionally mandated USED studies that have analyzed the D.C. voucher program have concluded that it did not significantly improve reading or math achievement.<sup>3</sup> The USED studies further found that the voucher program had no effect on student satisfaction, motivation or engagement, or student views on school safety.<sup>4</sup> The studies also indicated that many of the students in the voucher program were less likely to have access to key services such as ESL programs, learning supports, special education supports and services, and counselors than students who were not part of the program.<sup>5</sup> A program that has failed to improve the academic achievement or school experience of the students in the District of Columbia does not warrant reauthorization.

#### The D.C. Voucher Program Lacks Sufficient Oversight

GAO reports from both 2007 and 2013 document that the D.C. voucher program has repeatedly failed to meet basic and even statutorily required accountability standards. The 2013 report concluded that the D.C. Children and Youth Investment Trust Corporation (Trust), has continually failed to ensure the program operated with basic accountability measures and quality controls<sup>6</sup> and even failed to maintain adequate records on its own financial accounting.<sup>7</sup> The interim executive director of the Trust at that time even admitted that “quality oversight of the program as sort of a dead zone, a blind spot.”<sup>8</sup>

Congress has attempted to address the oversight problems, yet they continue. For example, in its 2007 report, the GAO criticized the D.C. voucher program’s annual directory, saying that the program administrator “did not collect or omitted or incorrectly reported some information that would have helped parents evaluate the quality of participating schools.”<sup>9</sup> The most recent GAO report found that six years later, the program still suffered the same flaw. In a similar vein, the 2007 GAO report found that several schools receiving vouchers lacked valid certificates of occupancy.<sup>10</sup> In response, Congress included a provision in the SOAR Act specifying that private schools accepting vouchers must obtain and maintain one.<sup>11</sup> Nonetheless, in 2013 the GAO reported that nine of the ten schools they investigated still did not meet the certificates of occupancy requirement.<sup>12</sup>

A program with such repeated and serious oversight problems should not be reauthorized.

#### Many Participating Schools Are of Poor Quality

A special investigation conducted by the *Washington Post* found that many of the private schools in the program are not quality schools.<sup>13</sup> It described one school that consisted entirely of voucher students as existing in just two classrooms in “a soot-stained storefront” where students used a gymnasium two miles down the road.<sup>14</sup> Another voucher school was operated out of a private converted home with facilities so unkempt that students had to use restrooms in an unaffiliated daycare center downstairs.<sup>15</sup> And yet another school, where 93% of the students had vouchers, used a “learning model known as

<sup>3</sup> *Final US Dep’t of Educ. Report* at xv, xix, 34; *2009 US Dep’t of Educ. Report* at 39; *2008 US Dep’t of Educ. Report* at 34, 36-38; *2007 US Dep’t of Educ. Report* at xviii, 44, 46.

<sup>4</sup> *Final US Dep’t of Educ. Report* at 43-47; *2009 US Dep’t of Educ. Report* at xxvi, xviii, 35, 44-45, 49-50; *2008 US Dep’t of Educ. Report* at 42-43, 50, 57; and *2007 US Dep’t of Educ. Report* at xx, 53-55.

<sup>5</sup> *Final US Dep’t of Educ. Report* at 20; *2009 US Dep’t of Educ. Report* at xxii, 17; *2008 US Dep’t of Educ. Report* at xviii, 16.

<sup>6</sup> 2013 GAO Report at 19.

<sup>7</sup> *Id.* at 28.

<sup>8</sup> Lyndsey Layton, *D.C. School Voucher Program Lacks Oversight, GAO Says*, WASH. POST (Nov. 15, 2013) [http://www.washingtonpost.com/local/education/D.C.-school-voucher-program-lacks-oversight-gao-says/2013/11/15/9bb8c35e-4e3d-11e3-be6b-d3d28122e6d4\\_story.html](http://www.washingtonpost.com/local/education/D.C.-school-voucher-program-lacks-oversight-gao-says/2013/11/15/9bb8c35e-4e3d-11e3-be6b-d3d28122e6d4_story.html).

<sup>9</sup> 2007 GAO Report at 36.

<sup>10</sup> *Id.* at 34.

<sup>11</sup> Pub. L. No. 112-10, § 3007(a)(4), 125 Stat. 38, 203.

<sup>12</sup> 2013 GAO Report at 21.

<sup>13</sup> Layton, *supra* note 8.

<sup>14</sup> *Id.* (revealing details about Academia de la Recta Porta).

<sup>15</sup> *Id.* (discussing Muhammad University of Islam, which enrolled one-third voucher students).

November 3, 2015  
Page 3 of 4

“Suggestopedia,” an obscure Bulgarian philosophy of learning that stresses learning through music, stretching and meditation.”<sup>16</sup> Congress cannot justify reauthorizing a program that uses federal funds to place D.C. students in such schools.

The D.C. Voucher Program Threatens Civil Rights and Undermines Constitutional Protections

The voucher program strips students of civil rights protections. Despite receiving public funds, the private schools participating in the D.C. voucher program do not adhere to all federal civil rights laws, religious freedom protections provided to public school students under the First Amendment of the U.S. Constitution, or the same public accountability standards that all public schools must meet, including those in Title VI, Title IX, the Individuals with Disabilities Education Act (IDEA), Title II of the Americans with Disabilities Act, and the Elementary and Secondary Education Act (ESEA). Students who attend private schools with vouchers are also stripped of their First Amendment, due process, and other constitutional and statutory rights provided to them in public schools. Schools that do not provide students with these basic civil rights protections should not be funded with taxpayer dollars.

The D.C. Voucher Program Does Not Provide Parents Real Choice

Vouchers do not offer a meaningful choice to parents or students. Voucher schools can reject students based on prior academic achievement, economic background, English language ability, or disciplinary history. Also, the D.C. voucher allows religious schools to discriminate against students on the basis of gender.<sup>17</sup> In contrast, public schools serve all students who live in D.C.

Certain groups of D.C. students have less access to voucher schools than others. For example, students with special needs often cannot find a private school that can, or wants to, serve them: The Department of Education reports show that a significant number of students with special needs had to reject their voucher or leave their voucher school because the schools failed to offer them needed services<sup>18</sup> that would have been available to them had they remained in a public school.

Conclusion

The D.C. voucher program fails to offer D.C. students better educational resources, greater opportunities for academic achievement, or adequate accountability to taxpayers. For these reasons and more, we oppose the reauthorization of the D.C. voucher program.

Thank you for your consideration of our views.

Sincerely,

AASA: The School Superintendents Association  
African American Ministers In Action  
American Association of University Women (AAUW)  
American Atheists  
American Civil Liberties Union (ACLU)  
AFL-CIO  
American Federation of School Administrators (AFSA), AFL-CIO  
American Federation of State, County, and Municipal Employees (AFSCME)  
American Federation of Teachers, AFL-CIO  
American Humanist Association  
American Jewish Committee (AJC)

<sup>16</sup> *Id.* (discussing the Academy for Ideal Education).

<sup>17</sup> P.L. 108-199 Stat. 3 (2004).

<sup>18</sup> *Final US Dep't of Ed. Report* at 24.

November 3, 2015  
Page 4 of 4

Americans for Democratic Action  
Americans for Religious Liberty  
Americans United for Separation of Church and State  
Anti-Defamation League  
Association of Educational Service Agencies  
Baptist Joint Committee for Religious Liberty  
Center for Inquiry  
Central Conference of American Rabbis  
Clearinghouse on Women's Issues  
Council for Exceptional Children  
Council of the Great City Schools  
Disciples Justice Action Network  
Equal Partners in Faith  
Feminist Majority Foundation  
Gay, Lesbian & Straight Education Network (GLSEN)  
Hindu American Foundation  
Institute for Science and Human Values  
Interfaith Alliance  
Lawyers' Committee for Civil Rights Under Law  
League of United Latin American Citizens  
National Alliance of Black School Educators  
NAACP  
National Association of Elementary School Principals  
National Association of Federally Impacted Schools  
National Association of Secondary School Principals  
National Association of State Directors of Special Education  
National Black Justice Coalition  
National Center for Lesbian Rights  
National Council of Jewish Women  
National Education Association  
National Organization for Women  
National PTA  
National Rural Education Advocacy Coalition  
National Rural Education Association  
National School Boards Association  
People For the American Way  
School Social Work Association of America  
Secular Coalition for America  
Southern Poverty Law Center  
Texas Faith Network  
Texas Freedom Network  
Union for Reform Judaism  
United Church of Christ Justice and Witness Ministries  
Women of Reform Judaism

UNION OF ORTHODOX JEWISH CONGREGATIONS OF AMERICA



MARTIN NACHIMSON  
President

ALLEN FAGIN  
Executive Vice President

YEHUDA NEUBERGER  
Chairman

NATHAN J. DIAMENT  
Executive Director

MAURY LITWACK  
Director of State  
Political Affairs

HOWARD FRIEDMAN  
Honorary Chairman

November 3, 2015

The Honorable Ron Johnson, Chairman  
The Honorable Thomas Carper, Ranking Member  
Committee on Homeland Security and Governmental Affairs  
United States Senate  
Washington, D.C. 20510

Dear Chairman Johnson, Ranking Member Carper, and Distinguished Committee Members:

I write to you on behalf of the Union of Orthodox Jewish Congregations of America (Orthodox Union)—the nation's largest Orthodox Jewish umbrella organization—in support of the reauthorization of the D.C. Opportunity Scholarship Program (DCOSP).

Since its implementation in 2004, the DCOP has provided thousands of low-income students in Washington, D.C. with the ability to attend private schools that meet their educational and personal needs, and these students are thriving. The results of the DCOP speak for themselves: The U.S. Department of Education's 2010 evaluation of this scholarship program found that participating students had a 91% graduation rate—much higher than the average of D.C. public school students.

As a nation, our education policy should focus on what is best for children and their families, not on preserving the status quo. The DCOP has proven to be the right choice for thousands of families in Washington, D.C. On behalf of Orthodox Union, I urge you to fully fund the D.C. Opportunity Scholarship program and allow even more low-income students to benefit from an alternative education.

Sincerely,

Miriam Harmer  
Director of Congressional Affairs

*OU Advocacy is the non-partisan public policy and advocacy arm of the Orthodox Union, the nation's largest Orthodox Jewish umbrella organization founded in 1898.*

820 FIRST STREET, N.E., SUITE 730 | WASHINGTON, D.C. 20002 | TEL: 202.513.6484 | FAX: 202.513.6492 | WWW.OUADVOCACY.ORG



**Representing Secular Americans**  
In Our Nation's Capital

November 3, 2015

Mr. Ron Johnson  
Chairman  
Senate Committee on Homeland Security and  
Government Affairs  
386 Russell Senate Office Building  
Washington, DC 20510

Mr. Thomas Carper  
Ranking Member  
Senate Committee on Homeland Security and  
Government Affairs  
513 Hart Senate Office Building  
Washington, DC 20510

**RE: Reauthorization of the D.C. School Voucher Program**

Dear Chairman Johnson and Ranking Member Carper:

The 11 undersigned non-theist organizations write to voice opposition to S. 2171, which would reauthorize the District of Columbia private school voucher program. While we take a neutral stance on secular private school vouchers, the current program in D.C. allows for public money to go to private religious institutions and has proven ineffective and unaccountable to taxpayers. Not only have multiple Department of Education (USED) studies<sup>1</sup> concluded that the program has failed to improve educational outcomes for participating students, but two U.S. Government Accountability Office (GAO) reports have also identified its repeated management and accountability failures.<sup>2</sup>

Taxpayer money should never be used to fund private religious institutions or organizations. It violates the civil rights of students and jeopardizes the health of D.C.'s public schools. Congress should not reauthorize this unconstitutional and poorly managed program.

There Are Limited Options for Students Seeking Non-Religious Private Schools

In a recent study of the D.C. voucher program, the Department of Education noted that 62% of the participating private schools were affiliated with a religious denomination.<sup>3</sup> When weighing the schools by the number of students attending each, the number rose to 81%. Furthermore, vouchers often only cover the cost of religious school tuition, which is generally cheaper than secular private schools. A July 2009 report by Rutgers University on the Washington, D.C. voucher program found that the \$7,500 voucher provided per student would have to be increased to \$24,000 to cover the cost of the average secular private school in the area. The report found that the cost difference "essentially push[es] students into Christian Association and Catholic schools, pricing out independent (non-religious) schools and Hebrew schools."<sup>4</sup>

Not only that, but in their report analyzing the impact of the voucher program after two years, the Department of Education found that out of the students who left, 8% stated "religious activities at the private school made the

<sup>1</sup> US Dep't of Educ., *Evaluation of the D.C. Opportunity Scholarship Program: Final Report* xv, xix, 34 (June 2010) (*Final US Dep't of Educ. Report*); *Final US Dep't of Educ. Report* at 34; US Dep't of Educ., *Evaluation of the D.C. Opportunity Scholarship Program: Impacts After Three Years* 34 (March 2009) (*2009 US Dep't of Educ. Report*); US Dep't of Educ., *Evaluation of the D.C. Opportunity Scholarship Program: Impacts After Two Years* 34, 36-38 (June 2008) (*2008 US Dep't of Educ. Report*); US Dep't of Educ., *Evaluation of the D.C. Opportunity Scholarship Program: Impacts After One Year* xvii, 44, 46 (June 2007) (*2007 US Dep't of Educ. Report*).

<sup>2</sup> U.S. Gov't Accountability Office, *District of Columbia Opportunity Scholarship Program: Actions Needed to Address Weaknesses in Administration and Oversight*, Publication No. GAO-13-805 (Nov. 2013) <http://www.gao.gov/assets/660/658416.pdf> (2013 GAO Report); US Gov't Accountability Office, *District of Columbia Opportunity Scholarship Program: Additional Policies and Procedures Would Improve Internal Controls and Program Operations*, Pub. No. 08-9 at 26 (Nov. 2007) <http://www.gao.gov/new.items/d089.pdf> (2007 GAO Report).

<sup>3</sup> US Dep't of Educ., *Evaluation of the D.C. Scholarship Program: An Early Look at Applicants and Participating Schools Under the SOAR Act* 10, 29 (October 2014).

<sup>4</sup> Bruce D. Baker, *Private Schooling in the U.S.: Expenditures, Supply, and Policy Implications, Education and the Public Interest*, Center & Education Policy Research Unit (July 2009).

November 3, 2015  
Page 2 of 3

child uncomfortable” as their main reason.<sup>5</sup> The government should not fund a program that places a student in the uncomfortable position of choosing between staying at a school with their friends or staying silent while being mandated to attend religious services or participate in religious activities.

The D.C. Voucher Program Lacks Sufficient Oversight to Protect Against Constitutional Violations

GAO reports from both 2007 and 2013 document that the D.C. voucher program has repeatedly failed to meet basic and even statutorily required accountability standards. The 2013 report concluded that the D.C. Children and Youth Investment Trust Corporation (Trust), has continually failed to ensure the program operated with basic accountability measures and quality controls<sup>6</sup> and even failed to maintain adequate records on its own financial accounting.<sup>7</sup> The interim executive director of the Trust at that time even admitted that “quality oversight of the program as sort of a dead zone, a blind spot.”<sup>8</sup>

Congress has attempted to address the oversight problems, yet they continue. For example, in its 2007 report, the GAO criticized the D.C. voucher program’s annual directory, saying that the program administrator “did not collect or omitted or incorrectly reported some information that would have helped parents evaluate the quality of participating schools.”<sup>9</sup> The most recent GAO report found that six years later, the program still suffered the same flaw. In a similar vein, the 2007 GAO report found that several schools receiving vouchers lacked valid certificates of occupancy.<sup>10</sup> In response, Congress included a provision in the SOAR Act specifying that private schools accepting vouchers must obtain and maintain one.<sup>11</sup> Nonetheless, in 2013 the GAO reported that nine of the ten schools they investigated still did not meet the certificates of occupancy requirement.<sup>12</sup>

A program with such repeated and serious oversight problems, especially when it involves a delicate Constitutional issue, should not be reauthorized.

The D.C. Voucher Program Threatens Civil Rights and Undermines Constitutional Protections

The voucher program strips students of civil rights protections. Despite receiving public funds, the private schools participating in the D.C. Voucher program are not subject to all federal civil rights laws and public accountability standards that all public schools must meet, including those in Title VI, Title IX, the Individuals with Disabilities Education Act (IDEA), Title II of the Americans with Disabilities Act, and the Elementary and Secondary Education Act (ESEA). Students who attend private schools with vouchers are also stripped of their First Amendment, due process, and other constitutional and statutory rights provided to them in public schools. Schools that do not provide students with these basic civil rights protections should not be funded with taxpayer dollars.

Not only that, but religious schools are not held to the same non-discrimination standards as public schools. They can refuse admission based on a student’s sexual orientation or gender identity, citing religious belief, further stigmatizing a vulnerable population. Religious schools can also refuse admission based on if they disapprove of the child’s family, limiting options for LGBT parents and their children. These schools also discriminate against non-theistic children and their families, adding to the distrust and hostility our community faces.

<sup>5</sup> 2008 US Dep’t of Educ. Report at 23.

<sup>6</sup> 2013 GAO Report at 19.

<sup>7</sup> 2013 GAO Report at 28.

<sup>8</sup> Lyndsey Layton, *D.C. School Voucher Program Lacks Oversight, GAO Says*, WASH. POST (Nov. 15, 2013) [http://www.washingtonpost.com/local/education/D.C.-school-voucher-program-lacks-oversight-gao-says/2013/11/15/9bb8c35e-4e3d-11e3-be6b-d3d28122e6d4\\_story.html](http://www.washingtonpost.com/local/education/D.C.-school-voucher-program-lacks-oversight-gao-says/2013/11/15/9bb8c35e-4e3d-11e3-be6b-d3d28122e6d4_story.html).

<sup>9</sup> 2007 GAO Report at 36.

<sup>10</sup> 2007 GAO Report at 34.

<sup>11</sup> Pub. L. No. 112-10, § 3007(a)(4), 125 Stat. 38, 203.

<sup>12</sup> 2013 GAO Report at 21.

November 3, 2015  
Page 3 of 3

Conclusion

The D.C. voucher program fails to offer D.C. adequate accountability to taxpayers and violates the secular nature of our government by directing taxpayer money to private religious schools. For these reasons and more, we oppose the reauthorization of the D.C. voucher program.

Thank you for your consideration of our views.

Sincerely,

American Atheists  
American Humanist Association  
Atheist Alliance of America  
Black Nonbelievers  
Center for Inquiry  
Camp Quest  
Freedom From Religion Foundation  
Freethought Society  
Secular Coalition for America  
Secular Student Alliance  
Unitarian Universalist Humanist Association

**DR. PATRICK J. WOLF, DISTINGUISHED PROFESSOR OF  
EDUCATION POLICY, UNIVERSITY OF ARKANSAS**

**WRITTEN TESTIMONY FOR THE HEARING ON "THE VALUE OF  
EDUCATION CHOICES FOR LOW-INCOME FAMILIES:  
REAUTHORIZING THE D.C. OPPORTUNITY SCHOLARSHIP  
PROGRAM"**

**UNITED STATES SENATE COMMITTEE ON HOMELAND SECURITY  
AND GOVERNMENTAL AFFAIRS**

**NOVEMBER 4, 2015**

Chairman Johnson, Ranking Member Carper, and Distinguished Senators,

I am pleased to provide you with my professional judgment regarding the D.C. Opportunity Scholarship Program or OSP. I speak on behalf of myself as an independent scholar. My testimony does not necessarily represent any official positions of the University of Arkansas, which employs me, or the U.S. Department of Education or the Annie E. Casey Foundation, which provided financial support for the major studies that I will feature in these remarks.

My research teams have conducted most of the scientific evaluations of private school choice programs in the U.S., including longitudinal studies of publicly-funded programs in Washington, DC; Milwaukee, Wisconsin; and the state of Louisiana as well as privately-funded programs in DC; Dayton, Ohio; and New York City.

A private school choice policy is any government arrangement that helps to alleviate the cost of private schooling for children. A majority of the U.S. states now have such policies, as a total of 56 different private school choice policies exist in 28

states and the District of Columbia as of May 2015 (Exhibit 1).<sup>1</sup> Twenty-four of the programs use school vouchers or town tuitioning as the policy mechanism to promote private school choice, while 20 of the programs finance scholarships through government tax credits, 8 provide tax deductions or credits to individual parents, and 4 take the form of government-financed flexible Education Spending Accounts (Exhibit 2). All of these private school choice policies are “programs” in the sense that public resources are steered to groups of eligible students who wish to exercise school choice, with the exception of the 8 policies that are limited to personal tax deductions or credits paid to parents who already enroll their children in private schools. Thus, there are 48 private school choice *programs* in the U.S. Since 2000, the number of such programs has at least doubled every four years.

Some critics claim that evaluations comparing private schools to public schools prove that school vouchers do not work.<sup>2</sup> The problem with such claims is that the student populations served by private schools in general and school voucher programs such as the OSP are very different. Therefore it is reckless and inappropriate to apply conclusions from studies of private schooling in the absence of school vouchers to voucher programs themselves, especially since many rigorous studies of actual voucher programs, including the OSP, are available for the Committee’s consideration. That is why Congress called for the OSP to be evaluated by actually studying the OSP, not by studying private schooling in areas without voucher programs.

---

<sup>1</sup> For a complete list of the policies, see the website of the Friedman Foundation for Educational Choice, <http://www.edchoice.org/School-Choice/School-Choice-Programs.aspx>.

<sup>2</sup> See for example Christopher A. Lubienski and Sarah Theule Lubienski, *The Public School Advantage* (Chicago: University of Chicago Press, 2014).

**The DC OSP Evaluation**

The federal law that established the OSP in 2004 also mandated that the U.S. Department of Education's Institute of Education Sciences (IES) oversee an independent evaluation of its effects. The IES selected me through a competitive bidding process to lead that evaluation from 2004 to 2009, during the program's original pilot period.

The OSP was over-subscribed in some grade ranges in 2004 and all grade ranges in 2005. Scholarships were awarded by lottery, with preference given to students who were attending "needs improvement" public schools. Since lotteries determined if eligible students did or did not receive an Opportunity Scholarship, we were able to use a "gold standard" experimental research design to determine what impact the OSP had on participants. Because mere chance determined if a student received an offer of a scholarship or a spot in the control group, the subsequent outcomes from the control group signaled what would have happened to students in the OSP if they had not received a scholarship.

**Quantitative Research Results**

Students in our pioneering study graduated from high school at significantly higher rates as a result of the OSP. Specifically, the use of an Opportunity Scholarship increased the likelihood of a student graduating by 21 percentage points, from 70 percent to 91 percent (Exhibit 3).<sup>3</sup> In scientific terms, we are more than 99 percent confident that

---

<sup>3</sup> Patrick Wolf, Babette Gutmann, Michael Puma, Brian Kisida, Lou Rizzo, Nada Eissa, and Matthew Carr, *Evaluation of the DC Opportunity Scholarship Program: Final Report*, U.S. Department of Education, Institute of Education Sciences, National Center for Education Evaluation and Regional Assistance, Washington, DC: U.S. Government Printing Office, NCEE 2010-4018, June 2010, pp. 41-41; Patrick J.

access to school choice through the OSP, and not some statistical fluke, was the reason why students in the program graduated at these much higher rates.

Students who applied to the program from public schools that had been labeled "in need of improvement" were the highest service priority of the OSP. They graduated at a rate that was 20 percentage points higher as a result of using a scholarship.

As President Obama has so eloquently stated: "Graduating from high school is an economic imperative."<sup>4</sup> Each additional high school graduate saves the nation an average of \$260,000 due to increased taxes on higher lifetime earnings and lower law-enforcement and welfare costs.<sup>5</sup> Thus, the 449 additional high school graduates due to the operation of the OSP during its pilot produced a return on investment of \$2.62 for every dollar spent.<sup>6</sup>

The DC OSP is not the only private school choice program to demonstrate a clear and dramatic impact on boosting educational attainment. My research team similarly found that the Milwaukee Parental Choice Program significantly increased the rates of high school graduation, college enrollment, and persistence in college for the low-income students participating in our nation's oldest urban private school choice program.<sup>7</sup>

---

Wolf, Brian Kisida, Babette Gutmann, Michael Puma, Nada Eissa, and Lou Rizzo, "School Vouchers and Student Outcomes: Experimental Evidence from Washington, DC," *Journal of Policy Analysis and Management*, 32(2), April 2013, pp. 246-270.

<sup>4</sup> President Barack Obama, speech to the U.S. Chamber of Commerce, 2010 <http://www.uschamberfoundation.org/newsletter-article/president-obama-champions-education-us-chamber-commerce>.

<sup>5</sup> Henry Levin, Clive Belfield, Peter Muennig, and Cecilia Rouse. *The costs and Benefits of an Excellent Education for All of America's Children*, Teachers College, Columbia University, January 2007.

<sup>6</sup> Patrick J. Wolf and Michael McShane, "Is the Juice Worth the Squeeze? A Benefit/Cost Analysis of the District of Columbia Opportunity Scholarship Program," *Education Finance and Policy*, 8(1), Winter 2013, pp. 74-99.

<sup>7</sup> Joshua M. Cowen, David J. Fleming, John F. Witte, Patrick J. Wolf, and Brian Kisida, "School Vouchers and Student Attainment: Evidence from a State-Mandated Study of Milwaukee's Parental Choice Program," *Policy Studies Journal*, 41(1), Winter 2013, pp. 147-167.

For the Milwaukee study we had access to both school administrative data and parent self-reports about graduation. Some commentators on the OSP have questioned the accuracy of the parent self-reports of graduation used in our DC OSP evaluation.<sup>8</sup> In Milwaukee, parent self-reports differed from administrative records for only 2 percent of the students in our study, validating that parents are honest and accurate in reporting whether or not their child has graduated from high school.<sup>9</sup>

Finally, researchers at Harvard University and the Brookings Institution determined that a privately-funded K-12 scholarship program in New York City significantly increased the rate at which African American and immigrant students enrolled in college.<sup>10</sup> Increasingly and consistently, whether based on parental self-reports or school administrative data, researchers are finding that private school choice programs like the OSP enable students to go farther in school.

Evidence that students achieved higher test scores due to the OSP was only consistently conclusive in reading and for three subgroups of students, namely females, students with relatively higher performance at baseline, and students transferring from better-performing public schools.<sup>11</sup> The positive impact of the OSP on student reading scores for the entire sample was statistically significant, with over 95 percent

---

<sup>8</sup> “Statement of Megan Gallagher, Senior Research Associate, Urban Institute, accessed on May 22, 2015, from <http://oversight.house.gov/wp-content/uploads/2015/05/5-14-2015-Full-Committee-Field-Hearing-on-OSP-Gallagher1.pdf>.

<sup>9</sup> Joshua M. Cowen, David J. Fleming, John F. Witte, and Patrick J. Wolf, *Student Attainment and the Milwaukee Parental Choice Program*, Report of the School Choice Demonstration Project, University of Arkansas, Fayetteville, AR, March 2011, Milwaukee Evaluation Report #24.

<sup>10</sup> Matthew M. Chingos and Paul E. Peterson. “Experimentally Estimated Impacts of School Vouchers on College Enrollment and Degree Attainment”, *Journal of Public Economics*, 122, February 2015, pp. 1-12.

<sup>11</sup> Patrick Wolf, Babette Gutmann, Michael Puma, Brian Kisida, Lou Rizzo, Nada Eissa, and Matthew Carr, *Evaluation of the DC Opportunity Scholarship Program: Final Report*, U.S. Department of Education, Institute of Education Sciences, National Center for Education Evaluation and Regional Assistance, Washington, DC: U.S. Government Printing Office, NCEE 2010-4018, June 2010, pp. 38-39.

confidence, in the third year of our evaluation.<sup>12</sup> Our final year estimation of the program's impact on reading scores was less precise, however, as several hundred students graduated out of the testing sample that year. As a result, our test for statistical significance of the reading impacts slipped to 94 percent confidence in the final year of our study. That rating of 94 percent confidence was just below the 95 percent threshold we had set as a high bar for absolute certainty in our statistical findings.

Our test score findings, that the OSP clearly boosted test scores consistently for some subgroups but not necessarily others, overall in some years but not others, and in one educational domain (reading) and not the other (math) is roughly consistent with what most other rigorous private school choice evaluations have found (Exhibit 4). Of 29 findings from 12 "gold standard" evaluations of publicly- or privately-funded choice programs, 13 of them are of statistically significant positive impacts of the program on test scores while the other 16 are of no significant difference between the outcome scores of the scholarship group and the control group. None of the findings from experimental analyses so far have shown that providing students with access to private school choice significantly reduces their test scores in any educational domain.

Parents were more satisfied with their child's school as a result of the OSP. The impact of using a scholarship was to increase the likelihood of a parent grading their child's school "A" or "B" by 12 percentage points.<sup>13</sup> Parents also significantly and

---

<sup>12</sup> Patrick Wolf, Babette Gutmann, Michael Puma, Brian Kisida, Lou Rizzo, and Nada O. Eissa, *Evaluation of the DC Opportunity Scholarship Program: Impacts After Three Years*, U.S. Department of Education, Institute of Education Sciences, National Center for Education Evaluation and Regional Assistance, Washington, DC: U.S. Government Printing Office, NCEE 2009-4050, March 2009.

<sup>13</sup> Brian Kisida and Patrick J. Wolf, "Customer Satisfaction and Educational Outcomes: Experimental Impacts of the Market-Based Delivery of Public Education," *International Public Management Journal*. On-line first at <http://www.tandfonline.com/doi/pdf/10.1080/10967494.2014.996629#.VRV84OGgs8A>.

consistently viewed their child's school as safer as a result of the program, although the students themselves did not report significantly different levels of school satisfaction or safety as a result of the program.

Research from across the country also demonstrates that competition from school vouchers drives improvements in public schools. Dr. Anna Egalite of North Carolina State University has systematically reviewed 21 empirically rigorous studies of the effects of competition from private school choice programs on student achievement in affected public schools. She concludes that, "All but one of these 21 studies found neutral/positive or [exclusively] positive results."<sup>14</sup> The one empirical study that found no positive competitive effects from a private school choice program was a study of the first year of the OSP, when participation in the program was modest and public schools were allowed to keep all of the funding for students who left their schools to attend private schools. Egalite concludes that "The absence of a positive competition effect is thus unsurprising given these design features."<sup>15</sup>

#### **Qualitative Research Results**

The official government evaluation of the OSP was limited to statistical analyses of the average effects of the program, for the entire sample of students and for key subgroups. Policymakers and the public might also be interested in qualitative information about how participants experienced the OSP and how it might have changed them in ways not captured by overall statistics. To provide such information, the Annie E. Casey

---

<sup>14</sup> Anna J. Egalite, "Measuring Competitive Effects From School Voucher Programs: A Systematic Review," *Journal of School Choice* 7(4), 2010, p. 452.

<sup>15</sup> *Ibid.*, p. 453.

Foundation funded a qualitative study of the OSP from 2004 to 2009 that was led by Dr. Thomas Stewart and me. We followed 110 families with children who received scholarship offers, learning about their lived experiences in the program through a series of focus group sessions and individual interviews.

Our qualitative study produced five main findings.<sup>16</sup> First, there is strong desire for parental school choice among families who lack it, such as the low-income residents of Washington, DC. Second, parents rationally seek more fundamental needs, such as safety, for their children before focusing on academics. Third, parents use student behavior, not test scores, to gauge student progress in school. In fact, when we asked our largest focus group of 39 parents what information they use to assess their child's performance in school, not a single respondent chose "Performance on Standardized Tests", even though that was offered as a response category. Fourth, program implementers need to anticipate that choice will be challenging for under-resourced families and assist them in their school search without taking the choice out of their hands.

The fifth finding from our qualitative study, and the most important one, was based on what happened after our focus groups ended in 2009. Later that year, Congress closed the OSP to new students and reduced its' funding, leading the U.S. Department of Education to revoke 210 recently awarded scholarships. The OSP parents rose up in peaceful protest, participating in rallies, writing letters to Congress, and testifying at hearings like this one, to save the program. Ultimately they triumphed, as the OSP was reauthorized and expanded in 2011 with passage of the Scholarships

---

<sup>16</sup> Thomas Stewart and Patrick J. Wolf, *The School Choice Journey: School Vouchers and the Empowerment of Urban Families* (New York: Palgrave Macmillan, 2014).

for Opportunity and Results (SOAR) Act.<sup>17</sup> This final lesson of our qualitative study of the OSP inspired the title of our book: *The School Choice Journey: School Vouchers and the Empowerment of Urban Families*.

### **Conclusion**

As private school choice programs continue to proliferate across the United States, it remains important for us to consider what differences they make in the lives of students and parents. The research record from the carefully studied pilot period of the DC OSP is filled with good news. Students graduated from high school at much higher rates due to the use of a scholarship. The program appears to have had a positive effect on student reading test scores, though we can only have a high level of confidence about that impact for certain subgroups of students. Parents have been empowered by the OSP and report that their children are in better and safer schools.

Thank you Mr. Chairman and Senators for this opportunity to share my professional expertise with you.

---

<sup>17</sup> SOAR Act – S.206, 2011, <https://www.congress.gov/bills/112th-congress/senate-bill/206>.

Exhibit 1.

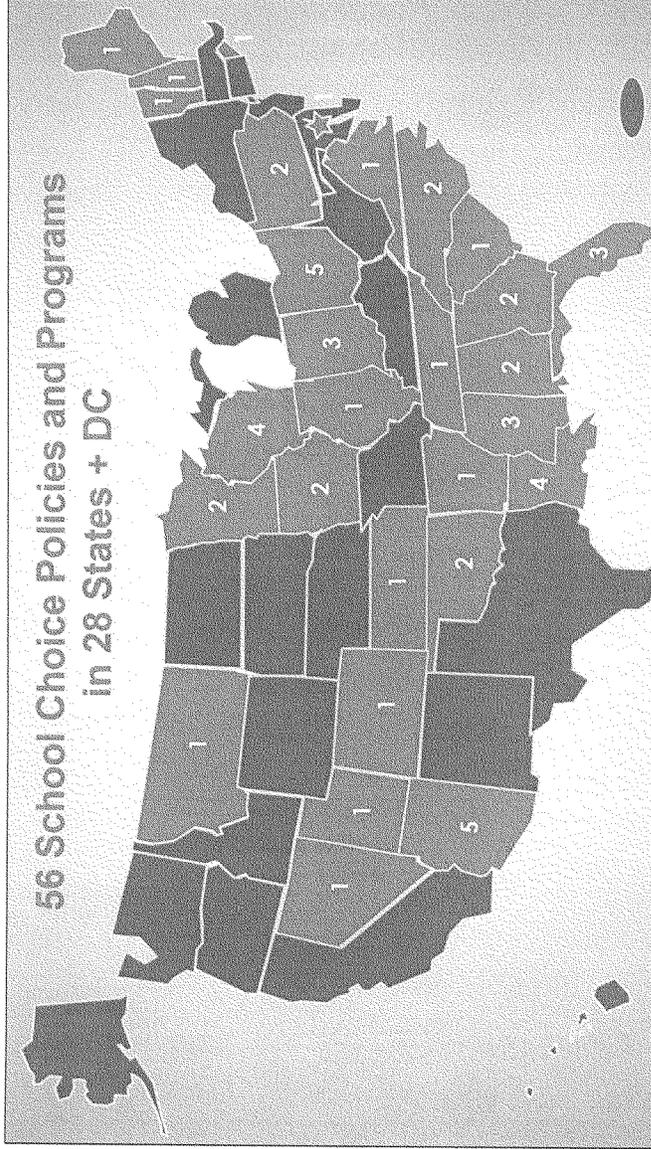


Exhibit 2. Private School Choice Policies in the U.S. as of May 2015, by Policy Type

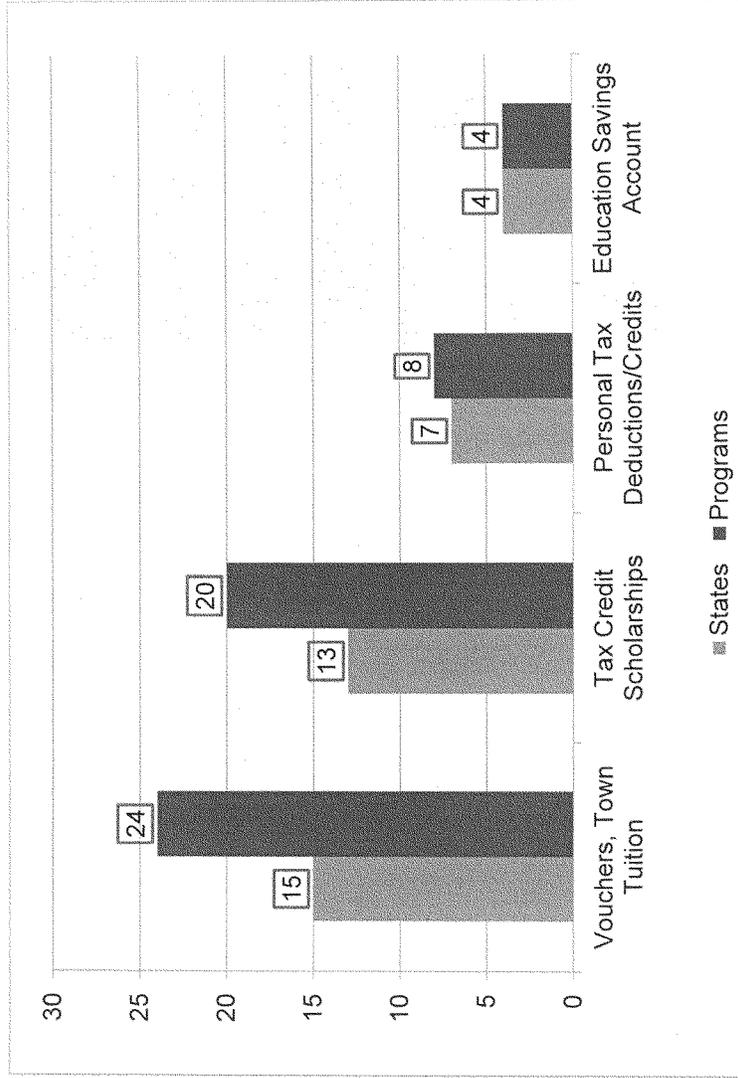
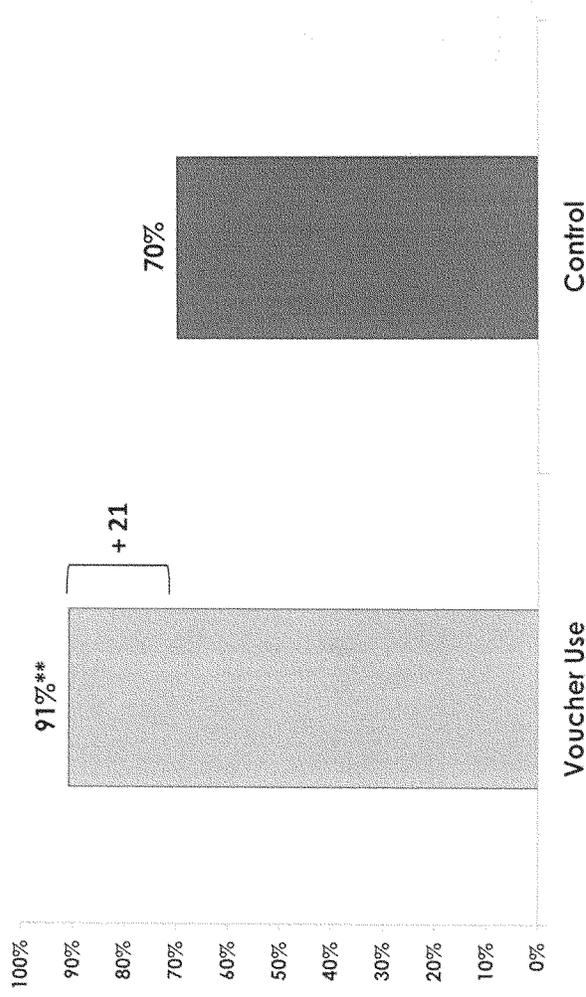


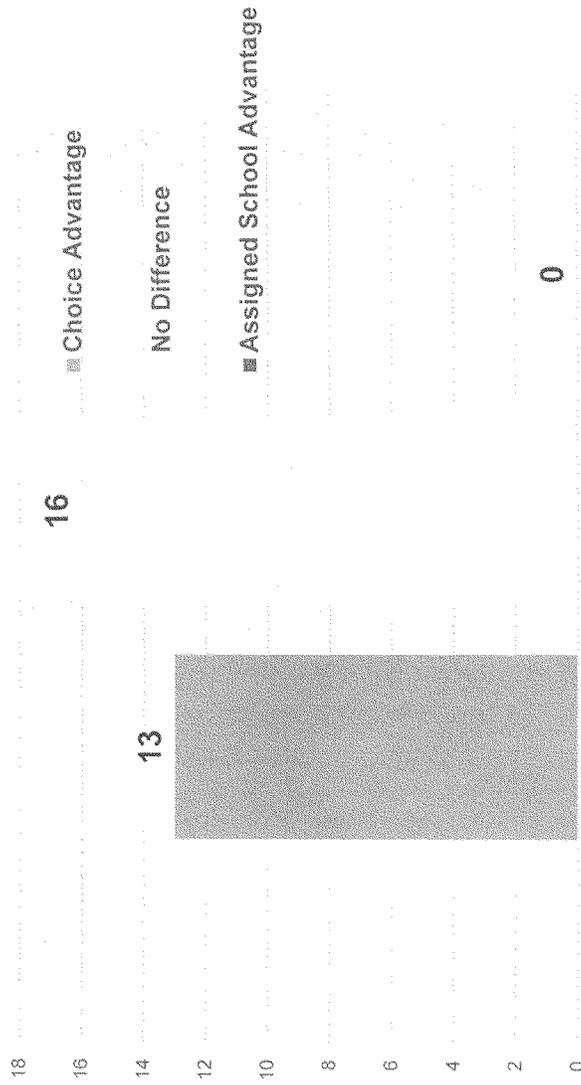
Exhibit 3. Higher High School Graduation Rates from Use of a DC Opportunity Scholarship



\*\*Means the higher level is a statistically significant difference with 99 percent confidence.

SOURCE: Patrick Wolf, Babette Gutmann, Michael Puma, Brian Kisida, Lou Rizzo, Nada Eissa, and Matthew Carr. *Evaluation of the DC Opportunity Scholarship Program: Final Report*, U.S. Department of Education, Institute of Education Sciences, National Center for Education Evaluation and Regional Assistance, Washington, DC: U.S. Government Printing Office, NCEE 2010-4018, June 2010, pp. 41-41.

**Exhibit 3. All Test Score Impact Findings from 12 Experimental Evaluations of Private School Choice in the U.S. — All Published in Scientific Peer-Reviewed Journals or Subject to U.S. Department of Education Peer Review**



SOURCES: Barnard, John, Constantine E. Frangakis, Jennifer L. Hill, and Donald B. Rubin. 2003. "Principal Stratification Approach to Broken Randomized Experiments: A Case Study of School Choice Vouchers in New York City." *Journal of the American Statistical Association* 98: 299-323. Cowen, Joshua M. 2008. "School Choice as a Latent Variable: Estimating the 'Complier Average Causal Effect' of Vouchers in Charlotte." *Policy Studies Journal* 36: 301-315. Greene, Jay P. 2001. "Vouchers in Charlotte." *Education Matters* 1: 55-60. Greene, Jay P., Paul E. Peterson, and Jiangtao Du. 1999. "Effectiveness of School Choice: The Milwaukee Experiment." *Education and Urban Society*, 31: 190-213. Howell, William G., Patrick J. Wolf, David E. Campbell, and Paul E. Peterson. 2002. "School

Vouchers and Academic Performance: Results from Three Randomized Field Trials." *Journal of Policy Analysis and Management* 21: 191-217. Hui Jin, John Barnard, and Donald Rubin. "A Modified General Location Model for Noncompliance with Missing Data: Revisiting the New York City School Choice Scholarship Program using Principal Stratification." *Journal of Educational and Behavioral Statistics*, April 2010. Krueger, Alan B., and Pei Zhu. 2004a. "Another Look at the New York City School Voucher Experiment." *The American Behavioral Scientist* 47: 658-698. Rouse, Cecilia E. 1998. "Private School Vouchers and Student Achievement: An Evaluation of the Milwaukee Parental Choice Program." *The Quarterly Journal of Economics* 113: 553-602. Patrick J. Wolf, Brian Kisida, Babette Gutmann, Michael Puma, Nada Eissa, and Lou Rizzo. "School Vouchers and Student Outcomes: Experimental Evidence from Washington, DC." *Journal of Policy Analysis and Management*, 32(2), April 2013, pp. 246-270.

**Responses of Kevin Chavous to questions from Senator Thomas R. Carper**

**Follow up to November 4, 2015 Senate HSGAC Hearing**

1. *Under current law and in the two proposals put forward in this Congress to reauthorize the D.C. Opportunity Scholarship Program, students may use federal funds to attend schools that are not accredited. Why are there schools participating in the Program that have chosen to or not yet been able to receive accreditation?*

Serving Our Children (SOC) assumed responsibility for the DC Opportunity Scholarship Program (OSP) on October 1, 2015. Prior to that time, the OSP program was administered by the DC Children and Youth Investment Trust Corporation (The Trust), and prior to that, by the Washington Scholarship Fund. Under the administration of these previous entities, and under the oversight of the U.S. Department of Education, accreditation of participating schools was not required. Serving Our Children is in the process of reviewing all current OSP operating rules, procedures, and policies that were in effect at the time we assumed responsibility for the OSP. Our goal is to improve program management and administration in many respects, including with respect to school supervision, to ensure that as many students as possible receive a quality education.

2. *Under the Senate D.C. Opportunity Scholarship Program reauthorization proposal, students would be able to stay in unaccredited schools for as long as five years. Do you believe we need to allow students to remain in unaccredited schools for any length of time?*

Serving Our Children intends to fully adhere to the provisions of legislation to require that all participating schools be accredited within five years. Under the legislation, students currently attending unaccredited schools would be allowed to remain in those schools during this five year period. SOC understands the logic of this policy in that it allows current students to remain in schools that they are happy with, and it gives unaccredited schools sufficient time to meet the new mandate.

3. *As I mentioned at the hearing, I have concerns about the fact that there are some schools participating in the program that have a very small percentage of non-voucher students. I believe there are even cases where 100 percent of the students in a school are on vouchers awarded through the Program. I've long been concerned that, if schools in programs like this one cannot attract students paying with their own money, they may not be offering the kind of quality education we should expect from a school receiving federal funds. I have two questions on this topic:*

- *How many schools currently in the program have more than 50 percent of students receiving Opportunity Scholarships and what percentage of the Program do they make up?*

Currently ten of our 49 participating schools have a student body made of up over 50 percent OSP students. One school has exactly 50 percent OSP students.

- *Why have these schools with a large percentage of voucher students failed to attract a significant number of non-voucher students?*

SOC has been the OSP Administrator for less than 3 months. As a general matter, the OSP administrator is not involved with individual school marketing efforts. Hence, we are not in a position to provide a definitive answer to this question. However, I offer some comments:

- I believe that many of these schools with high percentages of OSP students are, without a doubt, providing a quality education to low income students.
  - Many of these schools operate in low income neighborhoods, unlike the more elite private schools.
  - Many elite private schools are dependent on tuition payments, just as these schools rely on tuition payments. The difference is that the elite schools are dependent on tuition payments from wealthy families. It is fortunate that we have private schools that offer many low income families a quality education.
  - There are many schools that are dependent on federal or other public funds: public and charters schools. Many of these schools are failing our most vulnerable students.
  - A primary goal of SOC is to reach out to elite schools in the District of Columbia to encourage them to increase the OSP student attendance at their schools.
4. *Both the 2007 and the 2013 GAO reports identified significant accountability problems in the D.C. Opportunity Scholarship Program and the former Administrator of the program has called accountability a "blind spot" of the program. Please detail the steps you plan to take as the new Administrator to address the concerns that GAO has raised.*

Serving Our Children intends to undertake a series of actions to address the concerns of the GAO and others. These include:

- SOC is developing internal operational policies to ensure effective office and financial management.
- SOC is reviewing school oversight policies, including with respect to requirements for school financial documents, to ensure that our students are attending financially viable schools.
- SOC is revising the school directory to provide families with timely and accurate information about our participating schools, including with respect to tuition, fees and accreditation status.
- SOC is developing a financial system that will adequately account for revenues and expenses in accordance with generally accepted accounting practices.
- SOC has received a private grant from the Walton Family Foundation. The bulk of this grant will be used to contract with Acumen Solutions to implement a comprehensive

technology upgrade. The new system will allow for significantly improved data systems, management and accuracy, and will enable more effective program implementation and oversight, and a more efficient use of staff time.

5. *Concerns have been raised about the quality of the facilities at some of the schools participating in the Program, including schools that have failed to obtain a certificate of occupancy. Please detail the steps you plan to take as the new Administrator to ensure that school facilities are safe and comply with applicable legal and other requirements.*

SOC will annually advise the DC Department for Consumer and Regulatory Affairs, the DC Fire and EMS Department, the DC Department of Health and the DC Office of the State Superintendent of Education of all our participating schools to enable these agencies to confirm each school's compliance with required building and zoning, fire inspection, and health and safety requirements. SOC has no authority to mandate that DC agencies complete required inspections, but SOC will be vigilant in requesting that the DC agencies fulfill their obligations. SOC will also review our school on-site inspection policies.

6. *Concerns have also been raised about the timeliness and quality of information provided to parents interested in applying for vouchers through the program. Please detail the steps you plan to take as the new Administrator to address these concerns? What kind of information do you believe schools should provide to parents?*

SOC is revising the school directory to provide families with timely and accurate information about our participating schools, including with respect to tuition, fees, teacher credentials and accreditation status. SOC is also significantly expanding our own outreach and parental engagement so that target communities are aware of the program opportunities, and of our availability to assist families in the application process. Our participating schools are also required to provide parents with information on their child's academic achievement, and on the safety of the school, including the incidence of school violence and student suspensions.

7. *I understand that some schools participating in the Program subsidize students themselves on top of the funds provided by the voucher. How many schools do this and what percentage of the Program do they make up?*

Currently, there are 49 schools participating in the Opportunity Scholarship Program. The current scholarship cap for SY 2015-16 is \$8,381 for elementary and middle school, and \$12,572 for high school.

- 12 schools have tuition amounts below the maximum scholarship award cap
- 4 schools have full tuition amounts that are less than \$1,000 over the OSP award cap
  - 2 cover the gap through a combination of a payment plan plus subsidy
  - 2 completely subsidize the gap, and the parents do not make any payments
- 33 schools have tuition amounts that are greater than \$1,000 over the OSP award cap
  - 11 cover the gap through a combination of a payment plan plus subsidy, with parents paying \$1,000 or less

- 13 cover the gap through a combination of a payment plan plus subsidy, with parents paying based on a sliding scale determined by income
- 7 schools completely subsidize the gap, and the parents do not make any payments
- 2 schools have not provided information

**Response of Kevin Chavous to Questions from Senator Claire McCaskill**

**Follow up to November 4, 2015 Senate HSGAC Hearing**

1. *Are schools that receive "Scholarships for Opportunity and Results" funds subject to the requirements of Title IX of the Education Amendments of 1972?*

Under Section 3008(a) of the SOAR Act, all participating schools are prohibited from discriminating against program participants or applicants on the basis of race, color, national origin, religion, or sex. Participating schools are not subject to Title IX of the Education Amendments of 1972. Section 3008(e) of the SOAR Act states that scholarships shall be considered assistance to the student and shall not be considered assistance to the school that enrolls the eligible student. OSP scholarships are thus not legally considered as federal financial assistance to the schools.

2. *What steps are taken to ensure that students that receive SOAR funds have the same access to education opportunities without regard to their gender?*

Serving Our Children does not discriminate in the awarding of scholarships. Our awards are determined solely on the basis of income (at or below 185% of poverty) and DC residency. In the event that more students are eligible to participate than the program can accommodate, awards are made via a random lottery process. All of our participating schools are required to sign a Letter of Agreement with Serving Our Children attesting that they abide by all applicable non-discrimination laws with respect to program participants or applicants, e.g., with respect to race, color, national origin, religion, sex or disability. Further, this Letter of Agreement specifies that Serving Our Children reserves the right to suspend or limit a school's participation in the program if the school has been found to discriminate against program participants or applicants on the basis of race, color, national origin, religion, sex or disability. Section 3008 clarifies that a parent may choose and a school may offer a single sex school, class or activity.

3. *What assurances are provided to ensure that schools receiving SOAR funds provide equal extracurricular activities without regard to the student's gender?*

All of our participating schools are required to sign a Letter of Agreement with Serving Our Children attesting that they abide by all applicable non-discrimination laws with respect to program participants or applicants, e.g., with respect to race, color, national origin, religion, sex or disability. Further, this Letter of Agreement specifies that Serving Our Children reserves the right to suspend or limit a school's participation in the program if the school has been found to discriminate against program participants or applicants on the basis of race, color, national origin, religion, sex or disability. Section 3008 clarifies that a parent may choose and a school may offer a single sex school, class or activity.

4. *Under Title IX schools are required to respond promptly and effectively to sexual harassment and violence. Does your organization ensure that schools receiving SOAR funds will do the same? What options do parents and students have if their school does not address these concerns?*

All our participating schools must sign a Letter of Agreement with Serving Our Children committing to providing reports to parents on the safety of their child's school, including the incidence of school violence at the school, and student suspensions and expulsions at the school. Subsequently, schools must also provide Serving Our Children with a School Verification Form confirming that they have provided these reports to parents. I might also note that Dr. Patrick Wolf, the principle investigator on the first federally mandated study of the OSP, which used the so-called gold standard model of evaluation, has testified that parents feel empowered by the OSP program and report that their children are in better and safer schools.

A Washington Post story this month might give some insight as to why parents feel their children are in safer schools. The story refers to a teacher at Ballou public high school who left to teach in private schools because of the "chaos" at Ballou:

".....Duckett had taught for eight years, including in high-poverty schools in the District. She loved that work and was known for her strong relationships with students. But she struggled at Ballou, she said, and found it difficult to maintain order. She asked for an assistant to help her manage a class with many students who had disabilities and behavioral issues. She said she never got steady help. Duckett once referred a student to an administrator for throwing a pencil at her, grazing her eye. But nothing happened. The environment was too chaotic for teaching, she said."

[https://www.washingtonpost.com/local/education/how-can-students-learn-without-teachers-high-poverty-schools-often-staffed-by-rotating-cast-of-substitutes/2015/12/04/be41579a-92c6-11e5-b5e4-279b4501e8a6\\_story.html](https://www.washingtonpost.com/local/education/how-can-students-learn-without-teachers-high-poverty-schools-often-staffed-by-rotating-cast-of-substitutes/2015/12/04/be41579a-92c6-11e5-b5e4-279b4501e8a6_story.html)

**Response to Post-Hearing Questions for the Record  
Submitted to Mary Elizabeth Blaufuss  
From Senator Tammy Baldwin**

Senator Baldwin,

In all humility, I don't know that I am qualified to answer your questions, which asked:

1. You emphasized the value of metrics in education, specifically referencing how Archbishop Carroll High School uses a host of testing data to gauge student success. Such measurements are instrumental in sustaining progress and discovering areas for improvement. During this discussion on metrics, however, I wondered how discrimination is tracked and reported. Considering Section 8 of the SOAR Act bans discrimination on the basis of race, color, national origin, religion, and sex, I would like to ensure non-discrimination policies are implemented to protect students within the voucher program.
  - A. What mechanisms are in place to ensure students are not discriminated against in violation of the SOAR provision?
  - B. How do you ensure students who are offered vouchers are aware of these protections and the procedure for recourse?
  - C. How do you track reports of discrimination and how do you respond when a non-discrimination policy is breached?

The introduction to the question referenced Section 8 of the SOAR Act's ban on discrimination for the program. As Section 8, part (e) states, "A scholarship (or any other form of support provided to parents of eligible students) under this Act shall be considered assistance to the student and shall not be considered assistance to the school that enrolls the eligible student." The Opportunity Scholarship Program is statutorily a program that offers scholarships to students and families. Ensuring non-discrimination in the issuing of scholarships is a matter for the program administrator. I do not work for the program or oversee the application and lottery process, so I defer to the administrator of the program to speak on the mechanisms

to ensure students are not discriminated against in the application, selection and renewal of students who receive the scholarship.

Your question is one that suggests a concern for fairness. As a Catholic American running a school with a long history of social justice advocacy, I share that concern. We apply our admissions criteria in the same way and offer all qualified students the same academic and co-curricular opportunities regardless of the race, color, national origin, religion and sex of students. In my ten-year tenure at Archbishop Carroll, I am not aware of any reports of discrimination.

It is worth noting that nationally, attending private school may have a positive impact on closing the achievement gap between low-SES and high-SES students and among African-American, Latino and White students (Jeynes, 2007).<sup>1</sup> While I can only speak for one school, I can assure you that it is precisely the concern you share with our school—to make our educational landscape more fair, with more equality of opportunity—that motivates our participation in the Opportunity Scholarship Program.

Thank you for your question.

---

<sup>1</sup> Jeynes, William H. "Religion, Intact Families, and the Achievement Gap." *Interdisciplinary Journal of Research on Religion*, Volume 3, Article 3.

**Post-Hearing Questions for the Record  
Submitted to Christopher Lubienski, Ph.D.  
From Senator Thomas R. Carper**

**“The Value of Education Choices for Low-Income Families: Reauthorizing the D.C. Opportunity Scholarship Program”**

**November 4, 2015**

1. In your testimony, you say that the impact voucher programs have on student achievement is lacking. Why is that the case? If the D.C. Opportunity Scholarship Program is reauthorized, how can we determine that the federal funds we’re investing in vouchers is improving outcomes for D.C. students?

The general reason why students entering this and other voucher programs are not performing significantly better than they would otherwise is that, according to a growing body of research, private schools are, on average, no more effective than public schools.<sup>1</sup> The results from the D.C. Opportunity Scholarship (voucher) Program are minimal and inconsistent, in keeping with findings on other voucher programs. In the few areas where we find any positive, statistically significant impact, it appears for some sub-groups in one area (e.g. reading), but then for another set of subgroups in another area (e.g. high school graduation). Perhaps most notably, there is generally no overall impact, and no impact for most sub-groups on most measures. As Princeton economist Cecilia Rouse and her colleague Lisa Barrow have noted, “The best research to date finds relatively small achievement gains for students offered education vouchers, most of which are not statistically different from zero.”<sup>2</sup> Even then, the areas where we do see an impact tends to be in reading (not mathematics), and other non-achievement areas such as graduation rates. I strongly suspect that this is because measurements in these areas tend to capture home and other factors not directly related to the school curriculum. That is, math is considered the best measure of school effects, but we rarely see an impact for vouchers reported in that area because private schools in voucher programs are probably no more effective than public schools. Instead, if we see any apparent boost for students using vouchers, it tends to be in an area where family and peer influences are greater in terms of shaping academic aspirations and attitudes. In that regard, voucher programs may simply be sorting more academically inclined students into the same schools, and leaving others to suffer a diminishing peer effect.

---

<sup>1</sup> Braun, H., Jenkins, F., & Grigg, W. (2006). Comparing Private Schools and Public Schools Using Hierarchical Linear Modeling. Washington, DC: National Center for Education Statistics.

Carbonaro, W. (2006). Public-Private Differences in Achievement among Kindergarten Students: Differences in Learning Opportunities and Student Outcomes. *American Journal of Education*, 113(1), 31-65.

Lubienski, C., & Lubienski, S. T. (2014). *The Public School Advantage: Why Public Schools Outperform Private Schools*. Chicago: University of Chicago Press.

Reardon, S. F., Cheadle, J. E., & Robinson, J. P. (2009). The Effects of Catholic School Attendance on Reading and Math Achievement in Kindergarten through Fifth Grade. *Journal of Research on Educational Effectiveness*, 2(1), 45-87.

<sup>2</sup> Rouse, C. E., & Barrow, L. (2009). School Vouchers and Student Achievement: Recent Evidence, Remaining Questions. *Annual Review of Economics*, 1, 17-42.

Generally, the research design used to evaluate voucher programs, including in D.C., are not intended or suited for determining the specific mechanisms by which greater academic outcomes may be realized. Instead, they tend to treat vouchers themselves as the intervention, and see schools as what some researchers have called a “black box” that should not or can not be studied except in terms of inputs and outcomes. Therefore they tend not to investigate the specific factors — such as teaching, curriculum, and school demographics — that are known to influence student learning.

If the D.C. Opportunity Scholarship Program is reauthorized, evaluations of the program should go beyond the “black box” approach typically associated with randomized controlled trials (RCTs). These are very strong research designs, but suited only to address a very narrow question in ways that are actually quite limited. There is no reason evaluations using RCTs cannot also employ other forms of data and analyses that look inside schools in terms of their practices, programs, and demographics.

2. There was significant discussion at the hearing about the higher graduation rate for students receiving vouchers through the D.C. Opportunity Scholarship Program compared to students who did not receive a voucher and presumably remained in a D.C. public school. Is comparison of graduation rates a valid or meaningful way to measure the success of a voucher program? Do we miss anything if we focus on graduate rates and not other measures?

The ways that graduation rates were discussed at the hearing was misguided and erroneous. It is incorrect to say or suggest, as did Senator Johnson and Mr. Chavous, that differences in graduation rates between voucher students and D.C. Public School students are a result of the voucher program. The evaluation of the D.C. voucher program made no such claim. The types of students who apply for the voucher program are not representative of the general school population. By applying, they demonstrate a number of factors already associated with school success — such as motivation, family support and interest in education — that would predict better school outcomes in areas such as graduation rates regardless of what types of schools they attend. Therefore, it is inaccurate to compare graduation rates for these two groups of students and suggest that differences in graduation rates are a result of the voucher program. Instead, the more appropriate comparison, and the one made in the evaluation of the program, is between students receiving a voucher and those who applied for the program but were randomly rejected.

That said, while the evaluation found a statistically significant impact on graduation rates between these latter two groups, the study used an unorthodox and unfortunate measure of graduation: surveys where graduation status was self-reported by students or families. Typically, researcher would prefer to use official indications of graduation status, since self-reports are sometimes erroneous, and survey participation rates can be low.

Again, as opposed to other measures such as mathematics achievement, graduation rates are more likely to be influenced by the demographics of a school, rather than simply the curricular program at a school. As more academically inclined students are grouped together, they will discuss and share strategies for homework completion, course sequences, college attendance,

etc., regardless of the type of school they attend. Thus, a boost in graduation rates may reflect patterns of student sorting through a voucher program, rather than the effects of schools in a voucher program.

Still, graduation rates can be a useful measure of the success of a policy such as vouchers, but they should not be the sole measure, and need to be understood in context. If schools accepting vouchers are measured only on graduation rates, they might well adjust graduation requirements downwards to inflate their graduation rates. If a few students use vouchers to enroll in a school with more advantaged peers, they will likely see an increase in their chances of graduating due to beneficial peer effects. If most students leave a public school and enroll in a new private school set up for them, there will likely be little if any change in graduation rates (or other outcomes), assuming graduation requirements are the same. Thus, evaluations of the D.C. voucher program should not simply look at graduation rates without also considering whether graduation requirements differ across schools. Moreover, graduation rates should be just one of multiple measures of student outcomes in evaluating a program such as this.

3. Legislation before Congress to reauthorize the D.C. Opportunity Scholarship Program would change the way the Department of Education conducts its analysis of the Program. In your expert opinion, are the suggested changes wise? Are there reasons to keep the same study requirements as in the prior bill? Would changes to the evaluation process in the bill lead to more accurate or valid conclusions?

As I noted above, RCTs can be a very powerful research design, but are also narrow and limited in what they can tell us. For instance, they offer few insights into which practices are effective and can be replicated or scaled up in other schools. To be most useful, evaluations employing randomization should also include other methodological approaches — quasi-experimental, mixed-methods, qualitative — that can offer a fuller understanding of the home, school and demographic factors that are shaping patterns of student success.

4. Based on your research, do private schools provide greater benefits to students than public schools?

Based on my own research, as well as a growing body of empirical literature from other researchers at Stanford University, the University of Notre Dame, and ETS, it is increasingly clear that private schools themselves provide, on average, no more benefit than public schools.<sup>3</sup> The apparent assumption that private schools are “better” is based on the fact that they tend to have students with greater academic outcomes. But research is demonstrating that those differences in outcomes are a reflection of the fact that the two groups of schools serve different types of students. In fact, when we account for the demographic differences that are known to

---

<sup>3</sup> See Note #1.

influence outcomes in order to focus on the effects of the schools themselves, this research is indicating that public schools are sometimes more effective.

5. As you know, there are certain requirements in areas like teacher education and special education that public schools must adhere to. What benefits to these requirements provide students?

As we found in our multiple peer-reviewed studies, one of the best factors for predicting student mathematics achievement is whether or not the teacher is certified. In fact, teacher certification is a consistent and significant predictor of student achievement in our analyses of two nationally representative datasets: the National Assessment of Educational Progress (NAEP) and the Early Childhood Longitudinal Study.

While requirements such as certification help to ensure that students are provided with a higher quality educational experience, other requirements, such as for special education services, reflect a commitment to equitable access to a quality education for all students. Such equity requirements also offer exposure to different types of students, helping to encourage tolerance and understanding. Some schools, such as private schools, are not bound by these requirements. While many private schools still seek to serve different types of students, on average, the evidence clearly indicates that there are lower proportions of students with special needs in private schools. While private schools are free of such requirements in order to guarantee their autonomy, the research suggests that such autonomy, when driven by competitive incentives, may allow some schools to avoid serving higher-cost students.

**Post-Hearing Questions for the Record  
Submitted to Christopher Lubienski, Ph.D.  
From Senator Tammy Baldwin**

**“The Value of Education Choices for Low-Income Families:  
Reauthorizing the D.C. Opportunity Scholarship Program”**

**November 4, 2015**

1. When Senator Carper posed the question “What can we do to make the D.C. Opportunity Scholarship Program better or more effective?”, your response focused primarily on increased scholarship funding for voucher schools. However, despite receiving public funds, the private schools participating in the D.C. voucher program are not required to comply with Title II of the Americans with Disabilities Act (ADA). Title II of the ADA prohibits discrimination on the basis of disability. Consequently, private schools participating in the D.C. voucher program are not required to provide necessary programs or services for students with disabilities, effectively discriminating against children with disabilities from participating in the program. In fact, Department of Education reports show significant numbers of students with special needs had to reject their voucher or leave their voucher school because the schools failed to offer them needed services.

- A. Do you believe that the D.C. Opportunity Scholarship Program would provide a fuller range of educational choices to qualifying families by requiring private schools participating in the D.C. voucher program to face the same accountability standards as public schools, including complying with the Americans with Disabilities Act?

If private schools participating in the D.C. voucher program were required to face the same accountability standards as public schools, and to serve the same students as do public schools, then students would have a fuller and fairer set of school options. Students who can now legally be excluded from private schools, even if they have a publicly funded voucher, would have access to a greater number of schools. At the same time, schools would be less segregated by the social characteristics on which private schools are currently allowed to exclude students. The current situation allows private schools to use their autonomy to select students, even if those students are granted admission through a randomized process such as a lottery. Private schools may have an incentive to do this in order to select “better” student who may boost the schools’ performance. However, this is not an appropriate use of taxpayer money, and — from a research perspective — it skews comparisons of schools when some are allowed to discriminate while others are required to take all applicants.

- B. Do you believe that since the D.C. voucher program is predominantly sponsored by public funds, private schools and charter schools participating in the D.C. voucher program should be subject to all federal civil rights laws?

Yes. Taxpayer money should not be used to support institutions that discriminate against groups of citizens.

2. I understand that educational institutions associated with religious organizations are given an exemption to the DC Human Rights Act, which prohibits discrimination in hiring and against students, and may deny services based on certain criteria. You mentioned in your testimony that, because the overall academic impacts of DC OSP are statistically difficult to quantify, it is plausible to assume that for every student benefitting through the program, there is another suffering. This is disheartening when considering the students susceptible to discriminatory practices, specifically LGBT students.

A. Can you identify the ways in which D.C. public schools may not discriminate, but private religious schools accepting vouchers may discriminate in certain situations?

Public schools in the US are generally established, and required, to serve all students in their area. This includes student groups that may entail substantial costs for the schools, including students with special learning needs, behavioral concerns, or English-language learners, for instance. Public schools are not allowed to exclude students based on such factors, and must offer special accommodations and services as appropriate. In general, private schools, which are typically but not always run by religious organizations, are free from such requirements. The assumption is that they should enjoy greater autonomy, which is widely thought to produce better academic outcomes. However, recent research indicates that private schools are not more effective than public schools, despite this autonomy, although the autonomy is associated with greater levels of segregation in terms of serving disproportionately lower numbers of special needs students, for instance.<sup>i</sup>

Nonetheless, private school advocates have argued that these organizations should be able to control central aspects of their school, including the mission, curriculum, and admissions — factors not necessarily delegated to private schools in other countries. Consequently, private schools in the United States often set admissions standards based on academic or behavioral criteria, or on alignment with a religious doctrine. For instance, Calvary Christian Academy, which participates in the D.C. voucher program, requires parents to sign a “statement of faith” agreeing with the school’s interpretation of Christian doctrine.<sup>ii</sup> (The school also requires parents to sign their 6-page discipline policy and a parent-school “compact.”) Another such school, the Sacred Heart Catholic School, uses a parent/student handbook that declares that “The Sacred Heart Catholic School Student is A CHRISTIAN ROLE MODEL.”<sup>iii</sup> Obviously, such requirements explicitly or implicitly exclude students from families of other (or no) religious beliefs. Many private schools participating in the D.C. voucher program require from applicants evidence of academic performance, including letters of recommendation from previous teachers or principals, academic transcripts, interview with the principal, or an entrance exam. Such devices are generally used to screen students, and are typically prohibited in public schools.

B. Is there a way to track schools which discriminate against LGBT students or students with LGBT parents?

Certainly. Some private schools make criteria regarding LGBT status (or beliefs regarding LGBT status) explicit in their application materials. However, where such factors are not

explicitly stated, the agency operating the D.C. voucher program could collect data on students who wish to publicly identify as LGBT, or on students who claim they were discriminated against by schools because they are LGBT.

- 
- <sup>i</sup> Braun, H., Jenkins, F., & Grigg, W. (2006). Comparing Private Schools and Public Schools Using Hierarchical Linear Modeling. Washington, DC: National Center for Education Statistics.
- Carbonaro, W. (2006). Public-Private Differences in Achievement among Kindergarten Students: Differences in Learning Opportunities and Student Outcomes. *American Journal of Education*, 113(1), 31-65.
- Lubienski, C., & Lubienski, S. T. (2014). *The Public School Advantage: Why Public Schools Outperform Private Schools*. Chicago: University of Chicago Press.
- Reardon, S. F., Cheadle, J. E., & Robinson, J. P. (2009). The Effects of Catholic School Attendance on Reading and Math Achievement in Kindergarten through Fifth Grade. *Journal of Research on Educational Effectiveness*, 2(1), 45-87.
- <sup>ii</sup> [http://calvarychristiancca.weebly.com/uploads/4/3/5/3/43534261/fillable\\_statement\\_of\\_faith.pdf](http://calvarychristiancca.weebly.com/uploads/4/3/5/3/43534261/fillable_statement_of_faith.pdf)
- <sup>iii</sup> Emphasis in original; see: [http://www.sacredheartsschooldc.org/documents/2014/8/Handbook\\_English.pdf](http://www.sacredheartsschooldc.org/documents/2014/8/Handbook_English.pdf)