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EDUCATION WITHOUT LIMITS: EXPLORING THE BENEFITS OF SCHOOL CHOICE

HEARING

BEFORE THE

SUBCOMMITTEE ON EARLY CHILDHOOD, ELEMENTARY, AND SECONDARY EDUCATION

OF THE

COMMITTEE ON EDUCATION AND WORKFORCE

U.S. HOUSE OF REPRESENTATIVES

FIRST SESSION

HEARING HELD IN WASHINGTON, DC, MARCH 11, 2025

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EDUCATION WITHOUT LIMITS: EXPLORING THE BENEFITS OF SCHOOL CHOICE

Tuesday, March 11, 2025

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON EARLY CHILDHOOD, ELEMENTARY,
AND SECONDARY EDUCATION
COMMITTEE ON EDUCATION AND WORKFORCE,
Washington, DC.

The Subcommittee met, pursuant to notice, at 10:15 a.m., in Room 2175 Rayburn House Office Building, Hon. Kevin Kiley (Chairman of the Subcommittee) presiding.

Present: Representatives Kiley, Miller, Owens, Moylan, Mackenzie, Harris, Messmer, Walberg, Bonamici, Hayes, Lee, Mannion, Wilson, Adams, and Scott.

Also present: Representative Allen.

Staff present: Vlad Cerga, Director of Information Technology; Maren Emmerson, Intern; Dara Gardner, Einstein Fellow; Amy Raaf Jones, Director of Education and Human Services Policy; Libby Kearns, Press Assistant; Isaiah Knox, Legislative Assistant; Campbell Ladd, Clerk; R.J. Laukitis, Staff Director; Georgie Littlefair, Investigator; Danny Marca, Systems Administrator; John Martin, Deputy Director of Workforce Policy/Counsel; R.J. Martin, Professional Staff Member; Audra McGeorge, Communications Director; Eli Mitchell, Legislative Assistant; Ethan Pann, Deputy Press Secretary and Digital Director; Kane Riddell, Staff Assistant; Sara Robertson, Press Secretary; Brad Thomas, Deputy Director of Education and Human Services Policy; Ann Vogel, Director of Operations; Ali Watson, Director of Member Services; Ariel Box, Minority Intern; Ilana Brunner, Minority General Counsel; Ni'Aisha Banks, Minority Staff Assistant; Bryan Gonzalez, Minority Grad Intern; Rashage Green, Minority Director of Education Policy & Counsel; Brandom Hernandez, Minority CHCI Fellow; Christian Haines, Minority General Counsel; Jo Howard, Minority Grad Intern; Samantha Wilkerson, Minority Professional Staff; Raiyana Malone, Minority Press Secretary; Marie McGrew, Minority Press Assistant; Randi Petty, Minority Deputy Chief of Staff; Veronique Pluviose, Minority Staff Director; Theresa Tilling-Thompson, Minority Professional Staff; Elizabeth Tomoloju, Minority Intern; Banyon Vassar, Minority Director of IT.

Chairman KILEY. The Subcommittee on Early Childhood, Elementary and Secondary Education will come to order. I note that a quorum is present. Without objection, the Chair is authorized to call a recess at any time.

Education outcomes in the United States continue to plummet. The recently released nation's report card paints an alarming picture. Math and reading scores continue to decline despite a steady increase in overall spending. As a result, millions of young people are being deprived of the skills needed for success in college careers and life.

This is also a long-term risk to our Nation's prosperity and security. We are at risk of losing our edge to countries that are doing a better job educating the next generation. Amidst this troubling landscape there are positive outliers.

Across the Nation there are many outstanding schools of all kinds, with dedicated teachers and administrators that are defying the odds and getting tremendous results for their students.

In particular, states and communities that have embraced school choice in all of its forms are defying the national trend. These success stories provide a starting point for the education reform that America needs. Indeed, America's education landscape is increasingly a tale of two models.

On one hand, some states have used every lever of policy to limit the options available to families. These jurisdictions share certain perverse features. Students are assigned to a neighborhood school with few, if any alternatives. Instruction is driven by top-down bureaucratic requirements with little regard for learning outcomes.

Educators are given lifetime job security and denied meaningful professional development. The same things are done year after year impervious to changes in the world, technology, or the science of learning. With parents kept at arms-length through it all. This is the model behind American educational decline. It is the model that the Biden administration did everything possible to reinforce.

Fortunately, a second model has gained significant traction in recent years. It flips every aspect of this failed model on its head. Parents select the school that is right for their child. Educators receive the support they need and are expected to perform. Schools that fail to get results lose students and eventually may cease to exist.

Those that succeed attract more students and continue to innovate and grow , with parents in the driver's seat through and through. This is the school choice model, which President Trump's first education executive orders aim to reinforce. There are now 81 private school choice programs across 33 states, serving 1.2 million students, which is about double the number of students served just 3 years ago.

The percentage of school-aged students home schooling has roughly doubled since 2019. There are also a variety of school choice programs within traditional public school systems, such as those that allow open enrollment with a district, or transfers across districts, so we are offered choices like magnet schools or career education focused schools.

The form of school choice that I believe shows perhaps the greatest promise in elevating student achievement, and closing achievement gaps at scale is charter schools. Since 2005, the number of charter schools has doubled, and charter enrollment has tripled to over 3.7 million students.

Unlike traditional public schools, to which students get assigned based on their neighborhood, charters are schools of choice that families elect to attend. Such schools are publicly funded, but they only receive that funding if they attract families to opt in, and they are held accountable for student learning outcomes.

In exchange, charters are generally freed from top-down bureaucratical requirements, and can operate with greater flexibility and autonomy, allowing them to innovate in line with their own educational vision. This model has proven enormously successful.

A 2023 Stanford CREDO study found that charter students gain an additional 6 days of learning in math, and six to 18 days in reading per year compared to their district school peers. These gains are especially significant for historically underserved communities.

Take two powerful examples. The Success Academy Charter Network has over 50 schools in New York City serving mostly low-income minority students. Success Academy has ranked No. 1 in the entire State of New York in math scores. The KIPP Charter Network, which stands for Knowledge is Power Program, has over 240 schools nationwide focused on underserved communities.

A 2023 Mathematica study found KIPP students were twice as likely to complete college as their peers. The opposition to charters by the Biden administration and political leaders in states like California, is also revealing. After all, these are public schools that are open to all tuition free, yet they have become the target of funding cuts, enrollment caps, authorizing obstacles and harassing regulations.

From Gavin Newsom to Bill de Blasio to Joe Biden, a certain faction of the Democrat party has been bent on closing public charter schools and stopping new ones from opening.

This proves beyond doubt that opposition to school choice is not about protecting the public school system. That is just a self-serving justification concocted by those who want to preserve a failed education model and cater to the interests that feed off of it, while denying choices to parents, and dooming students to less promising lives.

Beyond charters, generally, research shows that students in school choice programs do better academically, their parents are more satisfied, and the students are more likely to graduate. We also know that parents overwhelmingly want these options. More than 70 percent of respondents to a Real Clear opinion research survey support school choice, and that includes 82 percent of Republicans, 68 percent of Democrats, and 67 percent of independents.

How many issues can you find that level of agreement on? A January 2025 survey similarly found that 81 percent of voters agree that the government should empower parents and prioritize individual students' needs by providing greater access and more choices to assure children receive the best possible education.

Here is the thing, school choice is also key to creating better traditional public schools. Research suggests that traditional public schools perform better when they face competition from school

choice. We should all want traditional public schools to be the best that they can be.

While it is true that many have embraced woke ideologies, there are also many teachers and school leaders who are doing an admirable job to help students learn. Embracing school choice means that parents should have a range of high-quality education options, and that includes their neighborhood public school.

Education is fundamentally a State and local issue, but there is a limited role for the Federal Government as well. For example, the Educational Choice for Children Act, which I am cosponsoring, would create a Federal tax credit so that donors could better fund private scholarships for children across the Nation.

This bill would help ensure that students, even in states without school choice programs, those that have adopted this failed model, could access the education they need and deserve. In addition, Federal charter school grants, which President Biden tried to reduce, are vital for many founders starting new charters, or replicating successful schools.

Finally, we can highlight the benefits of school choice and encourage the expansion of successful programs across the country. This can be the year that we begin reversing the decline of American education, and today's hearing is an important first step. With that, I yield to the Ranking Member for an opening statement.

[The statement of Chairman Kiley follows:]

COMMITTEE ON EDUCATION & WORKFORCE
CHAIRMAN TIM WALBERG

COMMITTEE STATEMENT

Opening Statement of Rep. Kevin Kiley (R-CA), Chairman
Subcommittee on Early Childhood, Elementary and Secondary Education
Hearing: "Education Without Limits: Exploring the Benefits of School Choice"
March 11, 2025

(As prepared for delivery)

Good morning, and welcome to the Subcommittee on Early Childhood, Elementary, and Secondary Education.

Education outcomes in the United States continue to plummet. The recently released "Nation's Report Card" paints an alarming picture: math and reading scores continue to decline despite a steady increase in overall spending; as a result, millions of young people are being deprived of the skills needed for success in college, careers, and life. This is also a long-term risk to our nation's prosperity and security. We are at risk of losing our edge to countries that are doing a better job educating the next generation.

Yet amidst this troubling landscape, there are positive outliers. Across the nation, there are many outstanding schools of all kinds, with dedicated teachers and administrators, that are defying the odds and getting tremendous results for their students. In particular, states and communities that have embraced school choice, in all its forms, are defying the national trend. These success stories provide a starting point for the education reform that America needs.

Indeed, America's education landscape is increasingly a tale of two models. On one hand, some states have used every lever of policy to limit the options available to families. These jurisdictions share certain perverse features: students are assigned to a neighborhood school with few if any alternatives; instruction is driven by top-down bureaucratic requirements, with little regard for learning outcomes; educators are given lifetime job security yet denied meaningful professional development; the same things are done, year after year, impervious to changes in the world, technology, or the science of learning – with parents kept at arms' length through it all. This is the model behind American educational decline. It is the model that the Biden administration did everything possible to reinforce.

Fortunately, the second model has gained significant traction in recent years, and it flips every aspect of this failed model on its head: parents select a school that is right for their child; educators receive the support they need and are expected to perform; schools that fail to get results lose students and eventually may cease to exist; those that succeed attract more students and continue to innovate and grow – with parents in the drivers' seat, through and through.

This is the School Choice Model, which President Trump's first education executive orders aim to reinforce. There are now 81 private school choice programs across 33 states serving 1.2 million students, which is about double the number of students served just 3 years ago. The percentage of school-age students homeschooling has roughly doubled since 2019. There are also a variety of school choice programs within traditional public school systems, such as those that allow open enrollment within a district or transfers across districts, or offer choices like magnet schools or career education-focused schools.

But the form of school choice that I believe shows the most promise, in elevating student achievement and closing achievement gaps at scale, is charter schools. Since 2005-2006, the number of charter schools has doubled and charter enrollment has tripled to over 3.7 million students.

Unlike traditional public schools, to which students get assigned based on their neighborhood, charters are schools of choice that families choose to attend. Such schools are publicly funded, but they only receive that funding if they attract families to opt in – and they are held accountable for student learning outcomes. In exchange, charters are generally freed from top-down bureaucratic requirements and can operate with greater flexibility and autonomy, allowing them to innovate in line with their own educational vision.

This model has proven enormously successful. A 2023 Stanford CREDO study found that charter students gain an additional six days of learning in math and 16 days in reading per year compared to their district school peers. These gains are especially significant for historically underserved communities.

Take two powerful examples. The Success Academy charter network has over 50 schools in New York City serving mostly low-income, minority students. Success Academy has ranked number one in the entire state of New York in math scores. And the KIPP Charter Network, which stands for Knowledge is Power Program, has over 240 schools nationwide focused on underserved communities. A 2023 Mathematica study found KIPP students were twice as likely to complete college as their peers.

The opposition to charters by the Biden administration, and political leaders in states like California, is also revealing: after all, these are public schools that are open to all, tuition free. Yet they have become the target of funding cuts, enrollment caps, authorizing obstacles, and harassing regulations. From Gavin Newsom to Bill de Blasio to Joe Biden, a certain faction of the Democrat party has been bent on closing public charter schools and stopping new ones from opening. This proves beyond doubt that opposition to school choice is not about protecting the public school system; that's just a self-serving justification concocted by those who want to preserve a failed education model – and cater to the

interests that feed off it – while denying choices to parents and dooming students to less promising lives.

Beyond just charters, generally research shows that students in school choice programs do better academically, their parents are more satisfied, and the students are more likely to graduate. We also know that parents overwhelmingly *want* these options. More than 70 percent of respondents to a RealClear Opinion Research survey support school choice, including 82 percent of Republicans, 68 percent of Democrats, and 67 percent of Independents. A January 2025 survey similarly found that 81 percent of voters agree that the government should empower parents and prioritize individual students' needs by providing greater access and more choices to ensure children receive the best education.

School choice is also key to creating better traditional public schools. In fact, research suggests that traditional public schools perform *better* when they face competition from school choice. We should all want traditional public schools to be the best they can be; while many schools have embraced woke ideologies, there are also many teachers and school leaders who are doing an admirable job to help students learn. Embracing school choice means that parents should have a range of high-quality education options – including their neighborhood public school.

Education is fundamentally a state and local issue, but there is also a limited role for the federal government. For example, the *Educational Choice for Children Act*, which I am co-sponsoring, would create a federal tax credit so that donors could better fund private scholarships for children across the nation. This bill would help ensure that students even in states without school choice programs could access the education they need. In addition, federal charter school grants – which President Biden tried to reduce – are vital for many founders starting new charters or replicating successful schools. And finally, we can highlight the benefits of school choice and encourage the expansion of successful programs across this country.

This can be the year that we begin reversing the decline of American education, and today's hearing is an important first step.

With that, I will yield to the Ranking Member for an opening statement.

Ms. BONAMICI. Thank you, Mr. Chairman, and thank you to the witnesses for being here today. I want to begin by acknowledging the role that public schools play in our communities, our economy, and in democracy. With the overwhelming majority of students in public schools, public education is the foundation on which we build our future.

Public schools serve the needs of every child, regardless of background or income. That is why we need to protect public education, and importantly, funding for public education, from voucher scams that funnel taxpayer dollars into private institutions. That being said, I, and most Democrats, support a wide-range of options within the public school system.

In many states and districts, families have choices among magnet schools, public charter schools, as the Chairman mentioned, and intradistrict and interdistrict open enrollment policies. For example, in the district I represent, we have some of the top magnet programs in the State, including Portland's Benson Polytechnic High School, a CTE magnet school, that offers major programs in automotive, building construction, electrical engineering, health occupations, media production, and more.

The Beaverton School District has many choices, an international magnet, arts and communication magnet, and the Beaverton Academy of Science and Engineering. These valuable opportunities are offered to all students, and most importantly, they are offered at free public schools that are required to comply with The Individuals with Disabilities Act.

I want to note that the Chairman mentioned woke ideologies, and just another reminder that the Federal Government does not by law set curriculum.

Let us talk about universal vouchers, which are often pushed with little or no income restrictions, meaning that every student, whether from a single parent home where the mom is working and making minimum wage, or from a billionaire family like Elon Musk's, they could all receive the same amount of taxpayer money, all while the public schools that serve the rest, the majority, are left to do more with less.

In this discussion we must consider rural areas. In the district I represent, I have urban areas, but I have a lot of rural school districts where the public school is the heart of the community, and the only option is a public school.

In those rural school districts, I know what kind of reaction I would get if I told them that part of their public school funding was cut, but here is a voucher so your student could go to another school. There is no other school.

There is very little chance of bridging that funding gap, leaving them to either make cuts, increase class sizes or both. That is the main reason why several states, including Nebraska, Kentucky, Colorado, they have all rejected voucher schemes.

Moreover, what message does it send to teachers and students who are already feeling the strain of a system that is underfunded and overburdened? Stripping away already strained public schools of more funding to support private schools is not the answer.

The solution is clear, we must invest in public education, so every child has the chance to thrive in the classroom. It is also worth noting that voucher schemes permit private schools to discriminate against students based on disability, religion and other factors, and they have also been found to increase segregation. People across the country remain legitimately concerned about the use of taxpayer dollars for religious schools because it is so intertwined that it violates the constitutional principle of separation of church and State.

For many reasons, the argument to support universal vouchers based on NAEP scores, it is really not persuasive. Test scores are one way to evaluate student success. We had a global pandemic that led to social isolation, and according to the American Psychological Association, there is a mental health crisis among youth.

There is increasing, and some say excessive use of electronic devices by kids, and importantly the scores of high performers stayed pretty much the same. It was scores for low performers that plummeted. That is not a case for vouchers, it is a case for funding—fully funding, Title I, McKinney-Vento, and other programs that support low-income students.

We cannot ignore facts. Voucher programs do not improve student outcomes. Research shows that in states with large voucher programs, like Louisiana, Indiana, Ohio, students using vouchers tend to perform worse than their peers in public schools. These programs are a misuse of taxpayer dollars, and they contribute again, to discrimination, segregation, and a lack of accountability.

Speaking of a lack of accountability, a recent study about the Arizona voucher program found that the State imposes no transparency or accountability requirements on private schools that receive taxpayer dollars through the state's voucher program. Additionally, Arizona parents who are shopping for a school say it is difficult to get any independently verified information about the quality of instruction, or financial stability of these private schools that are getting public dollars.

Public education is already under attack from this administration. We know that, with the looming threat of an executive order to dismantle the Department of Education. Let us not make things worse by allowing the use of public funding for private schools.

Instead of funding private schools, we need to invest in public education so every child, no matter their Zip Code, deserves access to a high-quality education. I look forward to the conversation, and I yield back the balance of my time.

[The statement of Ranking Member Bonamici follows:]

ED & WORKFORCE DEMOCRATS

OPENING STATEMENT

House Committee on Education and Workforce
Ranking Member Robert C. "Bobby" Scott

Opening Statement of Ranking Member Suzanne Bonamici (OR-01)
Subcommittee on Early Childhood, Elementary, and Secondary Education
"Education Without Limits: Exploring the Benefits of School Choice"
Tuesday, March 11, 2025 | 10:15 a.m.

Thank you, Mr. Chairman, and thank you to the witnesses for being here today.

I want to begin by acknowledging the role that public schools play in our communities, our economy, and our democracy. With the overwhelming majority of students in public schools, public education is the foundation on which we build our future. Public schools serve the needs of every child, regardless of background or income. That's why we need to protect public education and importantly, funding for public education, from "voucher scams" that funnel taxpayer dollars into private institutions.

That being said, I – and most Democrats – support a wide range of options within the public school system. In many states and districts, families have choices among magnet schools, public charter schools, as the Chairman mentioned, and intradistrict and interdistrict open enrollment policies.

For instance, in the district I represent, we have some of the top magnet programs in the state, including Portland's Benson Polytechnic High School, a CTE-magnet school that offers major programs in automotive, building construction, electrical engineering, health occupations, media production, and more. And the Beaverton district has many choices, an international magnet, Arts and Communication magnet, and the Beaverton Academy of Science and Engineering.

These valuable opportunities are offered to all students – and most importantly, they are offered at free public schools that are required to comply with the Individuals with Disabilities Education Act. I want to note that the Chairman mentioned "woke ideologies," and this is just another reminder that the federal government does not, by law, set curriculum.

But let's talk about universal vouchers, which are often pushed with little to no income restrictions, meaning that every student—whether from a single-parent home where the mom is working and making minimum wage or from a billionaire family like Elon Musk's—could receive the same amount of taxpayer money. All while the public schools that serve the rest – the majority - are left to do more with less.

And in this discussion, we must consider rural areas. In the district I represent, I have urban areas, but I have a lot of rural school districts where the public school is often the heart of the community, and the only option is a public school. So, in those rural school districts, I know what reaction I would get if I told them that part of their public school funding was cut but here's a voucher so the students can go to another school – there is no other school! And there's very little chance of bridging that funding gap, leaving them to either make cuts, increase class sizes, or both. That's the main reason why several states, including Nebraska, Kentucky, and Colorado — they've all rejected voucher schemes.

Moreover, what message does it send to teachers and students who are already feeling the strain of a system that is underfunded and overburdened? Stripping already strained public schools of more funding to support private schools is not the answer.

The solution is clear: We must invest in public education, so every child has the chance to thrive in the classroom.

It is also worth noting that voucher schemes permit private schools to discriminate against students based on disability, religion, and other factors, and they have also been found to increase segregation. And people across the country remain legitimately concerned about the use of taxpayer dollars for religious schools because it is so intertwined that it violates the Constitutional principle of separation of church and state.

And for many reasons, the argument to support universal vouchers based on NAEP scores — it's really not persuasive. Test scores are only one way to evaluate student success. We had a global pandemic that led to social isolation and according to the American Psychological Association, there's a mental health crisis among youth. There's increasing - some say excessive - use of electronic devices by kids. Importantly, the scores of high performers stayed pretty much the same; it was scores for low performers that plummeted. That's not a case for vouchers; it's a case for fully funding Title I, McKinney-Vento, and other programs that support low-income students.

We cannot ignore facts. Voucher programs do not improve student outcomes. Research shows that in states with large voucher programs, like Louisiana, Indiana, and Ohio, students using vouchers tend to perform worse than their peers in public schools.

These programs are a misuse of taxpayer dollars, and they contribute, again, to discrimination, segregation, and a lack of accountability. Speaking of a lack of accountability, a recent study about the Arizona voucher program found that the state imposes no transparency or accountability requirements on private schools that receive taxpayer dollars through the state's voucher program, and additionally, Arizona parents who are shopping for a school say it's difficult to get any independently verified information about the quality of instruction or financial stability of these private schools that are getting public dollars.

Public education is already under attack from this Administration, we know that, with the looming threat of an executive order to dismantle the Department of Education. Let's not make things worse by allowing the use of public funding for private schools.

So, instead of funding private schools, we need to invest in public education. Every child, no matter their zip code, deserves access to a high-quality education.

I look forward to the conversation, and I yield back the balance of my time.

Chairman KILEY. Pursuant to Committee Rule 8(c), all members who wish to insert written statements into the record may do so by submitting them to the Committee Clerk electronically in Microsoft Word format by 5 p.m., 14 days after this hearing, which is March 25, 2025. Without objection, the hearing record will remain open for 14 days to allow such statements and other extraneous material noted during the hearing to be submitted for the official hearing record.

I note for the Subcommittee that some of my colleagues who are not permanent members of this Subcommittee may be waiving on for the purpose of today's hearing. I will now introduce our four distinguished witnesses. Our first witness is Dr. Michael McShane, who is Director of Research at EdChoice in Indianapolis, Indiana.

Our second witness is Mrs. Jenny Clark, who is the Founder and Executive Director of Love Your School in Scottsdale, Arizona. Our third witness is Ms. Jessica Levin, who is Litigation Director, and Director of Public Funds, Public Schools, at the Education Law Center in Newark, New Jersey.

Our fourth witness is Mr. Walter Blanks, Jr., who is National Spokesperson at the American Federation for Children, which is headquartered in Dallas, Texas. We thank the witnesses for being here today, and we look forward to your testimony.

Pursuant to Committee Rules, I would ask that you each limit your oral presentation to a 3-minute summary of your written statement. The clock will count down from 3 minutes, as Committee members have many questions for you, and we would like to spend as much time as possible on questions.

However, pursuant to Committee Rule 8(d) and Committee practice, we will not cutoff your testimony until you reach the 5-minute mark. I would also like to remind the witnesses to be aware of your responsibility to provide accurate information to the Subcommittee. I will first recognize Dr. McShane for your testimony.

STATEMENT OF DR. MICHAEL MCSHANE, DIRECTOR OF NATIONAL RESEARCH, EDCHOICE, INDIANAPOLIS, INDIANA

Mr. MCSHANE. Good morning, Mr. Chairman, Ranking Member, and Subcommittee members. Seventy years ago, the economist Milton Friedman wrote a short paper titled, "The Role of Government in Education." In it, he argued that the government had a role in funding and regulating education, but did not need to directly operate it.

Independent and autonomous schools could educate children, and parents could choose between different school models based on their needs and desires. This idea, school choice, is the topic of today's hearing. He closed the piece by predicting what such a system might yield, writing "The result of these measures would be a sizable reduction in the direct activities of government, yet a great widening in the educational opportunities open to our children."

They would bring a healthy increase in the variety of educational institutions available, and in competition amongst them. Private initiative and enterprise would quicken the pace of progress in this area, as it has in so many others.

We are not yet in Milton Friedman's ideal system, but the growth in educational options in recent years has redirected the American education system toward his vision, and we have some initial findings to see if his predictions have come true.

Choice programs have widened the educational opportunities open to our children, and the variety of educational institutions available to them. There are 8,150 charter schools educating 3.7 million students, 3,105 magnet schools educating 2.7 million students, more than 415,000 students enrolled in open enrollment programs, and more than 6,750 private schools participating in choice programs, educating 1.2 million students.

Choice programs have nurtured the growth of different school models, from progressive, Montessori and Waldorf schools, to more traditional classical schools, schools from a variety of faith traditions and secular schools, micro schools, hybrid home schools and co-ops, and probably new models that I do not even know about yet.

Choice programs have sparked competition. 29 studies have been conducted on the effects of private school choice on students who remain in public schools, 26 have found positive results, 1 found no result, and only 2 found negative results. Third, private initiative has quickened the pace of progress.

New and innovative schools are progress in themselves, but looking at the results for students participating in private school choice programs, 17 random assignment studies have been conducted, 11 found positive results for some rural students, 4 found no effect, and only 2 found negative effects.

Looking at student retainment results, 7 studies have been completed with 5 finding positive effects, and 2 finding none. Our work is not done. Many students and families across this country still want more options. We need to learn from the programs that states are implementing to refine and improve them. We need to address other challenges that students and schools face.

The task before us today is the very one Dr. Freidman articulated back in 1955, where "The government would serve its proper function of improving the operation of the invisible hand without substituting the dead hand of bureaucracy." Thank you.

[The Statement of Mr. McShane follows:]

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School Choice in America

Testimony before the House Education and Workforce Early Childhood, Elementary, and Secondary Education subcommittee.

March 11, 2025

Michael Q. McShane, Ph.D.

Good morning Chairman Kiley, Ranking Member Bonamici, and distinguished members of the subcommittee. My name is Michael McShane, and I am the Director of National Research at EdChoice, a non-profit organization based in Indianapolis, Indiana whose mission is to advance educational freedom and choice for all as a pathway to successful lives and a stronger society. To be clear, though, today I speak only for myself and nothing I say should be construed as an institutional position of EdChoice.

Seventy years ago, EdChoice's co-founder, Nobel laureate economist Milton Friedman, wrote a short essay titled *The Role of Government in Education.* In it, he argued that government had a role in funding and regulating education, but did not need to directly operate it. Independent and autonomous schools could educate children and parents could choose between different school models based on their needs and desires. This idea, school choice, is the topic of today's hearing.

He closed the piece by predicting what such a system might yield, writing:

> "The result of these measures would be a sizable reduction in the direct activities of government, yet a great widening in the educational opportunities open to our children. They would bring a healthy increase in the variety of educational institutions available and in competition among them. Private initiative and enterprise would quicken the pace of progress in this area as it has in so many others."[1]

We are not yet in Milton Friedman's ideal system, but growth in educational options in recent years has redirected the American education system towards his vision, and we have some initial findings to see if his predictions have come true.

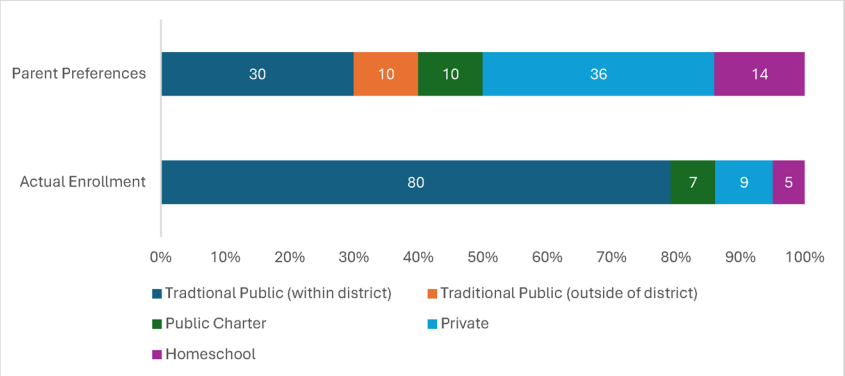
So what do we know about school choice in America today? I'd like to make four brief points. First, parents want more options. Second, the market is responding to parental demands. Third, parents have diverse desires from schools and diverse reasons for choosing. Fourth, school choice has been studied extensively, and the weight of the evidence is positive.

I. Parents Want More Options

EdChoice's *2024 Schooling in America Survey* asked a nationally representative sample of parents where they would like to send their children to school.[2] Parents were split between traditional public schools, both inside and outside of their assigned district, public charter schools, private schools, and homeschooling.

Unfortunately, as the second bar of Figure 1 shows, that is not what actual enrollment patterns look like. While 36% of parents would like to send their child to a private school, only 9% actually do. Almost three times as many parents would like to homeschool than actually do, and more families would like charter school options.

Figure 1. Parent preferences versus actual enrollment, 2024



This gap, between actual enrollments and parent preferences, is where school choice policy comes in.

There is an important point to emphasize here. School choice *policies* and *school choice* are not one and the same. Many people in America already have school choice. They choose schools by purchasing a home zoned for a desirable public school or they pay for private school tuition. The question of school choice policy is not *whether or not* there will be school choice in America, but rather *who* will have it. Not everyone can afford that house zoned for the desirable public school or have the extra income to pay for private schooling. School choice programs work to expand the set of people in America who can choose where their child attends school.

II. The Market is Responding

Back in 1955, Dr. Friedman predicted that an expansion of choice would lead to both "a great widening in the educational opportunities open to our children" and "a healthy

increase in the variety of educational institutions available." Both of these predictions have come true.

As a result of school choice programs, there are now 8,150 charter schools educating 3.7 million students, 3,105 magnet schools educating 2.7 million students, more than 415,000 students enrolled in open enrollment programs, and more than 6,750 private schools participating in choice programs educating 1.2 million students.[3]

Choice programs have nurtured the growth of different school models, from progressive Montessori and Waldorf schools to more traditional classical schools; schools from a variety of faith traditions and secular schools; microschools, hybrid homeschools, co-ops, and probably new models that I don't even know about yet.

This represents a vindication of Dr. Friedman's predictions from all those years ago.

III. Parents Choose for Diverse Reasons

EdChoice's 2024 *Schooling in America Survey* asked a nationally representative sample of parents why they chose their child's school.[4] Answers varied, particularly by school sector. Table 1 depicts these differences by the percentage of parents from each school type listing the reason in their top three. The three most popular answers for each sector are shaded.

Table 1. Parental Reasons for choosing their child's school

Factor	Public District School	Public Charter School	Private School	Homeschool
Location/ Close to Home or Work	44%	25%	19%	19%
Socialization/Peers/Other Students	34%	21%	19%	15%
Assigned District/Neighborhood School	31%	9%	9%	9%
Safe Environment	25%	37%	36%	53%
Academic Quality or Reputation	26%	36%	36%	23%
Extracurricular Activities	22%	20%	16%	10%
Diversity	17%	13%	9%	7%
Structure, Discipline	13%	21%	24%	24%
Morals/Character/Values Instruction	16%	23%	31%	30%
School Size	11%	18%	16%	9%
Individual/One-on-One Attention	11%	19%	20%	38%
Class Size	12%	21%	17%	14%
Test Scores	10%	16%	15%	11%
Religious Environment/Instruction	5%	8%	19%	

Source: EdChoice, 2024 Schooling in America Survey (conducted April 9–April 30, 2024), Q5-8

The top three reasons traditional public school parents chose their child's school were "location/close to home or work," "socialization/peers/other students," and then because that school was their assigned district or neighborhood school. The top three reasons for charter school parents were "safe environment," "academic quality or reputation," and

"location/close to home or work." The top three reasons for private school parents were "safe environment," "academic quality or reputation," and "morals/character/values instruction." The top three reasons for homeschool parents were "safe environment," "individual/one-on-one attention," and "morals/character/values instruction."

There appears to be both a *pull* and a *push* into school choices. Parents are attracted to safer and more positive school environments, higher quality educational options, and more attention for their child. But parents are also repelled by negative factors in schools they are leaving.

In a separate poll, conducted in August of 2024 in conjunction with Morning Consult, EdChoice asked parents who had switched schools about negative experiences that they had in their child's previous school. The results were sobering. Stress, anxiety, and bullying were present in a frighteningly large number of schools that families left. Thirty-one percent of parents reported "excessing stress or anxiety" in their child's previous school, 28% reported bullying, and 25% said that their child's academic needs were not being met.[5]

IV. Choice Has Been Studied Extensively and the Weight of the Evidence is Positive

EdChoice's 2024 publication, the *123s of School Choice*, summarized the results of 188 studies of private school choice.[6] These include studies of the effect of private school choice on participating students' test scores, participating students' educational attainment (including graduating from high school and matriculating to higher education), parent satisfaction, civic values and practices, school safety, and racial and ethnic integration. These also include studies of the impact of private school choice on students who remain in public schools and choice programs' fiscal impact.

When looking at the findings of these studies, they weigh heavily towards positive benefits for private school choice programs. Table 2 presents the results.

Table 2: Study Counts of the Effect of Private School Choice

Outcome	Number of Studies	Positive Effect	No Visible Effect	Negative Effect
Program Participant Test Scores (RCT)	17	11	4	2
Educational Attainment	7	5	2	0
Parent Satisfaction	33	31	1	2
Public School Student Test Scores	29	26	1	2
Civic Values and Practices	11	6	5	0
Integration	8	7	1	0
Fiscal Effects	75	69	5	5
School Safety	8	8	0	0
Totals	**188**	**163**	**19**	**11**

Source: The 123s of School Choice

In addition to these findings, a 2021 meta-analysis (a form of research design that combines findings across multiple studies to find a single estimate of an intervention's impact) found that students in U.S. private school choice programs experienced positive gains on test scores in both reading and math. Importantly, the authors also note that, "the longer a sample of voucher students has been treated, the larger and more positive the achievement effects tend to be."[7] Another meta-analysis, conducted in 2019 on the effects of private school choice on students who remain in public school, concluded, "In general, competition resulting from school-choice policies does have a small positive effect on student achievement. The lack of an overall negative impact on student outcomes might ease critics' concerns that competition will hurt those students 'left behind' due to school-choice policies.[8] What's more, a 2023 paper in the *American Economic Journal: Economic Policy* found that as Florida's private school choice program grew and matured, the authors "observe growing benefits (higher standardized test scores and lower absenteeism and suspension rates) to students attending public schools with more preprogram private school options" and that, "effects are particularly pronounced for lower-income students, but results are positive for more affluent students as well."[9]

The research is generally positive for charter schooling as well. A 2018 meta-analysis concluded, "On the question of the average overall effect, for no grade span or subject tested did we find a negative average effect of charter schools. For five out of 12 combinations of grades and subject areas, we found a positive and significant overall effect of charter schools on achievement. (For six of the remaining seven cases, the estimated average effect was positive but not statistically significant.) The results are more compelling for math than reading, both in terms of the number of grade spans for which we found significant effects, and the magnitude of those significant effects."[10] A national market-level analysis of charter schooling published in the *Journal of Public Economics* in 2023 found that increasing the market share of charter schools in a community drove increases in both student achievement and attainment. The authors conclude that, "The main mechanism appears to be the participant effect, though competitive effects are increasing in the participant effect and driven partly by the closure of low-performing traditional public schools."[11] There is also evidence of a positive impact of charter schools on students who remain in public schools, with a large 2024 study of Florida finding, "We consistently find that competition stemming from the opening of new charter schools improves reading—but not math—performance and it also decreases absenteeism of students who remain in the [Traditional Public Schools]."[12]

Score another point for Dr. Friedman. Private initiative and enterprise has quickened the pace of progress in this area as it has in so many others.

Conclusion

So where does this leave us? Moving forward, we can return to Dr. Friedman's wisdom from all those years ago. He wrote in *The Role of Government in Education* that in his ideal

system, the "government would serve its proper function of improving the operation of the invisible hand without substituting the dead hand of bureaucracy." That is the work before us.

Many students and families across this country still want more options. To meet their needs, we need to learn from the programs states are implementing to refine and improve them. We need to address other challenges that students and schools face. Whether it is new schools finding appropriate spaces to operate and great teachers to instruct their students or families finding information about what options are available to them or transportation to their ideal school, challenges remain.

Dr. Friedman did not predict that expanding school choice would lead to a perfect education system or a perfect society. Any program run by human beings will make mistakes, face challenges, and run into problems. But, working together, we can overcome them and provide the quality education that every child in our great nation deserves.

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[1] Milton Friedman (1962/1982), Capitalism and Freedom (Chicago, IL: University of Chicago Press); earlier version (1955) in Robert A. Solo (Ed.), Economics and the Public Interest, pp. 123-144 (New Brunswick, NJ: Rutgers University Press).

[2] Colyn Ritter, Alli Aldis, John Kristof, and Paul DiPerna (2024) *2024 Schooling in America: Public Opinion on K–12 Education, Transparency, Technology, and School Choice*. EdChoice. Available at: https://www.edchoice.org/wp-content/uploads/2024/08/2024-Schooling-in-America.pdf

[3] Private school choice numbers calculated from EdChoice (2024) The ABCs of School Choice: The comprehensive guide to every private school choice program in America. EdChoice. Available at: https://www.edchoice.org/wp-content/uploads/2025/01/2025-ABCs-of-School-Choice.pdf. Other enrollment numbers drawn from: Colyn Ritter (2025) *2025 EdChoice Share: Exploring Where America's Students Are Educated*, available at: https://www.edchoice.org/engage/2025-edchoice-share-exploring-where-americas-students-are-educated/

[4] Colyn Ritter, Alli Aldis, John Kristof, and Paul DiPerna (2024) 2024 Schooling in America: Public Opinion on K–12 Education, Transparency, Technology, and School Choice. EdChoice. Available at: https://www.edchoice.org/wp-content/uploads/2024/08/2024-Schooling-in-America.pdf

[5] EdChoice and Morning Consult (2024, August) The Public, Parents, and K-12 Education: A National Polling Report. Available at: https://edchoice.morningconsultintelligence.com/assets/322747.pdf

[6] EdChoice (2024), *The 123s of School Choice: What the Research Says about Private School Choice Programs in America, 2024 edition*, retrieved from: https://www.edchoice.org/wp-content/uploads/2024/06/2024-123s-of-School-Choice.pdf

[7] M. Danish Shakeel, Katilin P. Anderson, & Patrick J Wolf (2021). The participant effects of private school vouchers around the globe: a meta-analytic and systematic review. *School Effectiveness and School Improvement*, 32(4), 509–542. https://doi.org/10.1080/09243453.2021.1906283

[8] Huriya Jabbar et al. (2019), The Competitive Effects of School Choice on Student Achievement: A Systematic Review, Education Policy

[9] David N. Figlio, Cassandra M. D. Hart, and Krzysztof Karbownik. 2023. "Effects of Maturing Private School Choice Programs on Public School Students." *American Economic Journal: Economic Policy* 15 (4): 255–94. Available at: https://www.aeaweb.org/articles?id=10.1257/pol.20210710

[10] Julian R. Betts and Y. Emily Tang (2018) "A Meta-Analysis of the Effect of Charter Schools on Student Achievement" San Diego Education Research Alliance at UC San Diego (SanDERA). Available at: https://sandera.ucsd.edu/publications/DISC%20PAPER%20Betts%20Tang%20Charter%20Lit%20Review%202018%2001.pdf

[11] Feng Chen and Douglas Harris (2023) "The market-level effects of charter schools on student outcomes: A national analysis of school districts." *Journal of Public Economics.* Vol 228 Available at: https://www.sciencedirect.com/science/article/pii/S0047272723001974?via%3Dihub
[12] David N. Figlio, Cassandra Hart, and Krzysztof Karbownik (2024, February) "Competitive Effects of Charter Schools" NBER Working Paper No. 32120. Available at: https://www.nber.org/papers/w32120

Chairman KILEY. Thank you very much. I will next recognize Mrs. Clark for your testimony.

STATEMENT OF MRS. JENNY CLARK, FOUNDER AND DIRECTOR OF PUBLIC FUNDS PUBLIC SCHOOLS, LOVE YOUR SCHOOL, SCOTTSDALE, ARIZONA

Mrs. CLARK. Chairman and members of the Subcommittee, good morning, and thank you for this opportunity to testify before the Subcommittee today, as it explores the benefits of school choice. My name is Jenny Clark, and I am the Founder and CEO of Love Your School, an Arizona based nonprofit, that helps families navigate their school options in Arizona, Alabama, West Virginia, and hopefully the rest of the country very soon.

I am a wife and a mother of five school-aged children, three which have diagnosed learning disabilities, and I founded Love Your School in 2019. Since then, our team has helped thousands of families access the educational setting that best meets their child's unique needs.

I know firsthand with my own children, and through our work at Love Your School, how transformative education freedom can be for families, especially education savings accounts, or ESAs. Our family's school choice journey began 8 years ago as we homeschooled our two eldest sons, and noticed they were struggling with reading.

I reached out to my local school district and requested an evaluation under IDEA's Child Find process. Initially, the District told us that our boys simply lacked proper instruction. Knowing how much my husband and I worked on their reading instruction, we disagreed with the District.

We received an independent educational evaluation, and it revealed that both of them had, among other diagnoses, severe dyslexia and dysgraphia. Unfortunately, the District had no dyslexia specific programming. Instead, they offered 30 minutes of site word support a week, which we knew would not help remediate their dyslexia.

During this time, we first learned of Arizona's Empowerment Scholarship Account Program, and after jumping through a variety of hoops for the next several months, my boys finally qualified for Arizona's ESA Program, and this changed everything for my boys, and for our family.

With the $7,500.00 ESA Scholarship, we finally had access to a variety of dyslexia specific educational resources, audiobooks, and amazing online programs, like synthesis school, things that boosted their confidence as they progressed in their reading and writing.

The ESA Scholarship has been truly transformative in shaping the trajectory of my children's future. According to the latest NAEP scores, tens of millions of children across the country cannot read proficiently. It is a national crisis. Like my boys, I know many of these children would benefit tremendously from an ESA. Through

our work at Love Your School, we have seen how Arizona's ESA Program has been revolutionary lifeline for thousands of children.

Once Arizona's ESA Program became universal in 2022, meaning every school-aged child now qualifies, the program has rapidly grown from around 12,000 children to as of yesterday, a little over 87,000. Arizona's ESA Program is the most flexible in the country when it comes to accessing educational expenses and tutors and therapists.

It is by far the most supportive of students with disabilities. Arizona's ESA Scholarship is 90 percent of the State per pupil funding, and that includes weighted funding for students with disabilities. Our program saves taxpayers money, and allows parents to direct their children's education, regardless of their income or Zip Code. After all, we know loving families always know what is best for their children's education. Thank you.

[The Statement of Mrs. Clark follows:]

Testimony of Jenny Clark

Founder and CEO, Love Your School

Before the Subcommittee on Early Childhood, Elementary, and Secondary Education
"Education Without Limits: Exploring the Benefits of School Choice"

Tuesday, March 11, 2025

Chairman Kiley, Ranking Member Bonamici, and members of the subcommittee:

Good morning and thank you for this opportunity to testify before the subcommittee today as it explores the benefits of school choice. My name is Jenny Clark. I am the founder and CEO of Love Your School, an Arizona-based non-profit that helps families navigate their school options in Arizona, Alabama, West Virginia, and hopefully the rest of the country, very soon. I am a wife and mother of five school-aged children, three of which have diagnosed learning disabilities. I founded Love Your School in 2019 and since then, our team has helped thousands of families access the educational setting that best meets their child's unique educational needs. I know firsthand with my own children and through our work at Love Your School how transformative education freedom can be for families, especially education savings accounts.

Our family's school choice journey began eight years ago as we homeschooled our two eldest sons and noticed they were struggling with reading. I reached out to my local school district and requested an evaluation, under IDEA's Child Find process. Initially, the district told us that our boys simply lacked "proper instruction." Knowing how much my husband and I worked on their reading instruction, we disagreed with the district. We received an independent educational evaluation which revealed that both of them had, among other diagnoses, severe dyslexia and dysgraphia. To say we felt vindicated sitting in that IEP meeting with 7 district employees is an understatement. Unfortunately, the district had no dyslexia-specific programming. Instead, they offered 30 minutes a week of sight word support, which we knew would not help remediate their dyslexia.

During this time, we first learned of Arizona's Empowerment Scholarship Account program. After jumping through a variety of hoops for the next several months, my boys finally qualified for Arizona's ESA program. This changed everything for my boys *and* for my family. With the $7,500 ESA scholarship we accessed dyslexia remediation at Dyslexia Pros Arizona and dysgraphia support at Scribble to Script. We finally had access to a variety of dyslexia specific educational resources, audio books, and amazing online programs, like Synthesis School, that boosted their confidence as they progressed in their reading and writing. I could go on and on about the incredible educational resources the ESA program has made possible for our family. The ESA scholarship has been truly transformative in shaping the trajectory of my children's future. According to the latest NAEP scores, tens of millions of children across the country cannot read proficiently. It is a national crisis. Like my boys, I know many of these children would benefit tremendously from an ESA.

Through our work at Love Your School, we have seen how Arizona's ESA program has been a revolutionary educational lifeline for thousands of children. Once Arizona's ESA program became universal in 2022, meaning every school-aged child now qualifies, the program has rapidly grown from around 12,000 children to over 86,000 as of February of this year. Arizona's

ESA program is the most flexible in the country when it comes to accessing educational expenses, tutors, and therapists, and is by the far the most supportive of students with disabilities. Arizona's ESA scholarship is 90% of state allocated per pupil funding and includes weighted-funding for students with disabilities. Arizona's ESA program saves taxpayers money and allows parents to direct their children's education regardless of their income or zip code. After all, we know loving families always know what's best for their children's education.

Additional background on the Arizona ESA program as a national model for other states:

Arizona's ESA program is now around 86,000 students and continues to grow. Prior to the universal expansion of the ESA program in 2022, only around 12,000 families were on an ESA. While Arizona's program has been around since 2011, the barriers to entry were high. For example, parents who had a student with a disability previously could only utilize paperwork from the public school district, and they often found districts negatively perceived them during the evaluation if they knew they were going to apply for an ESA. Further, families used to be required to attend 100 days of public school in order to access the ESA. The popularity of the universal ESA program is evident by the number of families applying every week.

The latest Arizona ESA quarterly report Q2 of FY 2025 includes some informative data:[1]

- 18.5% of students on Arizona's ESA program are students with a disability, compared to 14% in Arizona public district schools. Many families report receiving better options and opportunities for their students with disabilities via an ESA and the data appears to reflect that.
- 53% of the students with disabilities in the ESA program have a diagnosis of autism, compared to 13% in Arizona public schools.[2] Families with autism do receive a higher, weighted scholarship amount. However, in spite of not receiving any federal disability education funding, parents are still able to do more, with less funds, via an ESA for their students with autism.
- The number of students who were in public school immediately prior to switching to an ESA has been steadily increasing since universal ESA was passed:
    - FY 2023 - 21% of universal eligibility students were in public immediately prior to applying.
    - FY 2024 - 47.6% of universal eligibility students were in public immediately prior to applying.
    - FY 2025 - 55.6% of universal eligibility students were in public immediately prior to applying.

To be sure, more work can be done to promote and market the program statewide so more families are aware of this opportunity for their children. However, the argument that only private school families are accessing the ESA program and not public school families is effectively addressed by the growing number of "switchers" in the Arizona program since it became universal.

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[1] https://www.azed.gov/sites/default/files/2025/02/ESA%20FY25%20Q2%20Executive%20%26%20Legislative%20Report.pdf.
[2] https://www.azed.gov/sites/default/files/2024/11/2024%20SEAP%20Trends%20Data.pdf.

The majority of expenses in Arizona's ESA program are tuition and fees at a private or qualified school (58.7%). This expense is followed by tutoring and teaching services (14.7%). These two expense categories comprise over 73% of all ESA expenses.

Table 10: Number of and amount spent on approved Pay Vendor, reimbursement, and debit card orders by category[7]
Fiscal Year 2025—Quarter 2

Spending category	Number of approved orders	Spending	% of total spending
Tuition, textbooks, or fees at a qualified school	49,149	$101,119,601	58.7%
Tutoring and teaching services	79,910	$25,323,973	14.7%
Tuition or fees for an online learning program	12,879	$12,332,913	7.1%
Curriculum	30,731	$8,660,743	5.0%
Supplemental materials	66,911	$6,586,084	3.8%
Educational therapies and services for students with a disability	7,786	$4,230,151	2.4%
Multiple categories[8]	23,877	$3,053,851	1.8%
Computer hardware and technological devices	5,478	$2,850,117	1.6%
Services, classes, and extracurricular programs provided by a public school	5,773	$1,691,020	1.0%
Tuition, textbooks, or fees at an eligible postsecondary education	1,690	$1,581,219	0.9%
Fees to manage an Arizona Empowerment Scholarship Account	701	$1,032,532	0.6%
Tuition for life skills and vocational education for students with a disability	1,056	$933,317	0.5%
Paraprofessionals for students with a disability	655	$797,082	0.5%
School uniforms	2,786	$542,819	0.3%
Associated goods and services for students with a disability	1,267	$496,184	0.3%
Tuition for life skills and vocational education for students with a disability	371	$495,092	0.3%
Assistive technology for students with a disability	443	$307,745	0.2%
Public transportation services to a qualified school	799	$229,625	0.1%
Fees for nationally standardized tests or college admission	275	$76,063	<.1%
Insurance or surety bond payments	59	$39,218	<.1%
Total	**292,596**	**$172,379,349**	
Average number of approved orders per business day	**4,719**		

Families can apply for the Arizona ESA year - round, and funds are pro-rated based on the quarter they apply in. This makes Arizona's program unique and flexible, meaning families can still switch mid-year and have access to the ESA funding.

Arizona's program is the most flexible ESA program when it comes to education service providers that families can access for their children's education. This means Arizona students on an ESA have access to all of the newest programs that launch for kids, such as AI tutor programs, online schools, and everything from reading books to supplementary items like science kits and educational delivery box programs. Because of universal ESA, Arizona has also seen significant growth in educational entrepreneurship with new schools and microschools launching in our state such as KaiPod Learning, Primer, Great Hearts Christos, and many others. Additionally, specialty schools like Polaris Academy of Mesa are also launching for families who are looking for integrative services for students on the spectrum. These incredible options and more have increased the supply of high-quality schools - all because of the state's ESA program.

Even though the number of students has been steadily increasing, the Arizona Department of Education maintained a surplus of $4 million in Fiscal Year 2024, as noted in official Department Communications and contrary to myths circulating about the ESA program causing issues for Arizona's budget.[3] Additionally, Arizona public schools are still maintaining surpluses as of FY end 2023 of $6.4 billion, and all this while reading and math scores in Arizona have fallen.[4]

Given the national emergency we appear to be facing with the latest NAEP scores and the fact that even with $190 billion in stimulus funds, only 30% of fourth grade public school students across the country performed at or above NAEP proficient in reading, we have to look at the most timely and innovative approaches to solving this crisis. ESA programs put parents back in the driver's seat of their children's education, and allow them to move quickly and decisively to help their child be in the best education environment possible. Our country can not thrive with a functionally illiterate society, and ESA programs can serve as an immediate solution for states facing massive reading failures and achievement gaps.

[3] https://www.azed.gov/communications/state-education-funding-comes-under-budget-demolishes-esa-budget-myth
[4] https://www.heritage.org/education/commentary/the-grand-canyon-institute-cries-wolf-again-school-choice

Chairman KILEY. Thank you very much. I will next recognize Ms. Levin.

STATEMENT OF MS. JESSICA LEVIN, LITIGATION DIRECTOR, EDUCATION LAW CENTER, NEWARK, NEW JERSEY

Ms. LEVIN. I thank the Subcommittee for allowing me to offer testimony today. My name is Jessica Levin, and I am the Litigation Director at Education Law Center, a nonprofit organization that pursues justice and equity for public school students. I also direct Public Funds Public Schools, a national campaign led by ELC to ensure public funds for education are used to support and strengthen public schools, the cornerstone of our democracy.

Let me begin by saying that private school vouchers do not benefit students and families, nor the public. There is an ever-mounting body of evidence that they do not provide a better education for the most vulnerable, high-need students, and in fact, cause great harm to students, families and communities.

I have submitted lengthy written testimony supported by extensive citation, so today I will highlight a few points. The laws that establish and govern voucher programs are notably devoid of meaningful quality or accountability standards. The data shows that academic outcomes for voucher students are dismal.

Study after study in places like Louisiana, Indiana, and Ohio, reveal that vouchers actually have a detrimental academic impact on participating students. Professor Josh Cowen has explained that the negative educational effects of voucher programs are "on par with what the COVID–19 pandemic did to test scores, and larger than Hurricane Katrina's impacts on academics in New Orleans."

Policymakers should heed this evidence. Moreover, vouchers are only truly accessible by the few but harm the many. Vouchers frequently do not come close to covering the full cost of private school tuition, let alone other essentials that are provided for free in public schools.

Thus, vouchers simply shift the cost of many core educational resources to families. Data from multiple states shows the majority of vouchers are used by more affluent families who are already sending their children to private schools, and not the low-income families they purport to target.

Vouchers harm often under-resourced rural public schools with no benefit to rural students, who generally do not have geographic access to private schools. Roughly one in five students attend schools in rural communities, but those districts cannot take advantage of the same economies of scale as larger ones, and they have fewer resources to pay for fixed education costs.

Moreover, public schools are often the backbone of rural communities, playing a pivotal role in social and economic activities, and are often the largest employer. When rural public schools lose resources or close, the entire community suffers. Vouchers harm students with disabilities, who make up about 15 percent of students across the country, and who lose most of their legal rights under special education and disability laws when they use vouchers to attend private school.

Voucher students with disabilities have no right to the specific programs and services they need to make educational progress, and

they lose IDEA and Section 504 protections against unfair discipline and segregation from non-disabled peers. Parents lose rights to receive notification, provide input, and seek judicial remedies regarding their child's special education.

Parents are often not made aware of the loss of these rights. A seminal GAO report found that 83 percent of those using vouchers specifically for students with disabilities were in a program that provided either no information, or misinformation about changes in IDEA rights.

The government should protect students from discrimination, not fund it. Students who use vouchers to attend private schools are not covered by many essential civil rights laws, thus voucher programs funnel taxpayer funds to schools that can and often do discriminate against students with disabilities, English learners, LGBTQ students, students of minority religions and others.

Finally, voucher programs divert funding and resources from public schools and exploding voucher costs devaState State budgets. Make no mistake, states like Arizona and Florida are prime examples, siphoning billions of dollars to disastrous and unaccountable universal voucher programs, and creating massive budget holes.

Many public schools around the Nation face chronic and severe underfunding and diverting much needed funds to pay for vouchers exacerbates that lack of resources. At the same time, voucher programs concentrate higher need more expensive to educate students in public schools, as many private schools refuse, or are unable to serve them.

Often, students who took a voucher, but did not receive the promised benefits, returned to public schools, but the funds do not return with them. In the meantime, the loss of funding may have led the public school district to make difficult cuts, and even to close neighborhood schools with devastating consequences.

It is a myth that public school families lack any educational options. First, the overwhelming majority of children across the country attend public schools, and the vast majority of parents are satisfied with their children's education. Second, there are numerous public school options, in addition to a student's neighborhood school, including magnet schools, interdistrict public school choice programs, and charter schools.

We know what needs to be done to help all students succeed; adequately fund evidence-backed programs in public schools that welcome all students. Vouchers are not a solution to the issue of educational choice, nor any other challenge facing our schools and nation.

There is already quite a bit of school choice in public education, and the affluent families that take vouchers are already paying for private education. In fact, vouchers are a windfall for them, and a significant harm for the Nation's public schools and students.

Thank you for the opportunity to speak with you, and I welcome your questions.

[The Statement of Ms. Levin follows:]

Testimony Before the U.S. House Committee on Education and Workforce
Subcommittee on Early Childhood, Elementary, and Secondary Education
Hearing: "Education Without Limits: Exploring the Benefits of School Choice"
March 11, 2025

Jessica Levin, Esq.
Litigation Director & Director of Public Funds Public Schools
Education Law Center

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Thank you for the opportunity to offer testimony to the subcommittee on this important topic. My name is Jessica Levin and I am the Litigation Director at Education Law Center (ELC). ELC is a non-profit organization that pursues justice and equity for public school students by enforcing their right to a high-quality education in safe, equitable, non-discriminatory, integrated, and well-funded learning environments. We seek to support and improve public schools as the center of communities and the foundation of a multicultural and multiracial democratic society. To achieve these goals, we engage in litigation, research and data analysis, policy advocacy, communications, and strategic partnerships and collaborations.

At ELC, I also direct Public Funds Public Schools (PFPS). PFPS is ELC's national campaign to ensure public funds for education are used to support and strengthen public schools. PFPS uses policy advocacy, research, and litigation to oppose the diversion of public funds to private educational uses, including all forms of private school vouchers.

The purpose of this hearing is to explore the benefits of school choice. But let me be clear: private school vouchers do not benefit students and families, nor the public. School privatizers claim that voucher programs are intended to help the most vulnerable, highest-need students obtain a better education than they can receive in public schools. But that is not actually

what happens. There is an ever-mounting body of evidence that vouchers cause great harm to those they purport to benefit—students, public schools, and the communities that depend on them—in multiple ways.[1]

In reality, students who use vouchers experience worse educational outcomes than their public school peers, in private schools that are subject to few if any quality and accountability standards. Modern voucher policies originated with efforts to avoid school integration after the *Brown v. Board of Education* decision, and they continue to cause racial and economic segregation today, with the majority of vouchers used by wealthier families. Voucher students lose most of their legal protections under special education and civil rights laws, meaning voucher programs often publicly fund discrimination by private schools. Due to the diversion of public funds to vouchers, public schools have even fewer resources to meet the needs of their students, who represent ninety percent of children across the country. At the same time, high-need students, who are frequently rejected by private schools, are concentrated in public schools that welcome and serve all students, but are often already, and sometimes woefully, underfunded.

Public School Options

It is a myth that public school families lack any educational options. First, it is important to note that the overwhelming majority of children across the country attend public schools, and the vast majority of parents are satisfied with their children's education.[2] Second, there are numerous public school options in addition to a student's neighborhood school, including magnet schools, interdistrict public school choice programs, and charter schools. As with any policy, it is important that these programs are carefully designed and implemented to promote

[1] See the research collected by Public Funds Public Schools at https://pfps.org/research/.
[2] Gallup News Service, *Gallup Poll Social Series: Work and Education* (Aug. 2024) (see Question 30).

equal access and high-quality educational opportunities. For example, charter schools should be run by non-profit rather than for-profit charter management organizations.[3] Furthermore, all these public education programs should be designed and managed in ways that avoid negative fiscal impacts on other public schools as well as racially segregative effects.

Because these are all public education options, students utilizing them are entitled to the same civil rights and other protections as they are in their own district schools. The schools are subject to academic and other quality standards, and they are accountable to state authorities and the public. In general, none of that is true in private education "choice" programs.

The Different Forms of Private School Vouchers

Private school vouchers come in many forms:

- Conventional vouchers pay for a student's private school tuition with public funds.
- Education Savings Account vouchers, often called ESAs, are public funds deposited into a personal account that can be used to pay for a student's private school tuition as well as a wide range of other private education expenses, such as tutoring, online coursework, transportation, and even homeschooling.
- Tax credit scholarship vouchers provide individuals or corporations with a tax credit, often 100% or close to it, to send money they would otherwise owe in state taxes to private organizations that hand out vouchers.
- Legislatures have recently begun to enact large-scale refundable tax credits for private education expenses, providing families who can afford to front the costs of private school with a tax credit reimbursement for those expenses.

Any of these types of vouchers can have specific eligibility criteria, such as a family income limit, or have "universal eligibility," providing even the wealthiest families and those who have never sent their children to public school a subsidy of thousands of dollars in public funds for private education. They also have many different names, such as "hope scholarships" and

[3] *See, e.g.,* James L. Woodworth, et al., *Charter Management Organizations* 35, Center for Research on Education Outcomes (2017) (concluding that for-profit charter schools "have a significant negative effect size in math"); Know Your Charter, *For Profit Charter Schools: More Money Outside the Classroom, Less Education for Kids* (2019) (noting that for-profit charter school operators in Ohio do not produce better academic results but "have been at the forefront of Ohio's array of charter school scandals").

"freedom accounts."

The shapeshifting and renaming of voucher programs is a deliberate strategy by their promoters to obscure their true nature. This is done to try to avoid legal challenges, negative policy connotations, and community and stakeholder opposition. But each form of vouchers diverts public funds to private education uses, with all the attendant harms, and they must be recognized as such.

Vouchers Lack Quality and Accountability Standards and Lead to Worse Educational Outcomes

The laws that establish and govern voucher programs are notably devoid of meaningful quality or accountability standards.[4] Most often, there are few to no curricular requirements, teacher certification mandates, or other standards to ensure participating private schools are providing an adequate education—or really, any education at all—to voucher students. These programs also increasingly lack standardized testing and reporting requirements that would allow the public to measure their effects.

However, the data we do have on academic outcomes for voucher students is dismal. Study after study shows that vouchers not only fail to improve education outcomes, they actually have a detrimental academic impact on participating students. Studies of voucher programs in Louisiana, Indiana, and Ohio found that students who attended private schools using vouchers actually performed worse than their similar peers in public schools.[5] In Louisiana, participation

[4] *See, e.g.*, Arianna Prothero and Alex Harwin, "Private School Choice Programs Fall Short on Transparency, Accountability," *Education Week* (Feb. 28, 2020).
[5] Jonathan N. Mills & Patrick J. Wolf, The Effects of the Louisiana Scholarship Program on Student Achievement after Four Years, University of Arkansas, EDRE Working Paper 2019-10 (2019); Megan Austin, R. Joseph Waddington & Mark Berends, Voucher Pathways and Student Achievement in Indiana's Choice Scholarship Program, The Russell Sage Foundation Journal of the Social Sciences, 20-40 (2019); David Figlio & Krysztof Karbownik, Evaluation of Ohio's EdChoice Scholarship Program: Selection, Competition, and Performance Effects, Thomas B. Fordham Institute (2016).

in the state's voucher program "dramatically reduce[d] academic achievement. Attending an LSP-eligible private school lower[ed] math scores by an average of 0.41 standard deviations . . . and reduce[d] reading, science, and social studies scores" as well after one year.[6] After four years, Louisiana voucher students "performed noticeably worse on state assessments than their control group counterparts," meaning the negative effects were not likely explained by the temporary adjustment involved in changing schools.[7]

In fact, seven of nine large-scale studies conducted between 2015 and 2019—some spearheaded by voucher advocates—found detrimental effects from voucher programs, while the remaining two showed no statistically significant effects.[8] As ELC Senior Fellow and Michigan State University Professor Josh Cowen has explained, the negative educational effects of voucher programs are "on par with what the COVID-19 pandemic did to test scores, and larger than Hurricane Katrina's impacts on academics in New Orleans."[9] Policymakers should heed the evidence.[10]

Vouchers Have A Racist History and Continue to Foster School Segregation

Voucher programs did not arise in significant numbers until the U.S. Supreme Court

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[6] Atila Abdulkadiroglu, Parag A. Pathak & Christopher R. Walters, *Free to Choose: Can School Choice Reduce Student Achievement*, American Economic Journal: Applied Economics 10(1):175–206, 176 (2018).
[7] Mills & Wolf, *supra*, at 4.
[8] Christopher Lubienski & Joel Malin, *The New Terrain of the School Voucher Wars*, The Hill (Aug. 30, 2019).
[9] Josh Cowen, *How School Voucher Programs Hurt Students*, *Time* (Apr. 19, 2023).
[10] Voucher advocates typically emphasize selected studies suggesting neutral to small positive results, but those studies suffer from critical flaws. For example, an analysis by pro-voucher group EdChoice purports to survey the existing literature and concludes most studies show vouchers have positive effects. EdChoice, *The 123s of School Choice: What the Research Says About Private School Choice Programs in America, 2019 Edition* (2019). But a National Education Policy Center review of this analysis found it to be "a misrepresentation of what research has been conducted" because it makes exaggerated claims based on studies that are cherry picked and often not peer reviewed. T. Jameson Brewer, National Education Policy Center, *NEPC Review: The 123s of School Choice: What the Research Says About Private School Choice: 2019 Edition (EdChoice, April 2019)* 8–9, 12 (2019).

invalidated racial segregation in public schools in *Brown* v. *Board of Education*.[11] The uncomfortable truth is that today's private school voucher programs "have their roots in a history of racism and school segregation" as "school vouchers became a popular tool for perpetuating the segregation the Court had ruled unconstitutional."[12] While today's voucher proponents no longer espouse segregationist goals or intent, these programs continue to have significant segregative effects.

Private schools across the country disproportionately serve white students. A 2018 report showed that, nationally, white students were "substantially overrepresented" in private schools, while Hispanic and Black students were underrepresented.[13] In North Carolina, for example, seventy-five percent of private school students are white, compared to forty-five percent of public school students.[14] Illinois is nearly the same: sixty-five versus forty-seven percent.[15] Private school voucher programs funnel public funding to this inequitable system, exacerbating racial segregation of students.

A 2017 report from the Center for American Progress presents Indiana's voucher program as a "case study" in the segregating effects that persist even in the absence of overt racial motivation: "Indiana's voucher program increasingly benefits higher-income white students, many of whom are already in private schools, and diverts funding from all other

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[11] *See* Kern Alexander & M. David Alexander, *American Public School Law* 219 (8th ed. 2012).
[12] Raymond Pierce, *The Racist History of "School Choice,"* Forbes (May 6, 2021); *see also* Steve Suitts, *Overturning* Brown*: The Segregationist Legacy of the Modern School Choice Movement* (2020).
[13] Jongyeon Ee et al., *Private Schools in American Education: A Small Sector Still Lagging in Diversity* 15 (UCLA Civil Rights Project, Working Paper, 2018).
[14] Public Funds Public Schools, *Private School Data*. Select "State" tab and choose individual state from dropdown menu. Based on survey data from National Center for Education Statistics Private School Universe Survey and Common Core of Data for Public School Students.
[15] *Ibid.*

students who remain in the public school system."[16] Indeed, around sixty percent of Indiana voucher recipients came from white families, and around fifty percent had never attended a public school.[17] Meanwhile, Black students' participation in Indiana's program had declined from twenty-four to twelve percent since its inception in 2013.[18]

A Century Foundation study established that Black students in Louisiana generally relied on vouchers to exit school systems in which they were overrepresented only to attend private schools where the same was true, while white students tended to leave public schools where their race was underrepresented to join schools where it was the opposite.[19] As a result, "[o]nly a third of all voucher transfers in [the program] resulted in more integrated public and private schools, while the other two-thirds . . . exacerbated segregation in one or both sectors."[20] The study concluded that "voucher programs on balance are more likely to increase school segregation than to decrease it or leave it at status quo."[21]

Vouchers Largely Benefit Wealthy Families

Vouchers frequently do not come close to covering the full cost of private school tuition, let alone the expense of other essentials that are provided for free in public schools.[22] Whereas public schools provide goods and services such as transportation, books, and free or reduced-price meals, these and other key resources must often be purchased separately by families using vouchers to attend private schools. Thus, vouchers simply shift the cost of many core educational

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[16] Chris Ford et al., Center for American Progress, *The Racist Origins of Private School Vouchers* 8 (2017).
[17] *Ibid.*
[18] *Ibid.*
[19] Halley Potter, Century Foundation, *Do Private School Vouchers Pose a Threat to Integration?* 16 (2017).
[20] *Ibid.* at 17.
[21] *Ibid.* at 2.
[22] *See, e.g.*, Meghan Casey Whittaker, *The Average Voucher Doesn't Cover Full Cost of Private School, NCLD Data Analysis Shows*, Understood (Nov. 21, 2017).

resources to families, or put them out of reach for all but the wealthiest. This reality is magnified for students with disabilities, whose education often costs several times that of a student without disabilities. Whereas few voucher programs provide more than $10,000 per student, and often far less, sources report that private school tuition for a student with disabilities can range from $40,000 to $100,000.[23]

Empirical evidence bears out these effects. Data from multiple states shows that the majority of vouchers are used by families who were already sending their children to private schools, without the help of a voucher.[24] And these tend to me more affluent families, not the low-income families that voucher proponents purport the programs target. In Arizona, a 2023 analysis showed that most education savings account voucher recipients "live in areas with median incomes ranging from $81,000 to $178,000," whereas "[j]ust 5 percent come from ZIP codes where the median income is under $49,000."[25] If states continue removing eligibility criteria such as family income limits and prior public school enrollment requirements and moving toward universal voucher programs, these effects will only increase.

Vouchers Harm Rural Students and Communities

Vouchers harm often under-resourced rural public schools, with no benefit to rural students who generally do not have geographic access to private schools. Roughly one in five students attend schools in rural communities, but because rural public schools enroll fewer students and have smaller school and district operations, they cannot take advantage of the same

[23] Selene Almazan & Denise Stile Marshall, *School Vouchers and Students with Disabilities: Examining Impact in the Name of Choice* 16, Council of Parent Attorneys & Advocates (2016).
[24] Josh Cowen, *School Vouchers: There Is No Upside*, Albert Shanker Institute (Feb. 21, 2023) ("Despite supporter rhetoric that voucher schemes are about new opportunities, the reality is 70-80 percent of kids in states like Arizona, Missouri, and Wisconsin were already in private school before taxpayers picked up the tab.")
[25] Tim Walker, *'No Accountability': Vouchers Wreak Havoc on States*, NEA Today (Feb. 2, 2024).

economies of scale as larger urban and suburban districts, and they have fewer resources to pay for fixed education costs, such as facility maintenance and transportation.[26] When rural districts lose funding due to voucher programs, which can significantly impact education budgets statewide despite little participation from rural students, it becomes much more difficult to provide quality instruction and services to the students who depend upon their rural public schools.

Moreover, public schools are often the backbone of rural communities. They play a pivotal role in social and economic activities. Residents in rural areas depend on their public schools for employment (they are often the largest employer in the community), healthcare and nutrition, and as a place for community gatherings and civic and social engagement.[27] When rural public schools lose resources or close due to vouchers, the entire community suffers.

Vouchers Harm Students with Disabilities

Although some of the earliest voucher programs were targeted to students with disabilities, it has become clear that the end game was universal expansion of voucher eligibility—the ostensible goal of helping students with disabilities was a foot in the door for much larger programs that would wreak havoc on state budgets and student wellbeing. Arizona and Florida are prime examples of that trajectory, starting off with limited voucher programs for students with disabilities that were continuously expanded despite evidence of their negative effects, today siphoning off billions of dollars to disastrous and unaccountable universal voucher

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[26] Jesse Levin, et al., *Do schools in rural and nonrural districts allocate resources differently? An analysis of spending and staffing patterns in the West Region states*, (Issues & Answers Report, REL 2011–No. 099), U.S. Department of Education, Institute of Education Sciences, National Center for Education Evaluation and Regional Assistance, Regional Educational Laboratory West (2011).
[27] Mara Casey Tieken, *School closures can hit rural communities hard*, The Conversation (Jan. 9, 2020); Emily Norman, *Keep Rural Schools Open: Position and Policy*, Online Journal of Rural Research & Policy 17:3 (2022).

programs.[28]

And vouchers do not help students with disabilities in any case. Students who use vouchers lose most of their special education rights, and parents are often not aware that these rights have been relinquished. Private schools can and do discriminate against students with disabilities in admissions and discipline, as well as refuse to provide them the special education services they need to make progress and thrive in school.

Federal law provides three main sets of statutory protections for students with disabilities. First, the Individuals with Disabilities Education Act (IDEA) ensures public school students receive a free appropriate public education (FAPE), including a detailed individualized education program (IEP) and services delivered by certified special education teachers.[29] The IDEA also protects students with disabilities from segregation within the school system by requiring they be educated with their non-disabled peers to the maximum extent appropriate, in what is called the "least restrictive environment" (LRE).[30] Additionally, the IDEA protects students from disciplinary action, such as lengthy suspension or expulsion, based on behavior that is caused by their disabilities.[31] Finally, the IDEA gives parents access to dispute resolution procedures, such as the right to request a due process hearing, to resolve special education disputes.[32]

Second, Section 504 of the Rehabilitation Act prohibits disability-based discrimination in programs or activities that receive money from the U.S. Department of Education.[33] Section 504

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[28] Samuel E. Abrams & Steven J. Koutsavlis, *The Fiscal Consequences of Private School Vouchers*, Public Funds Public Schools (2023); Shar Porier, *ESA Vouchers Have Cost Arizona Taxpayers Nearly $1 Billion*, Herald Review (Jan. 31, 2024); Leslie Postal, *Florida's Voucher Plan Could Cost Public Schools Nearly $4 Billion, Report Says*, Orlando Sentinel (Jan. 24, 2023).
[29] 20 U.S.C. §§ 1401(26)(A), 1412(a)(1), (a)(4), (a)(14)(C), 1414(d).
[30] 20 U.S.C. § 1412(a)(5)(A); 34 C.F.R. § 104.34.
[31] 20 U.S.C. § 1415(k)(1)(E)–(G); 34 C.F.R. §§ 300.530–.536.
[32] 20 U.S.C. §§ 1415(b), (f); 34 C.F.R. § 300.507(a)(1).
[33] 34 C.F.R. § 104.4(a).

also requires school districts to provide all eligible students with disabilities a FAPE in the LRE,[34] and it applies to a broader range of students than the IDEA.[35] Third, Title II of the Americans with Disabilities Act (ADA) prohibits disability-based discrimination by state and local governments, including public schools, and requires that public schools be physically accessible.[36]

When students with disabilities use vouchers to attend private schools, they forego the vast majority of these protections. They lose the right to an individualized education designed to meet the needs of each eligible student with a disability—in other words, a student with a disability who is using a voucher gives up his or her legal right to receive the specific programs and services necessary for that student to make adequate educational progress. [37] Additionally, students using vouchers lose protections against unfair discipline and intra-school segregation.[38] And parents generally give up their rights under IDEA to receive notification of, provide input on, and seek judicial remedies regarding most changes to their children's education and services.[39]

Finally, Title II of the ADA does not apply to private schools. While some private schools are covered by Title III of the ADA, which prohibits discrimination in public accommodations, that statute neither limits private schools' ability to deny enrollment to students

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[34] 34 C.F.R. §§ 104.33(a), 104.34(a)
[35] *See* 29 U.S.C. §§ 705(20), 794; 34 C.F.R. § 104.3(j).
[36] 42 U.S.C. §§ 12131(1), 12132; 28 C.F.R. § 35.130(a).
[37] *See* 20 U.S.C. § 1412(a)(10); 29 U.S.C. § 794(b)(1); National Council on Disability, *Choice & Vouchers—Implications for Students with Disabilities* 59–66 (2018); Claire Raj, *Coerced Choice: School Vouchers and Students with Disabilities*, 68 Emory L.J. 1037, 1059 (2019).
[38] *See* 20 U.S.C. § 1415(k)(1)(E)–(F); 29 U.S.C. § 794(b)(1); National Council on Disability, *Choice & Vouchers, supra*, at 59-66.
[39] Raj, *supra*, at 1058–59; U.S. Department of Education, *Questions and Answers on Serving Children with Disabilities Placed by Their Parents in Private Schools* 30 (2011).

with disabilities nor requires them to provide an appropriate education or services.[40] Moreover, Title III does not cover private religious schools at all,[41] even though they comprise the majority of private schools nationwide.[42] In such schools, in the absence of state-law protections, students with disabilities are not entitled even to basic ADA accommodations, such as accessible entrances, desks, and toilets.

Parents are often unaware of the loss of these rights. A seminal GAO report found that "in school year 2016-17, 83 percent of students enrolled [with a voucher] in a [private school] program designed specifically for students with disabilities were in a program that provided either no information about changes in IDEA rights or provided information that [the U.S. Department of Education] confirmed contained inaccuracies about these changes."[43] Although some voucher statutes now pay lip service to the idea that parents must be informed of the loss of federal special education rights when they participate in the program, it is unclear whether and how well this is happening. As voucher programs become universal, and safeguards in voucher laws generally decrease, the potential for lack of information or misinformation that can be devastating to families of students with disabilities only increases.

In 2020, ELC and other advocacy groups analyzed the state-collected data on the Arkansas voucher program for students with disabilities, finding "inequitable enrollment statistics, troubling data inconsistencies, and little accountability for the public funds spent on the

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[40] *See* 42 U.S.C. §§ 12181–12189.
[41] 42 U.S.C. § 12187
[42] *See* Stephen P. Broughman, Adam Rettig & Jennifer Peterson, *Characteristics of Private Schools in the United States: Results from the 2015–16 Private School Universe Survey* 2, U.S. Department of Education, National Center for Education Statistics (2017).
[43] U.S. Government Accountability Office, *Private School Choice: Federal Actions Needed to Ensure Parents Are Notified About Changes in Rights for Students with Disabilities* (2017).

voucher program."[44] Key findings included:

- Of those for whom data was available, there [were] significant racial disparities: 5% of voucher students were Latinx, 12% were Black, and 78% were White. Students with disabilities in Arkansas public schools, on the other hand, [were] 11% Latinx, 23% Black, and 61% White.
- Due to participating private schools' inconsistent reporting and data collection standards, the Free or Reduced Price Lunch (FRPL) status of 44% of participating students [was] unreported. Of available data, just 30% of voucher students were eligible for FRPL, while 60% of Arkansas public school students [were] eligible.
- Only three-quarters of participating private schools [were] accredited, while a quarter [were] on some type of path to accreditation. Thus, schools participating in the voucher program [were] receiving taxpayer dollars without completing a rigorous accreditation process, let alone being held to the same accountability and reporting standards as public schools.
- Nearly 20% of voucher students [had] left their private schools, for reasons including dismissal, inability to pay tuition amounts not covered by their voucher, and lack of access to transportation.[45]

As generally happens with vouchers, the evidence was ignored: Arkansas continued to operate this program and eventually enacted universal vouchers, and many other states enacted vouchers specifically for students with disabilities or programs with broader eligibility.

Vouchers Can Fund Schools that Actively Discriminate

The government should protect students from discrimination, not fund it. But students who use vouchers to attend private schools are not covered by many essential civil rights laws. Thus, voucher programs take taxpayer funds and funnel them to private schools that can and often do discriminate against students with disabilities, English learners, LGBTQ+ students, students of minority religions, and others.

Students with Disabilities

The loss of legal rights for students with disabilities who use vouchers to attend private schools is not theoretical. Many private schools, including those eligible to receive vouchers in

[44] Public Funds Public Schools, "Public School Advocates Urge Arkansas Legislature to End Broken Voucher Program" (Sept. 10, 2020).
[45] *Ibid.*

states with voucher programs, have policies that explicitly discriminate against or disadvantage students with disabilities. Here are a few of the numerous examples throughout the country of private schools with such policies:

- Our Lady of Perpetual Help School in Tennessee states, "Our Lady is not able to meet the needs of every learner. . . . In the event that we cannot meet your child's needs, every effort will be given to assist in transitioning to another school or program."[46]
- All Saints Catholic School in Florida states that "any student with a disability does not have an individual right to receive some or all of the special education and related services that the student would receive if enrolled in a public school under the Individuals with Disabilities Education Act (IDEA) . . . ."[47]
- Emmanuel Christian School in West Virginia states: "ECS is not permitted to accept or retain students who. . .exhibit definite learning or behavioral disabilities."[48]

As these examples demonstrate, some private schools have admissions or other criteria that outright or in effect preclude students with disabilities from attending, while others make clear they will not provide special education services or accommodations to students with disabilities.

English Learners

Federal laws including the Equal Educational Opportunities Act (EEOA) require public schools to remove barriers that "impede equal participation by [English learner (EL)] students in [their] instructional programs."[49] State educational agencies and public school districts are legally obligated to identify ELs who may need language assistance; sufficiently staff and support such programs; guarantee equal opportunities to participate in all curricular and extracurricular activities; avoid unnecessary segregation; monitor and evaluate students' progress; and appropriately communicate with parents who do not speak English, among other

[46] Our Lady of Perpetual Help, *2024-2025 Student and Parent Handbook* 34 (last visited March 8, 2025).
[47] All Saints Catholic School, *2024-2025 Student/Parent Handbook* 27 (last visited March 8, 2025).
[48] Emmanuel Christian School, *Student Handbook* 6 (last visited March 8, 2025).
[49] 20 U.S.C. § 1703(f). *See also Lau v. Nichols*, 414 U.S. 563, 566–68 (1974) (upholding regulations under Title VI of the Civil Rights Act that required public schools to take "affirmative steps" to address ELs' educational needs).

requirements.[50] But, the EEOA applies only to states and their public schools, and Title VI of the Civil Rights Act applies only to recipients of federal funding.[51] As of 2019, the majority of state voucher programs provided *no* protection for students against discrimination based on language proficiency.[52] Private schools are not obligated to enroll all voucher students who apply, and voucher schools may elect not to provide language assistance services, as two thirds of private schools participating in Washington, D.C.'s voucher program in 2017 did not.[53]

LGBTQ+ Students and Families

Federal law protects LGBTQ+ students enrolled in public schools against discrimination based on sexual orientation and gender identity, but this does not apply to private schools unless they receive federal financial assistance.[54] Even with the receipt of federal dollars, private schools run by religious organizations may be exempt from Title IX's sex-discrimination prohibition.[55] Many private schools enforce explicit anti-LGBTQ+ policies, and many state laws expressly allow voucher schools to base admissions decisions on their religious beliefs, which often oppose homosexuality.[56] As a result, many private schools receiving voucher funds openly

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[50] U.S. Dep't of Justice Civil Rights Div. & U.S. Dep't of Educ. Office for Civil Rights, *Dear Colleague Letter: English Learner Students and Limited English Proficient Parents* 8-9 (Jan. 7, 2015).
[51] Julie F. Mead & Suzanne E. Eckes, National Education Policy Center, *How School Privatization Opens the Door for Discrimination* 10 (2018).
[52] Bayliss Fiddiman & Jessica Yin, Center for American Progress, *The Danger Private School Voucher Programs Pose to Civil Rights* 3, 9–11 (May 13, 2019).
[53] *See* Tony Hana, *How School Vouchers Affect English Learners*, New America (July 24, 2017); *see also* Mandy McLaren & Emma Brown, *Trump Wants to Spend Millions More on School Vouchers. But What's Happened to the Millions Already Spent?*, Washington Post (July 15, 2017).
[54] *See* 20 U.S.C. §§ 1681–1688; *Enforcement of Title IX of the Education Amendments of 1972 with Respect to Discrimination Based on Sexual Orientation and Gender Identity in Light of* Bostock v. Clayton County, 86 Fed. Reg. 32,637 (June 22, 2021) (to be codified at 34 C.F.R. ch. 1); *see also Bostock v. Clayton County*, 140 S. Ct. 1731, 1741–42 (2020).
[55] *See* 20 U.S.C. § 1681(a)(3).
[56] *See* Kevin G. Welner & Preston C. Green, *Private School Vouchers: Legal Challenges and Civil Rights Protections* 8 (UCLA Civil Rights Project, Working Paper, 2018); Adam Mengler, *Public Dollars, Private Discrimination: Protecting LGBT Students from School Voucher Discrimination*, 87 Fordham L. Rev. 1251, 1264 (2018) (quoting Ariz. Rev. Stat. § 15-2404 (2018)).

discriminate against LGBTQ+ students and families.[57]

Religious Minority Students and Families

A host of federal protections prevent public schools from discriminating against students because of their religion, but no such requirements apply to private schools.[58] To the contrary, private schools can, and do, "discriminate against students in the enrollment process (particularly in regard to religion)," and "restrict student speech" regarding religious beliefs different from those espoused by the school.[59] A large majority of private schools nationally are religious. Thus, religious minority students may have limited, if any, opportunities to attend private schools, and may face discrimination if they are admitted.

Voucher Programs Divert Funding and Resources from Public Schools and Exploding Voucher Costs Devastate State Budgets

Many public schools around the nation face chronic and severe underfunding.[60] Diverting much needed funding from public education to pay for private school vouchers exacerbates that lack of resources. For example, a 2017 study of Wisconsin's voucher program found that its expansion posed "a significant fiscal threat to public schools."[61] Meanwhile, many voucher programs have expanded from small "experiments" to multi-billion-dollar boondoggles. A report examining voucher programs in seven states found that from fiscal years 2008 through 2019,

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[57] *See, e.g.*, Leslie Postal & Annie Martin, *Anti-LGBT Florida Schools Getting School Vouchers*, Orlando Sentinel (Jan. 23, 2020); Brian Gordon, *NC Religious Schools with Anti-LGBTQ Policies Receive Top Opportunity Scholarship Dollars*, Citizen Times (Aug. 27, 2020).

[58] *See* 42 U.S.C. §§ 2000c–c-9, 2000d–d-7; Cynthia Brougher, Cong. Rsch. Serv., R42626, *Religious Discrimination in Public Schools: A Legal Analysis* 5 (July 25, 2021); *Johnson v. Pinkerton Acad.*, 861 F.2d 335, 337 (1st Cir. 1988).

[59] Derek W. Black, *Preferencing Educational Choice: The Constitutional Limits*, 103 Cornell L. Rev. 1359, 1390 (2018).

[60] *See, e.g.*, Danielle Farrie & David G. Sciarra, *$600 Billion Lost: State Disinvestment in Education Following the Great Recession*, Education Law Center (2021).

[61] Ellie Bruecker, *Assessing The Fiscal Impact of Wisconsin's Statewide Voucher Program* 4-5, National Education Policy Center (2017).

each state dramatically increased expenditures of public funds on voucher programs, with growth in Georgia reaching 883 percent.[62]

The threat to public education specifically and state budgets generally that is posed by voucher programs has increased dramatically as they have expanded to wider swaths of students and more than a dozen states have made them universal. The cost of universal vouchers in Arizona, far exceeding initial estimates, is putting intense strain on the state budget.[63] A 2021 policy brief estimated that universal vouchers could increase the total public cost of education by 11-33%, amounting to $66-$203 billion per year.[64]

At the same time they divert funding from public education, voucher programs concentrate higher-need students, such as students with disabilities, in public schools. Reasons include those explained above: many private schools refuse to serve these students, and public schools are the only schools in which they retain their special education and civil rights. Often, students who took a voucher but did not receive the promised benefits return to public schools, but the funds that had already been diverted to the private school via a voucher do not return with them. In the meantime, the loss of those funds may have led the public school to make difficult cuts to programs and services. Thus, voucher programs leave public schools—which welcome all students and serve the vast majority of them—with fewer resources to serve a higher-need student population. In fact, particularly in states with universal vouchers, these programs are

[62] Abrams & Koutsavlis, *supra.*
[63] Eli Hager, *School Vouchers Were Supposed to Save Taxpayer Money. Instead They Blew A Massive Hole in Arizona's Budget*, ProPublica (July 16, 2024).
[64] Robert Shand & Henry M. Levin, *Estimating a Price Tag for School Vouchers*, National Education Policy Center (2021).

threatening the very existence of neighborhood public schools.[65] When neighborhood schools close, students and their communities face devastating educational, social, and civic effects.[66]

Private school voucher programs divert funding from methods we know help students. A robust body of peer-reviewed studies across the nation provides compelling evidence that increasing public school spending improves academic and life outcomes for students, including more years of completed education, higher wages, and reduced incidence of adult poverty. [67] These effects are more pronounced for students from low-income families.[68] In contrast, the evidence clearly shows that vouchers do not promote the goals of this Committee, and they are certainly not a solution to the challenges facing our schools and our nation.

[65] *See, e.g.*, Amelia Ferrell Knisely, *Morrissey pushes school choice; lawmakers face 'balancing act' as counties lose public schools*, West Virginia Watch (Feb. 12, 2025).
[66] Advancement Project, *Action Kit: Stop Public School Closures* (2024).
[67] C. Kirabo Jackson, *Does School Spending Matter? The New Literature on an Old Question* (National Bureau of Economic Research, Working Paper No 25368, 2018).
[68] *Ibid.*

Chairman KILEY. Thank you. I will last recognize Mr. Blanks for your testimony.

STATEMENT OF MR. WALTER BLANKS, JR., SPOKESMAN, AMERICAN FEDERATION FOR CHILDREN, NASHVILLE, TENNESSEE

Mr. BLANKS. Mr. Chairman, and distinguished members of the Committee on Education and Workforce, my name is Walter Blanks, Jr., and I am a Spokesperson for the American Federation for Children. I am here today because school choice changed my life.

Before I begin, I would like to thank my wife, because today is our son's first birthday. Instead of partying like, you know, most families would in Nashville, we are here, doing very important work, and it is an honor to have my son growing up, seeing his father do work that is very, very important to him.

I grew up in Columbus, Ohio, where my local public school was failing me. Every day I walked into a classroom where I felt unseen, unheard, and unchallenged. I struggled academically, and my parents knew that if something did not change, I would never reach my full potential.

Like so many families, we could not afford private school tuition on our own. My parents reached their breaking point when I found myself sitting in the principal's office after being jumped by a group of other students. Instead of addressing the immediate issue, the principal turned to my mother and said, "If you give us 5 years, we'll have the middle school turned around, and the high school turned around, and Walter will be able to thrive."

Without hesitation my mother, who took off work to come and see her baby, bruised up in school, looked at him in the eye and said, "In 5 years Walter will either be in jail, or in a body bag, and we don't have time for either of those things." She took my hand, and we left, and from that moment on I never stepped foot in that school again.

Thankfully, my parents applied for, and I received a scholarship, a school choice scholarship, through the State of Ohio's EdChoice Scholarship Program, which gave me the opportunity to attend a private school that completely transformed my life.

For the first time I was in an environment that nurtured my potential. I went from a student who struggled to a student who was finding great success in his academic journey. The opportunity set me on a path that led me to where I am now, advocating for students who are just like I was.

My journey has taken me to places that I could have never imagined, including the White House where I met President Trump. I will never forget looking him straight in the eye and telling him that I wanted to have his job someday. That moment was not just about ambition, it was about recognizing that when students are given the right opportunities, there are no limits to what they can achieve.

My life is living proof of that. Now, I have the honor to add sitting before Congress and sharing my story to that list as well. Unfortunately, too many students across the country are still waiting for their chance. That is why I also support the Educational Choice

for Children Act, which would give students in every State access to scholarships, opening doors to schools that best meet their needs that are currently closed.

For some, it is a difference between struggling and succeeding. For others, like myself, it was quite literally a lifesaver. I appreciate the members of this Committee who have supported this important bill, and I urge every Representative to support this lifechanging opportunity.

Every child deserves the same opportunity I had, the chance to succeed, to dream big, and to write their own futures. I have had great success because of my school choice journey, and I firmly believe more students should have that chance. Thank you.

[The Statement of Mr. Blanks follows:]

School Choice – A Student's Perspective

Testimony on:

Education Without Limits: Exploring the Benefits of School Choice

for a hearing before the

House Committee on Education and Workforce

Subcommittee on Elementary and Secondary Education

Tuesday, March 11, 2025 at 10:15am

2176 Rayburn House Office Building

Washington, D.C. 20515

Testimony by:

Walter Blanks, Jr

School Choice Beneficiary and Spokesperson,

American Federation for Children

Mr. Chairman and distinguished Members of the U.S. House Committee on Education and Workforce. My name is Walter Blanks Jr., I am a spokesperson for the American Federation for Children, and I am here today because school choice changed my life.

I grew up in Ohio, where my local public school was failing me. Every day, I walked into a classroom where I felt unseen, unheard, and unchallenged. I struggled academically, and my parents knew that if something didn't change, I would never reach my full potential. But like so many families, we could not afford private school tuition on our own.

My parents had reached their breaking point when I found myself sitting in the principal's office after being attacked by a group of other students. Instead of addressing the immediate issue, the principal turned to my mother and said, "If you give us five years, we'll have the middle school and high school turned around, and Walter will be able to thrive." Without hesitation, my mother looked him in the eye and said, "In five years, Walter will either be in jail or in a body bag—and we don't have time for either." She took my hand, we left, and from that moment on, I never stepped foot in that school again.

Thankfully, my parents applied for, and I received a school choice scholarship through the state of Ohio's Edchoice Scholarship Program, which gave me the opportunity to attend a private school that completely transformed my life. For the first time, I was in an environment that nurtured my potential. I went from a student who struggled to one who thrived. That opportunity set me on a path that led me here today, advocating for students who are just like I was.
My journey has taken me places I never could have imagined—including the White House, where I met President Trump. I'll never forget looking him in the eye and telling him that I

wanted his job someday. That moment wasn't just about ambition—it was about recognizing that when students are given the right opportunities, there are no limits to what they can achieve. My life is living proof.

Unfortunately, too many students across the country are still waiting for their chance. That's why I also support the Educational Choice for Children Act (ECCA). The ECCA would give students in every state access to scholarships, opening doors to schools that best meet their needs. For some, it's the difference between struggling and succeeding. For others, it's quite literally a lifesaver. I appreciate the Members of the Committee who have supported this important bill and urge every representative to support this life-changing opportunity.

Every child deserves the same opportunity I had—the chance to succeed, to dream big, and to write their own future. I have had great success because of my school choice journey and firmly believe more students should have that chance. Thank you.

Chairman KILEY. Thank you very much. Happy birthday to your son. Under Committee Rule 9, we will now question witnesses under the 5-minute rule. I will first recognize the Chairman of the Full Committee, Mr. Walberg.

Mr. WALBERG. Thank you, Mr. Chairman, and thank you to the panel for being here. With the most recent NAEP scores that continue to show the downhill slide that is out there, I do not even know why we need this hearing because choice is what is going to change it all around, and the choice that comes through vouchers, the full opportunity for parents to make the best decisions for their students to support the teachers that will do the best job for their students is what we are concerned with here.

Thank you for being here this morning. Dr. McShane, one of the most frequent arguments we hear against—and we heard it today, against school choice is that it harms traditional public schools, but unbiased research simply does not bear this out. Can you talk more about what the research actually says, and why school choice does not harm traditional public schools?

Mr. MCSHANE. Absolutely. Thank you so much for the question. Yes, this is one of the most consistent findings we see in the private school choice literature that students who remain in public schools, their scores actually do better in the face of—if you want to call it competition, or the effects of the program that are there.

I think the way of thinking about it is sometimes we have gotten into a bit of an outmoded way of talking about schools where we say these are the good schools, and these are the bad schools.

I think it is—we need to move to a way of thinking about fit, that certain students fit in certain schools better than others. There

may be schools that on average in an aggregate look good on paper, but there are students that are struggling in them, and there are students that are doing—schools that look like they are doing poorly, but students that are doing well in there.

As students are able to move to a school that best fits them, we tend to think about it in the term of that student, they get to go to a school that is a better fit for them. You can also think about the school where that student left.

If they were not having a great time, they could be taking time, resources, et cetera, so the students in the school that they have could actually be better off, so it could be a rising tide that raises all boats, and that seems to be what the empirical literature tells us.

Mr. WALBERG. It is generally an all above plan, works best, and gives more opportunity, does it not? What fits best for your child. We are doing the same for our grandchildren now, with the opportunities that they have, with the dyslexia and others.

Ms. Clark, thank you for being here. You mentioned that school choice matters for all children. I certainly agree, but I think it is especially important for children of special needs. Could you talk more about why that is?

Ms. CLARK. Yes, thank you for the question. It is very interesting because in Arizona the number of families that are on our ESA Program, the percentage, if you will, of students with disabilities, is actually higher than the Arizona public school system.

About 18 percent of students on the Arizona ESA Program are students with disabilities, whose families believed that they were not being served in their local public school system. Of that 18 percent, 50 percent of those students with disabilities are students with autism. We know that one in five students have a learning disability in reading, usually dyslexia.

Now, the number for autism is around 1 in 33 boys have a diagnosis of autism. Families are choosing Arizona's ESA Program because they feel like they are doing more for their student with disabilities with less money than what the public school is doing.

Mr. WALBERG. Yes. Good to hear. Mr. Blanks, I will not say anything about Go Blue since you are from Columbus. Congratulations for the national championship, but let me ask you this, and I appreciate your life story that you have to give.

Many critics of school choice say that private schools cream skin, which in other words says that they only take the most academically gifted and talented students, and that is why some of these schools have high scores.

Tell me about the school you attended with a voucher. Do you think your new school only accepted the most talented accomplished students?

Mr. BLANKS. Well, thank you for that question. That championship was long, long overdue. Yes, so the school that I attended, actually I failed the entry test twice. The Principal and the Superintendent took a liking to me, for what reasons I am not sure, but they saw a lot of potential in me.

They chose to bring me on anyway and accepting me actually forced them to open up an entire sixth grade wing, so they had to take on more students to justify just bringing me on. We often refer

to ourselves as the Class of Rejects, because most of us were coming from schools that had failed us and then lower academic outcomes.

All of us struggled during that time, and so in my experience, the school did everything that they could to bring the students who were struggling the most, and coming from tough environments, to a school where they could actually thrive.

Mr. WALBERG. They wanted to perform education on you?

Mr. BLANKS. Correct.

Mr. WALBERG. They made the cream of the crop, so thank you for being here. My time is expired, I yield back.

Chairman KILEY. I will now recognize the Ranking Member for 5 minutes.

Ms. BONAMICI. Thank you, Mr. Chairman, and thank you to the witnesses. You know, nearly one in five K–12 students attend school in a rural community, and rural schools are in particular, reliant on the Federal funding. They typically have a smaller population, which means a smaller tax base. They are also vital employers, and they provide many services to the communities, for example, shelters for natural disasters, food pantries, before and after care.

Importantly, students in rural areas do not have private schools geographically close to them to make a voucher useful. We have seen many conservative State lawmakers from rural districts oppose statewide voucher programs for that reason, including recently when 16 rural Republicans in Georgia voted to defeat a school voucher bill.

In Texas, where the House voted to block any State funding for being used for vouchers, I want to ask you, Ms. Levin, how does the implementation of a school voucher program affect rural schools and the funding of rural schools, and are vouchers a viable alternative to the students who go to school there? How would vouchers affect the greater community in a rural area?

Ms. LEVIN. Thank you for the question. Vouchers are devastating to rural communities, and they do not provide any benefits. As you and I have mentioned, there are very few private school options for students in rural communities, but the rural public schools that serve them, have less elasticity, less room in their budget than many larger, urban and suburban districts, so any cuts to their budgets can be devastating for school programs, including for them to cover their fixed costs, such as a library, or the heating or cooling in a school.

Ms. BONAMICI. I know as a former State Legislator, and I know there are other former State Legislators here, it is not always easy to find the funding to fill those gaps.

Ms. LEVIN. That is exactly right, and so when voucher programs take money away from State budgets, or public education budgets specifically statewide, that is going to affect rural school budgets. They are getting no benefit, but they are losing those programs and services, as well as devastating the wider community that relies on that.

Ms. BONAMICI. I have another question too. We know that private schools often deny admission to children with disabilities, or

subject them to inappropriate, or unfair discipline, and even expulsion.

I would like to enter into the record a report by NCLD, the National Center for Learning Disabilities, called "Private School Vouchers Education Savings Account and Tax Incentive Programs, Implications and Considerations for Students with Disabilities." It was originally published in 2017, but updated in 2024, and it provides examples of this type of school conduct, enter into the record.

Chairman KILEY. Without objection.

[The Information of Ms. Bonamici follows:]



Private School Vouchers, Education Savings Accounts, and Tax Incentive Programs

Implications and Considerations for Students With Disabilities

Originally Published in 2017; Updated in 2024

NCLD

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I. Overview and Explanation of Updates

All students with disabilities deserve an education that enables them to develop the skills and knowledge necessary for adult success. Public schools play a critical role for students with disabilities because of the legal protections, specialized services, and targeted supports provided. Public schools serve 90% of all students: 83% in traditional public schools and 7% in public charter schools[1].

The privatization movement of K–12 education in the United States is accelerating. More than half of U.S. states have implemented at least one private school choice program. States with universal or near-universal eligibility for private school vouchers or education savings accounts (ESAs) include: Alabama, Arizona, Arkansas, Florida, Indiana, Iowa, Louisiana, North Carolina, Oklahoma, Ohio, Utah, and West Virginia. In the 2024 election, school choice initiatives were on the ballot in Kentucky, Colorado, and Nebraska but failed in all three states.

Voucher, ESA, and tax incentive programs allow families to use public funds to cover private school tuition or other educational expenses. Eligibility for these programs is often based on family income or student disability status. Currently, there are 80 programs in place across 32 states, Washington D.C., and Puerto Rico, with some states offering more than one program. 20 states have established programs specifically targeting students with disabilities. While voucher, ESA, and tax incentive programs may seem to offer educational 'choice,' families of students with disabilities must consider three critical factors when evaluating these programs:

1. Loss of federal civil rights protections
2. Inadequate access to information
3. Added costs for families

[1] Pew Research Center. (2024, June 6). U.S. public, private and charter schools in 5 charts. Retrieved from https://www.pewresearch.org

The growing number of programs—with 80 now established nationwide—suggests a desire for greater choice and flexibility in education. However, their expansion diverts funding from public schools, leaving these schools with far fewer resources to serve students effectively. Additionally, voucher, ESA, and tax incentive programs often strip students with disabilities of critical civil rights protections and place a significant financial burden on families, who may also lack the information needed to make the most informed decision for their child.

The National Center for Learning Disabilities (NCLD) is active in the National Coalition for Public Education which supports public schools and opposes efforts at the federal level to funnel public money to private and religious schools through vouchers, tuition tax credits, education savings accounts, and portability.

This report was originally published in 2017 to highlight the implications and considerations for students with disabilities. In 2024, the report was updated to reflect the current landscape of programs across the United States – which has expanded since 2017. In addition to growing state efforts, federal efforts are also growing, as proposals like those in the conservative-backed "Project 2025" that propose shifting large amounts of federal funding to vouchers get more attention. For example, in 2024, the House Ways and Means Committee passed the Educational Choice for Children Act which is the furthest federal school choice legislation has advanced, despite opposition from disability advocates. Increased efforts to tear down federal funding and protections for students with disabilities must be met with strong opposition and calls for increased support for public education and continued emphasis on civil rights protections.

II. Types of Programs and Landscape

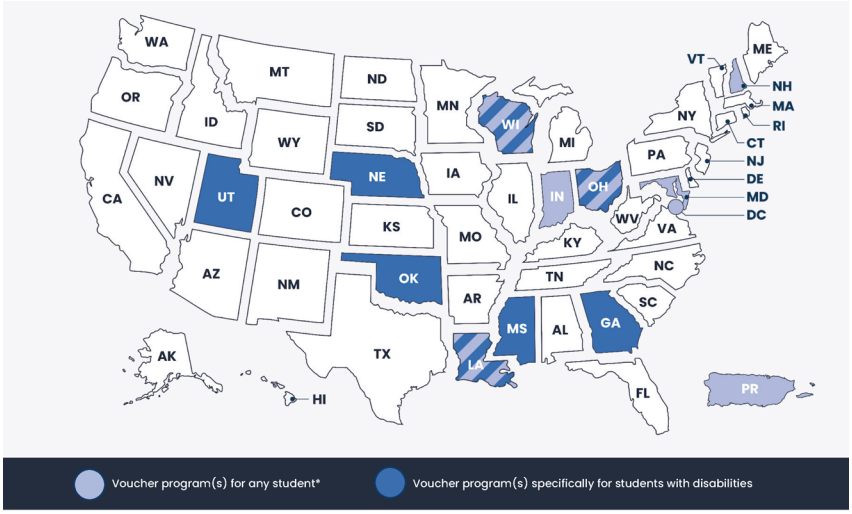


There are primarily three different programs offered across various states and Washington, D.C.: (1) private school vouchers; (2) tax incentives; and (3) ESAs. Though these programs use different legal mechanisms, all three provide public funding for private schooling.

Figure 1: Snapshot of Programs

		Number of states with programs	Number of programs across states
Voucher programs	For students with disabilities	7	10
	For all students or other subgroups	5 + PR + DC	14
Education savings accounts	For students with disabilities	8	8
	For all students or other subgroups	10	11
Tax incentives or credits	For students with disabilities	5	6
	For all students or other subgroups	24	31

A. Voucher Programs



**Note: Some states may have income thresholds or other eligibility requirements.*

The voucher movement can be traced back to the wake of Brown v. Board of Education when voucher programs in the South were first created to allow white students to evade integration orders, funding segregation academies designed to keep Black and white students apart.[2] The modern-day voucher movement began in the early 1990s, providing public dollars to pay tuition at a state-approved private or parochial school.

Twelve states, Puerto Rico, and Washington, D.C., have voucher programs in place, totaling 24 programs (with some states operating multiple programs). Of these, 10 programs include eligibility

[2] The Choice We Face: How Segregation, Race, & Power Have Shaped America's Most Controversial Education Reform Movement, Beacon Press (2021); Chris Ford, et al., The Racist Origins of Private School Vouchers, Ctr. for Am. Progress (July 12, 2017)

or priority for students with disabilities. In many voucher programs, states allocate all or part of the public funding that would have followed the student to their public school into a voucher. This voucher covers partial or full tuition at a private school, including those with religious affiliations.

The amount of money awarded to a student varies by program, grade level, school district, and, in some cases, disability category. For example, under Georgia's Special Needs Scholarship Program provides an online "scholarship calculator" where parents can get an estimate of the voucher amount they may be eligible to receive. The Georgia Department of Education determines scholarship awards based on data provided annually by local school systems.

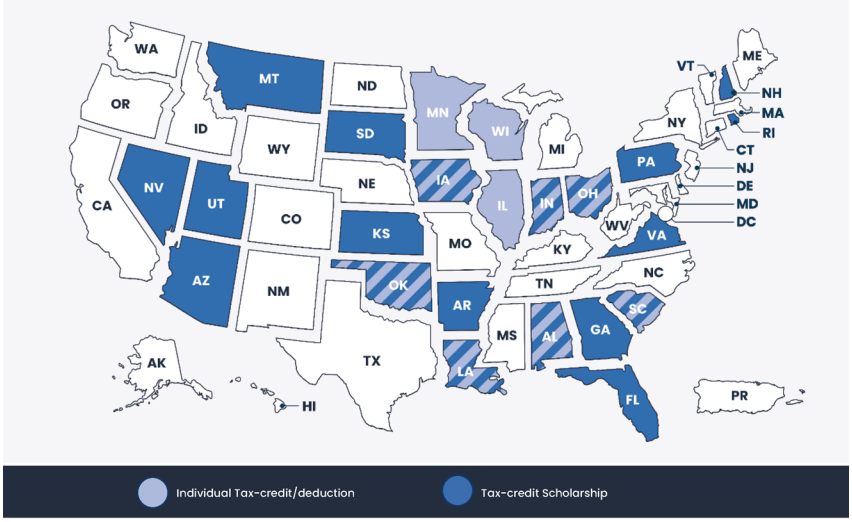
Substantial research[3] on voucher programs indicate that they do not necessarily lead to better outcomes for students. In some states, like Louisiana[4], students participating in voucher programs actually showed negative results in both reading and math.

Further, voucher recipients are required to select a school from an approved list. In the Washington, D.C. area, several private schools that specialize in learning disabilities, such as the Lab School of Washington, are not included on this list, limiting options for families seeking tailored support for their child's needs.

[3] R. Joseph Waddington & Mark Berends, Impact of the Indiana Choice Scholarship Program: Achievement Effects for Students in Upper Elementary & Middle School, 37 J. of Policy Analysis & Mgmt. 4, 738-808 (Aug. 2018); Atila Abdulkadiroğlu, Parag A. Pathak & Christopher R. Walters, Free to Choose: Can School Choice Reduce Student Achievement?, 10 Am. Econ. Journal: Applied Econ. 1, 175-206 (Jan. 2018); David Figlio & Krzysztof Karbownik, Evaluation of Ohio's EdChoice Scholarship Program: Selection, Competition, & Performance Effects, Fordham Inst. (July 2016); U.S. Dept of Educ., Evaluation of the DC Opportunity Scholarship Program: Impacts Two Years After Students Applied (June 2018); Megan Kuhfeld, et al., The Pandemic Has Had Devastating Impacts on Learning. What Will It Take to Help Students Catch Up?, Brookings Inst. (Mar. 3, 2022)

[4] Jonathan N. Mills & Patrick J. Wolf, Univ. of Ark., The Effects of the Louisiana Scholarship Program on Student Achievement After Four Years, EDRE Working Paper No. 2019-10 (Apr. 2019).

B. Tax Incentives



Tax incentives and credits for approved educational expenses

These kinds of programs allow parents or guardians to receive a tax credit or a tax deduction for approved educational expenses, including private school tuition for their child. While each state defines approved expenses differently, commonly approved expenses include private school tuition, books, transportation, and technology. These programs either lower the amount of taxes a person owes to the state or reduce a person's total taxable income. Indiana's program, for example, allows parents or guardians of students in private or homeschools to claim a deduction of up to $1,000 per student for education expenses such as private school tuition, tutoring, or textbooks. Similarly, a program in Wisconsin allows parents or guardians to deduct from their taxable income up to $4,000 per child in grades K–8 and up to $10,000 per child in grades 9–12 for private school tuition.

There are 12 programs in eight states in the U.S. that allow individuals to receive these tax credits or deductions for educational expenses. South Carolina's program is the only one specifically designed for students with disabilities. In 2017, Congress passed the Tax Cuts and Jobs Act, expanding the use of 529 savings accounts—previously limited to postsecondary education expenses—to allow families to use up to $10,000 annually for private K-12 tuition. However, not all states have adopted the federal government's expanded use of 529 funds.

High income families are also the most likely to benefit from K-12 voucher tax credits that reduce the dollar-for-dollar amount of taxes owed. Recent research analyzing data from Arizona, Louisiana, and Virginia found that more than half of the state voucher tax credits are claimed by families with incomes over $200,000, including 60 percent of families claiming the credit in Arizona, 87 percent of families in Virginia, and 99 percent of families in Louisiana.[5]

Tax incentives for donations to scholarship-awarding nonprofits

Other tax incentive programs provide full or partial tax credits for individuals or businesses that donate to a scholarship granting organization. The organization then distributes scholarships to the families of eligible students to pay for tuition at approved private schools.

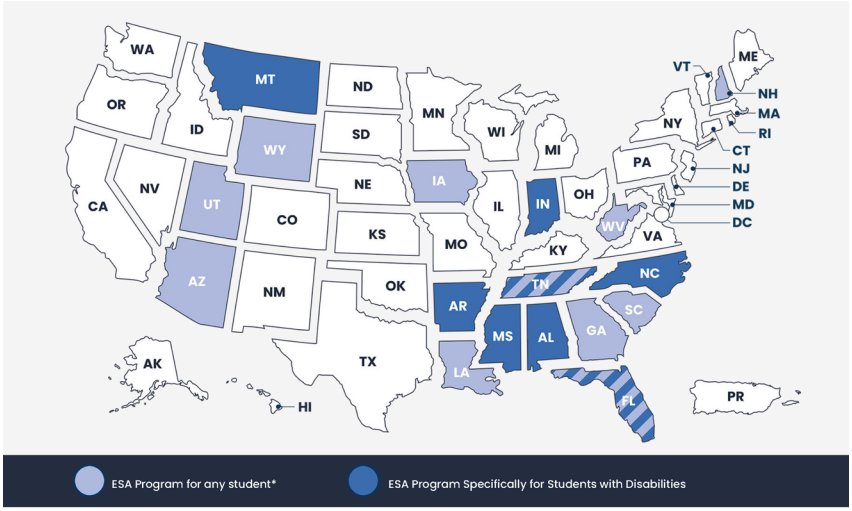
There are 37 programs in 20 states that allow individuals or businesses to make these kinds of donations to nonprofits. South Carolina, Utah, and Arizona are the only three states with tax incentive programs specifically for tuition for students with disabilities. Some states allow a dollar-for-dollar credit to donors, which is an indirect way for the state to fund private school tuition through these scholarship programs.

If admitted to a private school that accepts a scholarship through the tax incentive program, students and their families are responsible for complying with their selected private schools' code of conduct in order to maintain enrollment at the school. Step Up for Students, a nonprofit that manages Florida's Tax Credit Scholarship Program, notes in their parent handbook: *"Scholarship students must follow all academic and discipline policies of the private school they attend. Private schools have the right to expel or suspend students if their published policies are not followed."* Importantly, private schools have great latitude in deciding which students will be accepted and which will not.

Unlike many voucher programs, tax incentive programs use an indirect mechanism that prevents public dollars from being tied directly to private use. This roundabout approach has protected many tax incentive programs from legal challenges. For example, in Arizona Christian School Tuition Organization v. Winn, the Supreme Court upheld the program, allowing it to continue.

[5] Carl Davis, "Tax Avoidance Continues to Fuel School Privatization Efforts" Institute on Taxation and Economic Policy, March 3, 2023, available at https://itep.org/tax-avoidance-fuels-school-vouchers-privatization-efforts/.

C. Education Savings Accounts



**Note: Some states may have income thresholds or other eligibility requirements.*

Education savings accounts (ESAs) are state-funded accounts that eligible parents can use to pay for a variety of approved education-related expenses, including private school tuition. Rather than giving taxpayer funds directly to the private school like traditional vouchers, the government deposits funds into an account. There are currently 18 ESA programs, eight of which are specifically for students with disabilities. Arizona's ESA program was originally created for students with disabilities but expanded its eligibility in 2022 to all students.

To participate in an ESA, parents must withdraw their child from a public or charter school. Once a student is no longer enrolled in public school, a parent can then receive government funds to cover a variety of educational expenses. While these are seemingly intended to fund expenses like private school tuition and fees, tutoring, or online learning, they also allow parents to use the funds to pay for services offered by public schools, such as extracurricular activities.

III. Implications for Students with Disabilities: Legal Protections and Discrimination



Loss of Civil Rights Protections

Individuals with Disabilities Education Act (IDEA)

When families enroll in a voucher, ESA, or tax incentive program, private schools and the local school district may avoid responsibility for providing educational services to children under IDEA by: (1) requiring parents to waive their rights under IDEA; (2) treating the voucher like a parental placement in a private school under IDEA and waiving IDEA rights; or (3) remaining silent on whether those rights still apply.

Many states require a parent to formally waive their rights under IDEA, and others are silent on the matter. This means when a student accepts a voucher, parents must be prepared to give up important protections like the right to an Individualized Education Program (IEP), a free, appropriate public education (FAPE), an education in the least restrictive environment (LRE), and procedural due process protections to safeguard these rights while attending a private school. Arkansas, for example, requires parents who participate in its voucher program to sign a waiver, which reads as follows: *"As of the date I sign this waiver, I hereby acknowledge that the resident school district is under no obligation to provide services or education to the child(ren) listed below except for services that may or may not be provided to other private school students as part of the district's regular obligations* under the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et. seq. during the time I choose to enroll my child(ren) in private school."*

ESA programs are no different. Of the eight ESA programs for students with disabilities,

none explicitly allow parents and children to retain their rights under IDEA. For example, Mississippi's ESA states that parents must sign and acknowledge that they have been "provided clear notice" that their child has no more entitlement to FAPE so long as they are participating in the program.

Tax incentive programs similarly waive or fail to mention the IDEA rights of students with disabilities. South Carolina's Educational Credit for Exceptional Needs Children provides information on eligibility criteria, but provides no guidance about what happens to IDEA rights after eligibility for the program is determined.

By relinquishing their rights under IDEA, students with disabilities lose access to essential legal protections and academic opportunities. For example, the right to FAPE ensures that students with disabilities have a meaningful opportunity to participate in the same curriculum as their peers without disabilities. Without FAPE, there is no legal guarantee of the services and supports necessary to help a child meet grade-level expectations. Also, under IDEA, parents of students with disabilities have significant rights, including:

- the right to attend and participate in IEP meetings,
- the ability to bring experts to assist in decisions about their child's education, and
- the right to agree to the services or changes in services before they are implemented.

These parental rights, under IDEA, are critical to ensuring accountability and collaboration, yet they are not required by private schools. In fact, without these critical IDEA protections, private schools can change or eliminate a child's services without notifying parents—and at any time.

Any parent may choose to place their child in a private school, and many do so for a variety of reasons unrelated to their child's disability. However, data collected from the U.S. Department of Education showed that in 2022-23, only 1.7% of children with disabilities (and 1.3% of children with a Specific Learning Disability) nationwide were parentally placed in private school[6]. Nonetheless, parents should recognize that private schools do not have any obligation to provide special education services to a student with a disability.

Section 504 of the Rehabilitation Act

Section 504 of the Rehabilitation Act of 1973 is a federal law prohibiting any program or activity that receives federal funding from excluding, denying benefits to, or discriminating against any "otherwise qualified individual" solely on the basis of disability. It also requires schools receiving federal funding to provide appropriate educational services to students with disabilities, ensuring their needs are met equally as well as those of students without disabilities.

[6] U.S. Department of Education, EDFacts Data Warehouse (EDW): "IDEA Part B Child Count and Educational Environments Collection," 2022-23. Data extracted as of August 30, 2023 from file specifications 002 and 089.

In public K-12 schools, some students with disabilities receive a "504 plan" so that they can access the general education curriculum. A child who receives an evaluation under Section 504 may be entitled to certain accommodations or individualized services that best provide an educational experience comparable to that of students without disabilities—like speech therapy or extended testing time. Many private schools do not take federal funds so they are not obligated to abide by Section 504. If a school does receive federal funds, Section 504 applies but the school may not be as equipped to develop and implement accommodations.

Americans with Disabilities Act

The Americans with Disabilities Act (ADA) is a civil rights law that protects individuals with disabilities across many areas of public life, including transportation, schools, workplaces, and public and private spaces. While various ADA protections apply to all public schools and many private schools, private schools operated by religious organizations are exempt from certain ADA requirements. In 2021-22, about three-quarters of private school K-12 students attended a religiously affiliated school[7]. These students could face discrimination based on their disability, be denied admission or access to private schools, or may be treated differently than other students due to their disability.

Explicit and Implicit Discrimination

Admission Policies

A family can only enroll a student in a private school if the student was first admitted to the school. Given private schools create their own admission policies, explicit and implicit discrimination can and does exist within private school admission as compared with public schools who admit all students. While schools may not outright reject a student, they may indicate that they do not have the resources to serve students with specific learning needs. For example, watch this video clip of a parent sharing the responses she received from private schools in Tennessee telling her they are unable to serve her child. In Wisconsin, Wisconsin Watch found that about 15% of voucher schools had policies or statements appearing to discriminate against students with disabilities, often citing limited capacity to meet their needs.

The only federally funded voucher program in the United States is located in the District of Columbia. One of the participating schools, St. John's College High School, offers a specialized program called the Benilde Program "for highly motivated students with diagnosed mild learning

[7] Pew Research Center. (2024, June 6). U.S. public, private and charter schools in 5 charts. Retrieved from https://www.pewresearch.org

differences." On its website, one of the FAQs asks, "Who is the ideal Benilde student?" The responses states:

"Ideally, a Benilde student…"

- Demonstrates average to above-average cognitive abilities
- Has a diagnosed learning difference documented by a psycho-educational evaluation completed within three years of application to the program
- Demonstrates the ability to navigate social situations adeptly
- Is emotionally healthy
- Does not have a history of behavioral problems that would interfere with classroom learning

In an evaluation of the Washington D.C. voucher, the main reason students didn't use the voucher program was because they could not find a private school that would provide the accommodations their disability required. Cherry-picking, for disability status as well as other characteristics like religion, gender identity, or sexuality, undermines the provision of a high quality education for all learners using public tax dollars..

Disciplinary and Expulsion Policies

In addition to policies that may limit who can attend, private schools can restrict enrollment with stringent disciplinary or expulsion policies, including zero tolerance policies. Disability and behavior are linked, as unmet needs can sometimes result in challenging behaviors. Private schools have no regulated discipline policies and students can be disciplined or excluded from learning settings for a variety of reasons. Public schools, on the other hand, have a responsibility to ensure nondiscrimination in discipline. In 2022, the U.S. Department of Education issued guidance specifically about students with disabilities and clarified that schools must identify behaviors related to a student's disability. Public schools are also required to submit data on in and out of school suspensions, expulsions, and instances of seclusion and restraint in the Civil Rights Data Collection.



IV. Inconsistent Access to Information

Language around the impact of choosing a voucher, tax credit, or ESA fails to fully inform families about the changes in their rights and responsibilities. Parents are often not provided accessible resources regarding IDEA rights under school choice program participation or program eligibility information. Thus, students and their families may unknowingly lose IDEA protections. A report[8] by the Council of Parent Attorneys and Advocates found that many parents participating in school choice programs did not understand the impact their participation had on their IDEA rights.

For example, rather than providing clear language around what happens to student rights under their program, Utah's Carson Smith Special Needs Scholarship program "General Overview" document instructs parents to do their research elsewhere. It states:

> *"Acceptance of the Special Needs Scholarship has the same effect as a parental refusal to consent to Special Education services. The 'refusal to consent to Special Education and Related Services' is clearly understood and accepted (refer to IDEA or state Special Education Rules for information)."*

Georgia's Special Needs Scholarship (GSNS) program maintains a resources page for parents on its website that acknowledges the lack of clarity for parents, but also puts the burden on families to inquire about learning supports and accommodations at the private school.

The "Understanding the Program" guide states:

> *"Many parents/guardians are surprised to learn that a private school participating in the GSNS Program is not required to follow a student's IEP and is not required to provide special education services to a student. You as a parent/guardian have to ask a private school directly regarding the specific special education or other services it provides for students. Ask the private school if it is willing to put services in writing as a plan for your child's education if he/she were admitted to the school."*

[8] Almazan, S., Marshall, D. (2016). School Vouchers and Students with Disabilities: Examining Impact in the Name of Choice, Council of Parent Attorneys and Advocates.



V. Failure to Cover Full Private School Tuition

Voucher recipients are disproportionately families from higher socioeconomic backgrounds. A 2023 analysis[9] of Arizona's universal private school voucher data found that 52 percent of participating students live in the state's highest income zip codes, and students in the highest income zip codes benefit ten times more than students in the lowest income zip codes.

In many states, funding for voucher, ESA, or tax incentive programs is rarely enough to cover the cost of private school tuition and fees, especially for students with disabilities who may seek to attend a specialized school or receive additional specialized services. Where the program does not cover the cost of a child's education, parents or guardians are expected to make up the difference. Louisiana's School Choice Program for Students with Certain Exceptionalities "Frequently Asked Questions" document states: "*If the school's tuition and fees exceeds the certificate amount, then parents are responsible for paying the difference.*" This clearly limits the families who can take advantage of these programs to those with a certain level of income security.

Under individual tax incentive programs, parents must pay tuition and fees up front and receive the tax write-off later. In many cases, private schools charge extra fees not included in tuition, which parents are also responsible for covering.

The following chart illustrates the funding gap between the average voucher and ESA amount and the average or sample tuition costs in several states, highlighting the discrepancy between the provided financial aid and actual expenses.

[9] Garrett Archer, "Analysis: More than half of ESA students come from high-income zip codes," Arizona ABC 15, updated January 10, 2024.

State	Program	Average Voucher, ESA, or Scholarship Amount	Average private school tuition[10]	Sample tuition at private school for LD[11]
Arizona	Arizona Empowerment Scholarship *(ESA)*	**$6,000 - $10,000** for child with SLD	**$10,446**	**$30,500**[12]
Florida	Family Empowerment Scholarship *(ESA)*	**$10,000** for child with SLD	**$10,617**	**$38,000**[13]
Louisiana	School Choice Program for Certain Students with Exceptionalities *(Voucher)*	**50% of state** per pupil funding (approx. $2,500)	**$7,849**	**$15,725**[14]
Ohio	Jon Peterson Special Needs Scholarship *(Voucher)*	**$12,470** for child with SLD	**$7,929**	**$35,340**[15]
Washington, DC	DC Opportunity Scholarship Program *(Voucher, federally funded)*	**$14,000**	**$27,775**	**$24,900** *(+$3,500 for students accepted into program for LD)*[16]

[10] Methodology: Average Private School Tuition Cost (2024-25) retrieved from https://www.privateschoolreview.com/tuition-stats/private-school-cost-by-state

[11] Methodology: For voucher programs, a school with an LD program was selected from the list. For ESAs, an LD school in the state was selected at random.

[12] Source: https://newwayacademy.org/admissions/affording-new-way/

[13] Source: https://roigacademy.com/admissions/tuition/

[14] Source: https://www.thebrightonschool.org/admissions/tuition--financial-aid

[15] Source: https://www.juliebilliartschool.org/admissions/tuition-financial-aid/tuition-fees

[16] Source: https://www.stjohnschs.org/admissions/tuition

VI. For Families: FAQ About Voucher Programs



Parents and families strive to provide the best educational experience possible for their children and can feel frustrated when their child's needs are not being met in their current school. Families deserve comprehensive information about the options available to their child. These Q&A outline key questions parents should ask as they navigate private school options.

What types of programs does my state offer?

It depends on where you live. Some states offer multiple types of programs—vouchers, ESAs, and tax incentives. Others offer none at all. It's important to know the programs available in your state and how they operate before making any decisions.

Will the program cover the full cost of the school I am considering? Or will I be responsible for some of the cost?

In many states, there is a significant gap between private school tuition and the actual amount covered by a voucher, ESA, or tax incentive program. This is especially true if you are considering a specialized private school, such as one geared toward students with specific learning disabilities (SLD). If the program does not fully cover the school's tuition, you will likely need to pay the difference, in addition to other costs. It's also important to note that private schools typically do not cover ancillary expenses, such as transportation or related services your child may require. Any costs not covered by the voucher or ESA will be your responsibility. Furthermore, if you choose to use a tax incentive program, you will need to pay the education costs upfront and receive a tax credit or tax deduction later.

Is my child eligible to participate in a voucher, ESA, or tax incentive program?

Eligibility depends on the specific program you're considering. Some programs are limited to families earning below a certain income threshold, while others are available only to students who have an Individualized Education Program (IEP) from a public school. Understanding the eligibility requirements for each program in your state will help you determinewhich options may be available for your child. Will my student's rights under IDEA apply in private schools? What kind of special education or related services will my child receive if I use a voucher?

Private schools are not required to follow IDEA. How IDEA rights are handled under voucher programs varies by state. Some states require families to waive their IDEA rights, while others make no mention of them at all. In states where IDEA rights are not upheld, or if you are required to waive those rights, your child will not have an IEP, IEP meetings, or notifications of changes to educational services for your child. As a result, the services your child receives in a private school may differ significantly from those provided in the public school system. Every private school is different, and you will need to work with the private school to advocate for your child's needs. For these reasons, when choosing a voucher program, it is important to determine whether and how your child's rights will be upheld in a private school. Also, you should ask whether your child will stop receiving his or her educational services upon entering the private school.

Can I use a voucher, ESA, or tax incentive program to enroll my child in any private school in my state?

Not necessarily. First, you may be limited to only private schools that have been pre-approved by the state. Additionally, not all private schools participate in voucher, ESA, or tax incentive programs, so the school you are considering may not be an option. Second, even if a school is eligible, it must accept your child, and private schools have the ability to reject students for nearly any reason.

Is the private school I choose required to accept my child?

No, private schools have great discretion in determining which students to enroll. The civil rights protections afforded to students with disabilities in public schools do not apply to them in private schools. It is possible to be eligible for a voucher, ESA, or tax incentive program and still have a difficult time finding a school that will enroll your child and meet his or her needs. In addition, the discipline rules you may be familiar with under IDEA do not apply in private schools. A private school may expel a student at any time and for any reason.

Some ways private schools can implicitly or explicitly discriminate against students include:

- Religious and conservative standards, including anti-LGBTQ+ policies or requiring families to sign a statement of faith
- Admission requirements or processes that favor academic performance or test scores
- Requiring out-of-pocket family expenses for tuition or related academic expenses, such as equipment, field trips, and more

Will the private school I am considering for my child be able to meet his or her needs without any support from the district?

It depends on the school. First, it's important to understand that private schools are not held to the same academic standards as public schools. In generaly, private schools are not required to administer state testing or verify student performance. Parents should ask what academic information the private school can share to demonstrate students' success. In addition, there is no guarantee that a private school can meet the full range of needs of students with disabilities. Most private schools—particularly those not specifically designed for students with disabilities—cannot provide the same level or intensity of academic and behavioral supports as public schools. Furthermore, educators at private schools may not hold the same credentials or training as those in public schools. It is important to determine how the private school you are considering will address your child's academic, behavioral, or social/emotional needs, especially if the voucher amount awarded to you through the voucher, ESA, or tax incentive program does not cover the full cost of additional services.

Where can I get more information on my state's programs?

Your state's department of education is the best place to find information about whether a voucher, ESA, or tax incentive program is offered in your state. However, states generally do not provide clear or comprehensive information about these programs to parents, especially parents of students with disabilities who have questions relating to IDEA rights and special education services in private schools.



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Ms. BONAMICI. Thank you. Ms. Levin, when students with disabilities do attend a private school under a voucher program, they are considered parentally placed in a private school, and thus they forfeit many rights and protections under the IDEA.

As a result, the schools are considered to be complying with the law, even when the students are not receiving the same quality and quantity of services they would in a public school that are mandated with an IEP, individualized education program, such as speech, occupational and physical therapy.

Ms. Levin, do private school vouchers adequately serve students with disabilities?

Ms. LEVIN. They do not, and they actively hurt their rights. As you said, the students lose many of their rights, their parents lose the right to participate and have close contact with their education. They lose rights under Section 504 and the ADA as well.

Ms. BONAMICI. Just to clarify, the families of children with disabilities when they take a private school voucher, they actually lose their rights?

Ms. LEVIN. That is correct. They lose the vast majority of their rights.

Ms. BONAMICI. Now, Mr. Blanks, I have—thank you for sharing your story. I have a yes or no question. Your organization, the American Federation for Children, that was organized and funded by the DeVos family. Is that correct? Just for context, yes or no?

Mr. BLANKS. Yes.

Ms. BONAMICI. Thank you. I appreciate that. I am going to yield back the balance of my time. Thank you.

Chairman KILEY. The Representative from North Carolina, Mr. Harris, is recognized for 5 minutes.

Mr. HARRIS. Yes. Thank you, Mr. Chairman, and I thank all of you on the panel that I have had the pleasure of reading your testimoneys, as well as hearing you this morning, and very appreciative of you being here and your time.

Parents in my district have told me time and again that school choice is a priority of theirs. They really long for anything that we can do at the Federal level to make that easier. Mr. Blanks, today I appreciated your testimony. It was inspiring.

We have heard lots of claims from the other side of the aisle made in opposition to school choice. Some are going to argue that school choice resegregates schools. We have heard that school choice deprives children with disabilities of their rights. We have heard that support for school choice is really a smokescreen for trying to destroy public education.

Is it just me, or is the conversation that one side of this debate is having is totally disconnected from the conversations that real families are having around their kitchen tables about how best to educate their kids?

Mr. BLANKS. Yes. Yes, I firmly believe that when we are having these discussions about education that the other side will typically leave out the personal experience. Stories like my own, or why parents want to send their child to a different school in the first place.

I am here to talk about my own experience, and as I have done this work, I have heard a lot about how vouchers are schemes, or scams, or whatever the case may be, but it was my lifesaving de-

vice for me and for my family. We did not have support. We did not have any other option.

I was stuck in this school, and I would beg my mom every day not to send me to that school. I do find some of those comments offensive, but I am proud to stand behind the very policies that changed my life and put me on the path that I am on now today.

Mr. HARRIS. Thank you, sir. God bless your mom for having the courage and the strength and determination to respond the way she did when she was asked to give a 5-year reprieve to get things right.

Mrs. Clark, your story represents one of those parents who wants options. Another objection we might hear to school choice is that there is no accountability if the school fails to serve children with special needs. I notice you went through the IDEA process, and it sounds as if the public school system failed your child.

What would you say to critics who believe that the traditional public schools are the only safe place for children with special needs and learning disabilities?

Mrs. CLARK. Thank you for the question. Well, I would say that is absolutely false, and we can look at the demand of parents of students with disabilities for school choice programs. You know, there is a sad running joke amongst parents of students with disabilities, and it essentially goes like if you have not cried in an IEP meeting with a public school, you do not really have a student with a disability.

We all know, as parents of students with disabilities, how incredibly difficult the process is to actually get the services that our children need in the public school system, so this idea that IDEA is somehow benefiting all students in the public school system, is absolutely false.

Contrary to what you have heard, we do not lose all of our rights when we choose a school choice scholarship program. IDEA Part B proportionate share funding, that has been around since the beginning of IDEA, says that a proportion of all of the funds that come to the State should be used for students with disabilities that are in private schools and home schools.

I know. One of my children on an ESA received IDEA funding from their local public school just last year. There is a lot of misinformation out there around IDEA.

Mr. HARRIS. Well, you also mentioned in your testimony that even at the State level in order to qualify for Arizona's Empowerment Scholarship Account Program, you had to jump through a variety of hoops for several months. Could you take just a moment and elaborate on some of the reasons why it took so long?

Mrs. CLARK. Yes. Absolutely. Thank you for the question. Prior to Arizona's ESA Program being universal, where every student qualified in 2022, families like myself had to go through the public school system process to have our students evaluated. That was an extra expense on the public school system, but the public school system is the one that had to qualify our students as a student with disability.

There was, you know, an extra process, an extra burden there. Also in Arizona, you used to have to attend public school, either in

person or online for 100 days. It was very difficult for families with students of disabilities, or families that were moving into the State.

Mr. HARRIS. All right. Well, eliminating bureaucracy is one of the most important reforms I believe that we can make at the Federal level. We could never forget that parental rights will always take precedence over government, and the taxpayer dollars have got to be accountable to the taxpayer themselves.

I will ask you this, Mrs. Clark, do you think that eliminating or reducing the role of the Department of Education would give more power to the states and people to influence education?

Mrs. CLARK. Yes. I absolutely do. Ending the Department of Education, or greatly disempowering it is something that I hope to see very soon.

Mr. HARRIS. Well, it is clear under our Constitution, the Federal Government was never supposed to have such an outsized role in education, with the number of students failing core subjects growing in our Nation. It is clear that the status quo is not working, as we have heard today.

What I am hearing is that parents and states are more than ready to step up and make sure that children get the best education, and with that, Mr. Chairman, I yield back.

Chairman KILEY. The Representative from Connecticut, Ms. Hayes, is recognized for 5 minutes.

Mrs. HAYES. Thank you, and thank you to our witnesses for being here today. I want to first frame my comments with the information that I was a public school teacher before I came to Congress. Sixteen years I taught as a high school history teacher.

I just want to provide some context for much of what you are hearing. This hearing is about school choice, yet it is trying—they are trying to position it as vouchers and public charter schools are the same thing. They are not. Vouchers are very different, and that is not what we are talking about.

At the top of the hearing the Chairman talked about 81 private school programs that serve 1 million students, yet the school that he highlighted as being successful, Success Academy, is in fact a public charter school.

Chairman KILEY. Will the gentlewoman yield?

Mrs. HAYES. No, I will not. Many public schools offer school choice to parents, and that is not what we are talking about here today. I heard quotes from an economist from the 1950's, 70 years ago, so much has happened in public education I would encourage you to engage in that conversation.

Again, we have witnesses at the table right off the White House guest list. In your testimony where you said, Mr. Blanks, that you failed an entry test two times before they finally decided to allow you access to the school, just reiterates the fact that these schools are not for everybody.

It is a system of winners and losers. To the idea about segregation in schools, the Department of Education actually protects civil rights. If we are talking about the most important reform Congress can make, it is increasing the funding for IDEA from 16 percent to the 40 percent that Congress promised that it would do.

Schools are funded locally, so local property taxes decide many of the decisions that we are talking about here today. I do have a

few questions, and I want to move quickly because I have lots of questions. Ms. Clark, just yes or no. You said that you had to do an independent educational assessment for your children in order to understand their academic needs. Did your family pay for that out of pocket?

Mrs. CLARK. No. The district did. It is part of the law.

Mrs. HAYES. Thank you. You talked about—you home schooled your three children. Was your family able to do that because you had stable income?

Mrs. CLARK. No. My husband was in law school at the time. We were on loans.

Mrs. HAYES. OK. $7,500 was given to your family to cover your children's dyslexia educational supports. Was that the total cost of those supports?

Mrs. CLARK. It was $7,500 per student, and yes, it was the full cost of those supports, half of the public school funding.

Mrs. HAYES. $7,500 in total for dyslexia funding, educational funding for the entire year for one student?

Mrs. CLARK. Yes, that is correct.

Mrs. HAYES. I would disagree with that because—and I can tell you why. Public schools offer many of the wraparound supports and services, so it is not just what happens in the classroom. It is the occupational supports, the technical supports, the social workers, all of those things.

I know, and anyone who has ever looked at a public school budget knows that those services are not provided for $7,500.00. Ms. Levin, can you explain just briefly, going into greater detail, why private schools are not mandated to follow the same reporting requirements as most public schools?

Ms. LEVIN. Yes. Thank you for the question, and I come from a family of educators, so I thank you for that as well. It is because of the deliberate choice in the statutes, legislators choose not to put accountability measures in these bills, and you have to ask yourself why.

Mrs. HAYES. When a student is not accepted to these schools because I have yet to find one charter school, one of these private voucher programs that supports all of the special education needs of these students, and part of IDEA says that students need to be educated alongside their non-disabled peers.

When those children do not have success in those schools and go back to the public school system, can you explain a little bit about what happens in that case with their funding?

Ms. LEVIN. Often the student returns to a public school, but the money has already gone to the private school, so the public school now has less money, and it has a higher concentration of higher need students to serve with those fewer resources.

Mrs. HAYES. Can the public school refuse to accept those students now that the funding source is gone?

Ms. LEVIN. It cannot.

Mrs. HAYES. They cannot. That is what I thought. I mean everybody knows that. Again, I would caution people. Yes, we want parents involved, education is a partnership between parents, families, their teachers, everyone, but this idea of private voucher programs is absolutely a sham.

It is moving taxpayer moneys to a profit source for the billionaire class. That is not what public education is supposed to do. I yield back.

Chairman KILEY. Thank you very much. I will note that I cited Success Academy, and kept specifically as examples of outstanding public charter schools. The problem is that many in this party, including President Joe Biden, have been attacking public charter schools.

With that, the gentleman from Indiana, Mr. Messmer is recognized for 5 minutes.

Mr. MESSMER. Thank you. My home State of Indiana stands as a national leader in pro school choice legislation. Back in 2011, our State Legislature passed the Indiana Choice Scholarship Program that has become—since become the largest single voucher program in the United States.

This session the House is looking to pass universal school choice vouchers that would further increase options for Hoosier families to educate their children in the best environment that fits their individual needs. At the Federal level, as we Members of Congress should follow these steps.

I am proud to join my friend, Adrian Smith, and other distinguished colleagues on this Committee, in co-sponsoring the Education Choice for Children Act, a bill that would provide K through 12 scholarships to as many as 2 million students across the country to attend the school that best meets their needs.

Dr. McShane, Indiana is a leader in school choice reform, creating the large voucher program in the country, and it has seen 32 percent growth this past year. Now, the State is looking to move universal vouchers allowing parents to choose specialized programs that fit their children's needs, or schools that align with their religious and moral values, regardless of their income level.

How would a Federal universal program like this fit into Milton Freidman's idea of a government's role in education?

Mr. MCSHANE. I think it would be relatively well aligned with that. As I mentioned, Milton Freidman's idea, which is oftentimes caricatured to be a sort of free for all of schools, he thought that schools could be independently operated. Parents could freely choose between them, but to say it would play a role in financially supporting them, which sounds like what would be happening in that bill.

Mr. MESSMER. OK. Thank you. Just to clarify, in Indiana to accept vouchers, a school must submit to the same accountability standards as any of the public schools. As a followup to that, Mr. McShane, do you think it is possible that giving parents choice, what is best for their option, including vouchers, charters, and unrestricted public to public transfers, could lead to better outcomes for all students by creating competition?

Mr. MCSHANE. Yes. I mean as I mentioned earlier, there is a very strong empirical literature on the competitive effects of private school vouchers. It is a consistent finding, met analyses, studies that put these together have found that result. I have no reason to believe that it would not continue into the future.

Mr. MESSMER. Thank you. Mr. Blanks, one of the important aspects of Education Choice for Children Act is that it creates a life-

line for students trapped in local schools, school districts or states, that will likely never pass school choice policies for themselves.

It is vital that these students have access to educational options. You live in a State that established a voucher program, but not every student is so fortunate. Why do you think it is important for students nationwide, rather than just select states that have choice?

Mr. BLANKS. Yes, well, thank you for that question. It is absolutely vital because like you alluded to, there are some states that have been slow to pass school choice legislation at the State level. The ECCA would allow some of those families who have currently being locked out of options to tap into some of those dollars.

Now I live in Tennessee, where the Governor was monumental in passing the educational savings account for the State. For a State like ours, when my wife and I are talking about, you know, where we are going to send our son, what is his educational bring up going to look like with the ECCA on top of a State level, you know, program, that means more resources, more access, more opportunities, really for me as a father to be in the driver's seat of my child's education.

Mr. MESSMER. Thank you. Mrs. Clark, there are many families in my district in Indiana who are affected by learning disorders like your children and need the benefit of choosing a program that will fit the needs of their child and learning disabilities.

Indiana implemented a similar program called the Indiana Education Scholarship Account that provides access to students with disabilities and their families, access to an educational environment that best meets their needs. As a parent, how do you think these types of programs can improve to further assist those that our public school system tends to leave behind.

Mrs. CLARK. Well, one of the best parts of the ESA Programs and School Choice Programs for students with disabilities is all of the innovation that happens because parents now have the funding, and we can go online and find, you know, an incredible math AI tutor.

We can download those, you know, automated flashcards. We can do all these new and exciting things. This whole new arena of education entrepreneurship has come out of giving parents control of their education dollars.

A lot of the new things that our family has tried that have really helped our kids have been because we have an ESA, and because, you know, the public schools, as big as they are, they tend to not be able to move very quickly when it comes to addressing individual student needs.

Mr. MESSMER. Thank you. I yield back my time.

Chairman KILEY. The Representative from New York, Mr. Mannion, is recognized for 5 minutes.

Mr. MANNION. Thank you, Chairman Kiley, thank you to Ranking Member Bonamici, and thank you to our witnesses for joining us here today. I was a former public school teacher for almost 30 years, teaching AP biology, chemistry, in a 15 to 1 living environment.

I am also the husband of a fellow educator. I care deeply about ensuring that all students have access to a safe and supportive

learning environment. Throughout my career in the classroom, and then also in the State Senate, I worked to strengthen public education, and advocate for policies that ensure that every child can succeed.

My father was on public assistance. I came from a working-class blue-collar background, and my parents chose to send me to a private Catholic school. My parents paid school tax dollars, property tax dollars, but they made the decision because they emphasized Catholic education for me and others, my wife the same, to send me to a Catholic school.

When my wife and I had our first child, our plan was to send our children to Catholic schools until my son at three and a half was diagnosed with autism. He had speech levels of a 9-month-old. At that point we made the very difficult decision to send him through the public school CSEA, or excuse me, CPSE process.

We attempted to send him to a private Pre-K school, and he was not accepted. We knew that the only way that our son would receive the necessary, intensive, early intervention for him to be successful, was to send him to a public school. Then my two children, younger than him, also attended public schools.

They are all thriving, including my oldest, who is a college graduate, lives independently, drives his own vehicle, which he purchased. Voucher and voucherlike proposals divert funds away from public schools, and they will not address the needs of our educational system or improve student outcomes.

Public schools are exceptional public schools in Central New York, and across the country simply cannot afford an additional financial strain by sending tax dollars to other places, and the Federal Government should not be in the business of subsidizing private education.

I am particularly concerned about the negative impacts that these proposals have on students with IEPs, who rely on protections and services guaranteed to them in public schools. On that subject, I will ask my first question to Ms. Levin. Ms. Levin, when the Individuals with Disabilities and Education Act was enacted in 1975, it authorized Federal funding to cover 40 percent on average per pupil spending nationwide to provide public education services.

Fifty years later IDEA is funded at only 13 or 14 percent. Given that Congress has yet to fulfill its original commitment to fully fund IDEA, what do you make of proposals to allocate Federal funds to private school voucher programs instead of prioritizing support for students with disabilities in public schools?

Ms. LEVIN. Thank you. It is a very misguided and dangerous policy. The Federal funding for IDEA has never reached more than 16 or 17 percent versus that 40 percent promise, which may not even be enough. We are funding a second system of schools with these proposals would fund a second system, that does not even serve most students with disabilities.

Mr. MANNION. In my district we have a very significant New American and refuge population. What impact would voucher proposals have on English language learners, most of whom depend on public schools for specialized instruction and supports that is not always provided in private schools?

How might a private school voucher program affect English language learners and their access to educational resources?

Ms. LEVIN. The vast majority of those students would still depend upon public schools because very few private education options have the resources or the programs to serve their means, and now the public schools would have just a higher concentration of higher needs students.

As a special education attorney, and an attorney for many English learners, I have seen firsthand the importance of the protections in the Federal civil rights statutes that give them their rights in school.

Mr. MANNION. Thank you so much. Mr. Chair, I yield my time back.

Chairman KILEY. The Representative from Utah, Mr. Owens, is recognized for 5 minutes.

Mr. OWENS. Thank you. First of all, Mr. Chair, this is a very, very important conversation. I have noticed I have a couple things in common with some of our witnesses. Mr. Blanks, my dad went to Ohio State. I was born in Columbus, Ohio, he was getting his Ph.D. there during that time.

Ms. Levin, I think you came out of Oakland, am I correct? OK.

Ms. LEVIN. Yes.

Mr. OWENS. Well, I played with the Oakland Raiders, so we have some things in common here. I have just a couple of things. Mr. Blanks, you mentioned—Mr. Blanks, you mentioned earlier, what do you say to those who believe that failing schools in time would be given—given times would be able to turn things around and be able to address the issues that you mentioned that you had.

Mr. BLANKS. Yes, well in my experience more often than not, the needs of the students are not met, and so that instance with my mother happened almost 20 years ago, and to pull the current—the educational outcomes of that school, 13 percent of the students are proficient in math, and 34 percent are proficient in reading, in both of those categories for the State of Ohio, the school is considered well below expectations, almost 20 years ago.

For my mom, who said we do not have that kind of time, but think over the last two decades how many students have shuffled through the school, and some of them have done well. I know one, in particular, that was in the same class I was, is now playing for the Buffalo Bills, doing very well.

The public education system was great for him, but it simply was not for me, and so I needed another option, and so to tell my mom to wait 5 years was not an acceptable answer.

Mr. OWENS. Good for your mom. That is called wisdom. By the way, I have been hearing this for 40–50 years, just give us time, meanwhile we are losing kids by the droves. I have, Ms. Levin, I am of course very impressed with your background. Magna Cum Laude from Cornell University, University of Oxford, and JD Cum Laude from Harvard Law School.

I am going to guess that is because you had a remarkable foundation. You have parents that truly focused on your educational process. Am I correct?

Ms. LEVIN. That was certainly a very important part of it.

Mr. OWENS. OK. Would you have had the same experience you think if you lived in the Baltimore area with 28 schools, you have 2,000 seniors with zero proficiency in math? Or in California, a study back in 2017, 75 percent of the black boys could not read, pass reading and writing tests. Would you still have succeeded in those kind of situations in the public school system do you think?

Ms. LEVIN. I think that we need to fully fund our public schools to make sure that all students have the opportunity, and Educational Law Center advocates for that across the country. Private school choice——

Mr. OWENS. So, did you go to a public school system?

Ms. LEVIN. No. I went to a private school.

Mr. OWENS. OK. You went to Head-Royce School. I spent time in Oakland. You had a choice in Oakland to go to public schools also, why did your parents do that for you?

Ms. LEVIN. Well, I would remind you that children generally do not choose the school that they go to——

Mr. OWENS. No, your parents did. Your parents had a choice.

Ms. LEVIN. Yes, correct.

Mr. OWENS. Your parents paid 30 to $50,000 a year for your choice. What gets me is how people like yourself, and I would say it is across the board, parents who have an option, they put their kids in the best schools. They know that is an investment for their kid's future, and yet you come here and say how well that does not work.

I just want to repeat, I want to read this real quick. "In reality, students who use vouchers experience worse educational outcomes than their public school peers." Obviously, your parents did not think that way because they put you in a private school. "In private schools, they're subject to few, if any, quality and accountability standards."

I guess my question is this, if we had a system in which we were focused on the student versus the institution, if parents had a choice, like your parents did, had a choice, and it did not come out of the State funds. We have something called education choice, that does not come—not one red cent comes out of the district, out of a local—would you be OK with choice if that was the case?

If parents had a choice, but it did not come out of the public school system, which obviously we are, you know, very focused on, would you be OK with that kind of choice?

Ms. LEVIN. No. We oppose any type of private school choice program.

Mr. OWENS. Of course.

Ms. LEVIN. I would note that I, as an independent person, have looked at the evidence, and looked at policy, and made my own independent judgment.

Mr. OWENS. Would you put your children in a school system here in Baltimore? If you are stuck there? If you did not have a choice of what we are talking about with everybody else, would you be OK to leave your child in a school that is failing with zero proficiency in math?

Ms. LEVIN. I will absolutely put any children I have, including the one I am expecting, into public schools. As I said, I come from a family——

Mr. OWENS. In a good public—in Baltimore public schools, we are not talking about good public schools. We are talking about schools that are failing our kids. Would you be willing to put your child in a school that everybody else, all these parents are trying to get their kids out of?

Ms. LEVIN. I do not believe that our public schools are failing. I believe that that is a narrative created at the national level.

Mr. OWENS. I think there is a word called "Hutzpah," there is a lot of Hutzpah. When I sit down and talk to people at the table here that are dealing with this every single day, and their kids are failing. We have had too much of this. Anyway, that being said, I am excited about the fact that we are going to have a choice process, and kids are going to be able to get out and be successful in the future, so I look forward to that. I yield back.

Chairman KILEY. Thank you, Mr. Owens, for that very revealing line of questioning. Ms. Adams from North Carolina is recognized for 5 minutes.

Ms. ADAMS. Thank you, Mr. Chairman, and thank you to the witnesses for your testimony, and for being here. I know that we all want what is best for students but let us be clear. This is not about choice, it is about privatization. Now, I went to public schools. My children went to public schools. My grandchildren as well.

I taught 40 years as a college professor, and prepared students to become teachers, so I know a little bit about this. 84 percent of American kids are in public schools, instead of strengthening them, this agenda pulls funding away, sending taxpayer dollars to private schools with little oversight, and no accountability.

Now, I have always been about fairness, Mr. Chairman, and so I am going to request that we hold a hearing on investing in public schools because public schools are not failing, they are being failed. If we care about our kids, we should be investing in public education, not undermining it.

Ms. Levin, my question to you, we know that diverse schools benefit students in real measurable ways, higher academic achievement, better college and career outcomes, even higher lifetime earnings.

Despite our country being more diverse than ever, our public schools remain deeply segregated, and the numbers are getting worse. A 2022 GAO report found that more than one in three public K through 12 students attends a racially segregated school.

My question is what impact do school choice and voucher programs have on segregation? Do they increase diversity and access, or do they just reinforce existing inequalities?

Ms. LEVIN. Thank you for the question. I also thank you for focusing on the research and facts, rather than ad hominem attacks. Private school choice programs have been shown, and research continues to come out showing that they increase segregative effects in public school systems, and in private schools.

Also, I think it is very important to note that these programs were popularized in the modern era, not just by Milton Freidman, but by segregationists, who were trying to avoid the integration mandate in *Brown* vs. *Board of Education*, and I think that we need a very strong justification for continuing a policy that has

those ugly origins, and we do not have it because those policies continue segregative effects today.

Ms. ADAMS. Thank you. When public schools mismanage funds, there is oversight. There is accountability, and there are consequences, but with private voucher schools we are seeing cases where taxpayer dollars are flowing to schools that barely exist, or in some cases do not exist at all.

I represent North Carolina's 12th District. We had a school taking public money, but the State could not even confirm where it was physically located, and so the State Bureau of Investigation had to step in. Tell me what is stopping this kind of thing from happening more often, and what safeguards should be in place to ensure that taxpayer dollars are not being misused in private voucher programs?

Ms. LEVIN. There is almost nothing stopping it, and I can tell you from having read hundreds of voucher bills over the years, that they are having fewer and fewer accountability and transparency measures. This is a deliberate choice by legislators, because they do know about the fraud, abuse, and waste that happens in many states, including North Carolina.

There is no type of amendment or reform that can make a private school voucher program a good public policy, not to mention constitutional under State law. If we are going to give money to private schools, we have to ask why are we not subjecting them to any of the accountability requirements that apply to public?

Ms. ADAMS. Thank you. President Trump says that he had nothing to do with Project 2025, but let us be clear. The plan is right there in black and white. A 10-year roadmap to completely dismantle the Federal role in K–12 education.

I am here to stand up for our students, but it alarmingly seems that President Trump has a different vision, one that puts low-income students, and students with disabilities at severe risk.

Secretary McMahon, she is already laying the groundwork to make that happen, end Federal K–12 funding if it disappears, funding that keeps the light on in classrooms, and supports special education, and ensures low-income kids get the resources they need.

What does that actually look like for the schools and communities that rely on this support, Ms. Levin?

Ms. LEVIN. Cutting Federal education funding would be devastating, especially to districts that rely heavily on Title I funding for low-income students, IDEA funding for students with disabilities, McKinney-Vento funding and many others. It would mean that those districts would not have the resources, they are already under resourced. They would lose even further on essential services.

Ms. ADAMS. Thank you very much, and Mr. Chairman, I asked a question earlier in the beginning. I certainly hope you would take it into consideration that we have a hearing that would address the public education, and the importance of that. Thank you very much, I yield back.

Chairman KILEY. Thank you very much. I will now recognize myself for 5 minutes. Just to understand your position, Ms. Levin, do you think that private school should be abolished?

Ms. LEVIN. No, I do not.

Chairman KILEY. OK, because you referred to my colleague's line of questioning as an ad hominem attack, but I think that totally misses the point. Do you think that your parents are well within their rights to send you to a private school that costs tens of thousands of dollars in tuition?

Ms. LEVIN. At their own expense, yes.

Chairman KILEY. You support the right of Kamala Harris, Gavin Newsom, Joe Biden, to send their child to private school?

Ms. LEVIN. I am an attorney, and the law supports their right, and I support it as well.

Chairman KILEY. OK. You support the right of families to choose private schools if they can afford it. Is that right?

Ms. LEVIN. That is correct. I do believe that public education though is the cornerstone of our democracy, and I, as an individual, firmly support it.

Chairman KILEY. OK. Do you see how that might rub some people the wrong way when you support school choice for wealthy families, but oppose efforts to extend that same opportunity to lower income families?

Ms. LEVIN. I believe that our public schools should be as well funded, and as wonderful as our private schools, I think that that is something that the American people widely agree on, but policymakers need to find the political will to finally fully fund our public schools, and the evidence backed programs that help all students in places that welcome all students.

Chairman KILEY. You talk about rural schools. Let us say that you are in one of these rural communities that only has one public school, and unfortunately, it is not very good. What would you tell the parents in that community?

Ms. LEVIN. I would advocate alongside them as we do for better public funding for their public schools.

Chairman KILEY. OK. Maybe that will solve the problem, maybe it will not. Meanwhile, their child is not being taught to read. You just tell them tough luck?

Ms. LEVIN. No. I, as an attorney, would advocate for their rights under the law, which I would note largely do not apply to private school students.

Chairman KILEY. OK. You think that that is going to somehow instantly transform this school, so that they are taught to read?

Ms. LEVIN. I think that there is no chance of people's rights being enforced when they do not have them.

Chairman KILEY. Let us think about Arizona, Ms. Clark, if you are a parent in that same situation. This is their sort of example, that has come up again and again, what about in a rural community? If you were in the situation where there is really only one public school, and you have access to an ESA, what are your options then?

Mrs. CLARK. Well, we have thousands of families in Arizona in rural communities, who are utilizing our state's ESA Program, and they are utilizing it because it works. They are not trapped by maybe one public school that is not serving them well, maybe is not teaching their child to read. They can launch a micro school.

They can create a co-op. They could hire a teacher, and pool their ESA funds with other families, which many of them have done. They can do online schools. There are thousands of incredible online schools. They would have access to all of those things with an ESA.

Chairman KILEY. What do you think, Ms. Levin? Might that get you better results in the near term than writing a letter to your State Legislator?

Ms. LEVIN. The research says that it would not. The overwhelming research shows that online schools do not perform as well as brick and mortar schools, particularly for our most vulnerable.

Chairman KILEY. Well, I do not know about that. I mean, Dr. McShane gave us a lot of research that says quite the contrary. I mean you are from California, and you have told us again that the solution is just full funding. California is pretty well funded. How is California doing with education?

Ms. LEVIN. The solution to be clear is not just full funding.

Chairman KILEY. OK.

Ms. LEVIN. Full funding is a necessary, though not a sufficient condition for an adequate education.

Chairman KILEY. OK. What are the other things.

Ms. LEVIN. We need policy. We need to fund policies that are evidence-backed and that work.

Chairman KILEY. Like what?

Ms. LEVIN. Like teacher preparation, like preschool, like sufficient services for students with disabilities, and I would be happy to provide the Committee with much more research backed evidence.

Chairman KILEY. OK. In California, we are not doing well. You did not answer the question, but that is the truth, so I guess even though we have all that funding, we just do not have the right policies in those other areas. Is that what it is?

Ms. LEVIN. Well, California has improved its public school funding. That does not necessarily mean it has sufficient funding to serve the needs well of every student.

Chairman KILEY. Uh-huh. Are you aware that California had the longest school shutdown in the country during COVID?

Ms. LEVIN. I will take your word for it.

Chairman KILEY. Do you think that was a good thing, or was that a mistake?

Ms. LEVIN. I believe that during a catastrophic early years of a pandemic, that schools sometimes needed to stay close to protect both students, especially students with disabilities.

Chairman KILEY. Do you support California's decision to stay—have its schools closed longer than any State in the country?

Ms. LEVIN. I support the decision of each State and locality making the choice that was right for them.

Chairman KILEY. OK. Interesting, but you do not support that when it comes to issues on school choice?

Ms. LEVIN. When it comes to issues like school choice, I support the policies that are going to benefit students, not harm them, and the evidence is overwhelming.

Chairman KILEY. Well, the evidence is overwhelming that school closures harmed students. That is not even really up for debate at this point. You are a supporter of charter schools though, is that right?

Ms. LEVIN. Yes, though they have to be like all public policy, implemented well, designed well, and with safeguards to protect students' rights.

Chairman KILEY. OK. When President Biden tried to cut Federal charter school grants, did you speak out against that?

Ms. LEVIN. Well, President Biden was a little more targeted than I think your characterizing. For example, I do not support and Education Law Center does not support for profit charter schools. They should not be funded with Federal money.

Chairman KILEY. Just for the record, do Federal civil rights laws apply to private schools? Yes or no?

Ms. LEVIN. Largely not.

Chairman KILEY. Federal civil rights laws you are saying do not apply to private schools?

Ms. LEVIN. Largely not. Some provisions do, but many do not of IDEA, Title VI, the EEOA, Title IX, some of them only apply—many of them only apply to schools that receive Federal funding, which is an increasingly low number of private schools, especially high schools.

Chairman KILEY. That is largely untrue. For an employer, there are Federal civil rights protections that do not depend on whether you are a public or private employer, but in any case, I will now recognize the—who is the next Democrat witness, Ms. Lee from Pennsylvania.

Ms. LEE. Thank you, Mr. Chair. Public education is important to me, right? I am a product of public education from Pre-K through college, including programs like Head Start. When I listen to our colleagues on the other side I am always baffled by the conversation, because I feel like sometimes it maybe intentionally misses the points.

We have talked, and we will continue to talk about good public schools, or passing public schools versus failing public schools, instead of talking about failing public policy, failing funding schemes, failing bureaucracy. We know that we have a system of inequitably funded schools in this country where the quality of your education can largely be determined by your Zip Code, or your family's wealth.

In my home Commonwealth of Pennsylvania, our funding scheme was so inequitable that the Court said we needed to go back to the drawing board. Republicans would love to believe that the solution is dismantling the Department of Education to give us local choice.

What they are actually giving us is the responsibility of subsidizing education to localities, where people will pay higher property taxes to fund the discrimination of children. The burden of the Federal Government divesting from public education will be shouldered by first time home buyers, for instance in Pittsburgh, where home ownership is already becoming unsustainable by seniors, and in my home school district of Woodland Hills, those neighborhoods, who are already strained and facing the loss of their social security benefits. These additional tax dollars will help charter and private

schools hand select students that will improve schools' outcomes, while maximizing schools' bottom line.

Our tax dollars will not help the children who will never be able to avail themselves of discriminatory school choices. Our public education system serves the child who is unhoused or transient, the child in the foster care system who does not have two well-connected parents to push for scholarships, or the family facing divisional divide, who will miss application deadlines, reasonably.

The child that did not have access to Head Start or preschool like me, because we did not invest in those. It is behind—that child is behind in reading. We need to invest in public education because it is the only option for children, that so-called parents' rights movement has decided are not worth investing in.

It is also no coincidence that the school choice movement is financed by billionaires, like Jeffrey Ash from my Commonwealth, who is trying to turn my state's education system into his own personal business.

A business's priority is to a stakeholder, and children have no stake in the economic model of school choice. Ms. Levin, I want to ask you about charter schools run by for profit management companies, as you ended in the last question line.

If a company is maximizing profit, it is not spending all public dollars on students, especially students who require more resources, which is why charter schools educate fewer students with disabilities, than traditional public schools.

In your opinion, Ms. Levin, are these for-profit charter management companies maximizing profit at the cost of students and families?

Ms. LEVIN. Yes.

Ms. LEE. Related to moving education to the private sector. One of the rationales for school choice is this free-market idea that school choice will force public schools to compete for funding, thereby, for public schools will improve because of that. Does evidence support this? What does the research show?

Ms. LEVIN. It does not, and neither does common sense. There is a lot of school choice right now in the public school system, so if competition is good, we are already creating and getting those benefits. Providing high-quality education should not be accomplished through cutthroat competition.

It should be accomplished by getting every school the resources that it needs.

Ms. LEE. Thank you. According to the 2022 GAO report, over 30 percent of Pennsylvania charters that receive Federal charter schools program grant funding between 2006 and 2020 closed or never opened. I request unanimous consent for the 2022 GAO report on federally funded charter school closures to be entered into the record.

Chairman KILEY. Without objection.

[The Information of Ms. Lee follows:]

United States Government Accountability Office



Report to Congressional Committees

October 2022

K-12 EDUCATION

Charter Schools That Received Federal Funding to Open or Expand Were Generally Less Likely to Close Than Other Similar Charter Schools

GAO-23-105616

GAO Highlights

Highlights of GAO-23-105616, a report to congressional committees

October 2022

K-12 EDUCATION

Charter Schools That Received Federal Funding to Open or Expand Were Generally Less Likely to Close Than Other Similar Charter Schools

Why GAO Did This Study

Charter schools are publicly funded, semi-autonomous schools of choice. In fiscal years 2006–2020, Education awarded 6,023 CSP grants to eligible state entities, developers, and charter management organization to help open charter schools across the nation. These grants represented about $2.5 billion in federal CSP funding. Questions have been raised about the effectiveness of CSP grants.

House Report 116-450 includes a provision for GAO to report on CSP grants, with a particular focus on charter schools that eventually closed or never opened. This report examines the extent to which CSP-recipient schools stayed open or closed compared to non-recipient charter schools in fiscal years 2006–2020 (the most recently available comparable data) and how much CSP funding went to schools that closed or never opened during this period. GAO reviewed the three Education CSP grants that are intended to create or expand charter schools: CSP State Educational Agencies/State Entities, CSP Charter Management Organizations, and CSP Non-State Educational Agencies/Developers.

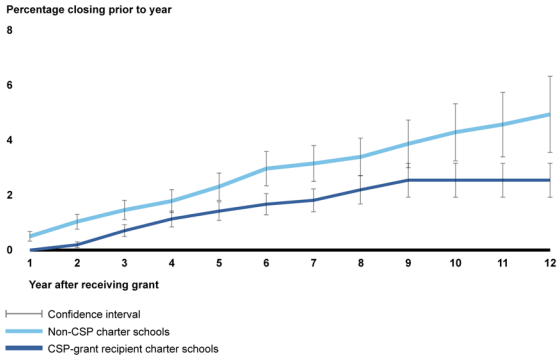
GAO conducted a multivariate statistical analysis to match CSP-recipient charter schools with similar charter schools that did not receive CSP awards and compared closure rates for these two groups. GAO analyzed CSP awards data to describe funding levels for charter schools that closed or never opened. GAO reviewed relevant federal laws, regulations, and documents and interviewed federal, state, and national education organization officials. GAO incorporated technical comments from Education as appropriate.

View GAO-23-105616. For more information, contact Jacqueline M. Nowicki at (617) 788-0580 or nowickij@gao.gov.

What GAO Found

The Department of Education awards Charter Schools Program (CSP) grants to help open new charter schools or replicate and expand high-quality charter schools, among other things. While few charter schools closed overall, charter schools that received CSP awards closed at lower rates than similar charter schools that did not receive an award between fiscal years 2006 and 2020. GAO's analysis found, for example, that within five years after receiving CSP awards, CSP-recipient charters schools were about 1.5 times less likely to close than similar non-CSP charter schools—with an estimated 1.4 percent and 2.3 percent closing, respectively. Within 12 years of receiving CSP grants, the same pattern generally held. The pattern also generally held for CSP-recipient charter schools regardless of the schools' grade level, locale, student body racial and ethnic composition, or percentage of students receiving free or reduced-price lunch.

Probability of Charter Schools Program (CSP) Charter Schools and Non-CSP Charter Schools Closing within 12 Years of Receiving an Award



Source: GAO matched comparison analysis of the Department of Education's CSP awards data and school-level characteristics from the Common Core of Data. | GAO-23-105616

Note: GAO examined data for charter schools that received a CSP award in fiscal years 2006–2020 and matched them to similar, non-CSP charter schools. Error bars display 95 percent confidence interval for estimates.

About 14 percent of charter schools (638 schools) that received CSP State Educational Agencies/State Entities (CSP State) awards—the largest CSP grant program—closed or never opened, according to GAO's analysis of Education's CSP awards data. These 638 schools received about $152 million (8 percent) of the approximately $2 billion provided in CSP State awards during fiscal years 2006–2020.

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Abbreviations

CCD	Common Core of Data
CMO	Charter Management Organization
CSP	Charter Schools Program
CSP CMO	Charter Schools Program Charter Management Organizations
CSP Developers	Charter Schools Program Non-State Educational Agencies/Developers
CSP SE	Charter Schools Program State Entities
CSP SEA	Charter Schools Program State Educational Agencies
CSP State	Charter Schools Program State Educational Agencies/State Entities
Education	Department of Education
ESEA	Elementary and Secondary Education Act of 1965
ESSA	Every Student Succeeds Act
FY	Fiscal Year
NCES	National Center for Education Statistics
NIA	Notices Inviting Applications

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GAO U.S. GOVERNMENT ACCOUNTABILITY OFFICE
441 G St. N.W.
Washington, DC 20548

October 11, 2022

The Honorable Patty Murray
Chair
The Honorable Roy Blunt
Ranking Member
Subcommittee on Labor, Health and Human Services, Education, and Related Agencies
Committee on Appropriations
United States Senate

The Honorable Rosa DeLauro
Chair
The Honorable Tom Cole
Ranking Member
Subcommittee on Labor, Health and Human Services, Education, and Related Agencies
Committee on Appropriations
House of Representatives

Since 1995, the Department of Education has supported the creation of charter schools across the nation through its Charter Schools Program (CSP) grants. Funded at about $440 million in fiscal year (FY) 2020, these grants are generally designed to help create new charter schools; replicate high-quality charter schools; disseminate best practices to charter schools; and expand opportunities for traditionally underserved students to attend charter schools, among other things. The effectiveness of and funding for charter schools are debated topics. Questions have also been raised about the effectiveness of CSP grants.

A committee report accompanying the House bill for the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2021 includes a provision for GAO to report on CSP grants, with a particular focus on charter schools that eventually closed or never opened.[1] This report, the first of two, examines the extent to which certain CSP grant-recipient charter schools have stayed open or closed compared to similar charter schools that did not receive CSP

[1]H.R. Rep. No. 116-450, at 246 (2021).

grants, and how much CSP funding went to charter schools that closed or never opened in FYs 2006–2020.[2]

What are charter schools?

Charter schools are publically funded schools typically governed by a group or organization under a contract—a charter—with the state, the district, or another entity authorized under state law to grant charters to schools. Charter schools are exempt from significant state or local regulations related to operation and management but otherwise adhere to regulations of public schools. For example, charter schools cannot charge tuition.

As of May 2022, 42 states, the District of Columbia, Puerto Rico, and Guam have charter schools. From fall 2009 to fall 2019, overall charter school enrollment increased from 1.6 million students to 3.4 million students and the number of charter schools increased from approximately 5,000 to 7,500.

Source: GAO analysis of Department of Education's documents and Education Commission of the States. | GAO-23-105616

To complete our work, we combined Education's CSP awards data for FYs 2006 through 2020, the most recent years for which reliable data were available, with school characteristics data from the Common Core of Data (CCD).[3] We assessed the reliability of these data by reviewing existing documentation about the data, comparing Education's restricted data file to the public use file, conducting our own electronic data tests, reviewing technical documentation, and interviewing federal officials knowledgeable about the CSP awards data and CCD. We determined they were sufficiently reliable for the purposes of our analysis.

We used the combined dataset to analyze charter school operating status (e.g., open, closed, never opened) and funding trends during this period. We analyzed three of Education's grants—CSP State Educational Agencies/State Entities, CSP Non-State Educational Agencies/Developers, and CSP Charter Management Organizations—that are designed to help create and expand charter schools. We also used a multivariate statistical method (matched comparison analysis) to estimate differences in closure rates between CSP grant-recipient charter schools and similar non-CSP charter schools. In addition, we reviewed relevant federal laws, regulations, and guidance and interviewed state and federal officials. See appendix I and II for more information on our methodology.

We conducted this performance audit from December 2021 to October 2022 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to

[2]We examined the three Education CSP grants that support the expansion and creation of charter schools—CSP State Educational Agencies/State Entities, CSP Non-State Educational Agencies/Developers, and CSP Charter Management Organization grants. Our second report will cover student enrollment trends for CSP grant-recipient charter schools compared to charter schools that did not receive the grants and traditional public schools. We will also provide information on how many charter schools expanded enrollment after receiving a CSP grant.

[3]Prior to FY 2006, Education did not systematically collect information on subgrantees (e.g., charter schools that received CSP subgrant awards). Education now collects self-reported information from CSP grantees, including names of charter schools that received funding, award amount, and school status. Education's CCD is a comprehensive, annual, national database of all public elementary and secondary schools and school districts. Using the school identification number, we combined CSP award data with select CCD data for our analyses.

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.

Background

Education awarded 6,023 CSP grants—representing about $2.5 billion—to state entities, developers, and charter management organizations between FYs 2006 and 2020 (see table 1). The CSP State Entities grant replaced the CSP State Education Agencies grant (the term CSP State refers to both in this report).[4] CSP State grants are awarded to eligible state entities, which then award subgrants to eligible applicants, e.g., developers that have applied for a charter. In addition, Education awards grants to charter management organizations and developers through the CSP Charter Management Organization (CSP CMO) grants[5] and CSP Non-State Educational Agencies/Developers (CSP Developers) grants.[6]

[4]The CSP State Entities program is authorized under the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA). Pub. L. No. 89-10, 79 Stat. 27 (1965), as amended by Pub. L. No. 114-95, 129 Stat. 1802 (2015) (codified as amended at 20 U.S.C. §§ 7221-7221j). Prior to the enactment of ESSA, this program was called the CSP State Educational Agencies (CSP SEA) program. Under the CSP SEA program, Education was authorized to make awards to state educational agencies to enable them to conduct charter school subgrant programs in their states. The CSP State Entities program under ESSA has broadened the types of entities that can apply for the grant, including state educational agencies, state charter school boards, state governors, and charter school support organizations. It also has different authorized activities, priorities, definitions, application requirements, and selection criteria.

[5]See 20 U.S.C. §§ 7221-7221j. A charter management organization, or CMO, is a nonprofit organization that operates or manages a network of charter schools linked by centralized support, operations, and oversight. 20 U.S.C. § 7221i(3).

[6]See 20 U.S.C. §§ 7221-7221j. A developer is an individual or group of individuals (including a public or private nonprofit organization), which may include teachers, administrators and other school staff, parents, or other members of the local community in which a charter school project will be carried out. 20 U.S.C. § 7221i(5).

Table 1: Department of Education Charter Schools Program (CSP) Grant Funding, Fiscal Years 2006–2020

CSP grant	Amount awarded	Number of unique grant awards	Number of awards to charter schools
Total	**$2.49 billion**	**563**	**6,023**
CSP State Educational Agencies/State Entities[a] 3- to 5-year grants to state entities, which award subgrants to eligible applicants to open new charter schools or to replicate and expand high-quality charter schools.	$1.97 billion	91	4,616
CSP Charter Management Organizations (CMO)[b] 3- to 5-year grants awarded to CMOs on a competitive basis to enable them to replicate or expand high-quality charter schools.	$425 million	237	1,172
CSP Non-State Educational Agencies/Developers (Developers)[c] 1- to 5-year grants to developers to support opening charter schools, or to replicate and expand high-quality charter schools.	$105 million	235	235

Source: GAO analysis of the Department of Education's CSP awards data. | GAO-23-105616

Note: CSP grant recipients report charter school operating status to Education twice a year. We analyzed Education's CSP awards data as of May 2022.

[a]Under the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the No Child Left Behind Act of 2001 (NCLB), CSP SEA subgrants were authorized for planning, program design, and initial implementation of a charter school. In contrast, CSP SE subgrants under the ESEA, as amended by the Every Student Succeeds Act (ESSA), may support the opening and preparation for opening of new charter schools as well as the replication and expansion of high-quality charter schools. In addition, the CSP State Entities program broadened eligible entities to include state educational agencies, state charter school boards, state governors, and charter school support organizations. Our analysis consolidates both CSP State Educational Agencies/State Entities grants.

[b]A CMO is an organization that operates or manages a network of charter schools linked by centralized support, operations, and oversight. 20 U.S.C. § 7221i(3). Charter schools receive funds through CSP CMO grants. CMOs often award funding to more than one school in their network.

[c]A developer is an individual or group of individuals in the community in which a charter school project will be carried out. 20 U.S.C. § 7221i(5). CSP Developers grants are awarded directly to eligible applicants. Under the ESEA, as amended by NCLB, CSP Non-SEA grants were authorized for planning, program design, and initial implementation of a charter school. In contrast, Developer Grants under the ESEA, as amended by the ESSA, may support the opening and preparation for opening of new charter schools as well as the replication and expansion of high-quality charter schools.

Charter Schools That Received CSP Awards Were Generally Less Likely to Close Compared to Similar Charter Schools That Did Not

According to our matched comparison analysis, CSP grant-recipient charter schools were generally less likely to close compared to similar charter schools that did not receive an award between FYs 2006 and 2020 (see fig. 1).[7] For example, within 5 years after receiving a CSP award, CSP grant-recipient charter schools were about 1.5 times less likely to have closed than other similar charter schools—an estimated 1.42 percent and 2.31 percent, respectively.[8] Within 12 years after receiving a CSP award, CSP grant-recipient charter schools were about two times less likely to have closed than other similar charter schools—an estimated 2.55 percent and 4.94 percent, respectively.[9]

[7]Our analysis matched charter schools that received CSP awards with similar non-CSP charter schools, based on several characteristics measured in the CCD. These include state, grade level, population density, student demographics, and school size, among others. However, we could not measure some characteristics that may have varied between the two groups and that may have been associated with closure. For example, CSP charter schools may have been more likely to have the necessary administrative skills or resources to seek and receive CSP awards. These same characteristics could allow CSP schools to remain open longer. Because our matched comparison cannot ensure that both groups of schools are similar on all relevant characteristics, differences in closure rates should not be attributed only to award receipt. See Appendix II for more details

[8]These differences between CSP grant-recipient charter schools and similar non-CSP charter schools are statistically significant at the $p<0.05$ level.

[9]These differences between CSP grant-recipient charter schools and similar non-CSP charter schools are statistically significant at the $p<0.05$ level.

Matched Comparison Analysis

We matched charter schools that received Charter Schools Program (CSP) awards to similar charter schools that did not receive grants. We matched the charter schools based on:

- (Group 1) Year opened, state, locale (urban, suburban, and rural), and grade level (elementary, middle, and high schools).
- (Group 2) Year opened, state, school district, and grade level.
- (Group 3) Year opened, state, and grade level.

In each analysis, paired schools that received the CSP awards were as similar as possible to schools not receiving the awards on a set of variables including student demographics, number of students in the school, free or reduced-price lunch rates, and exact geographic location.

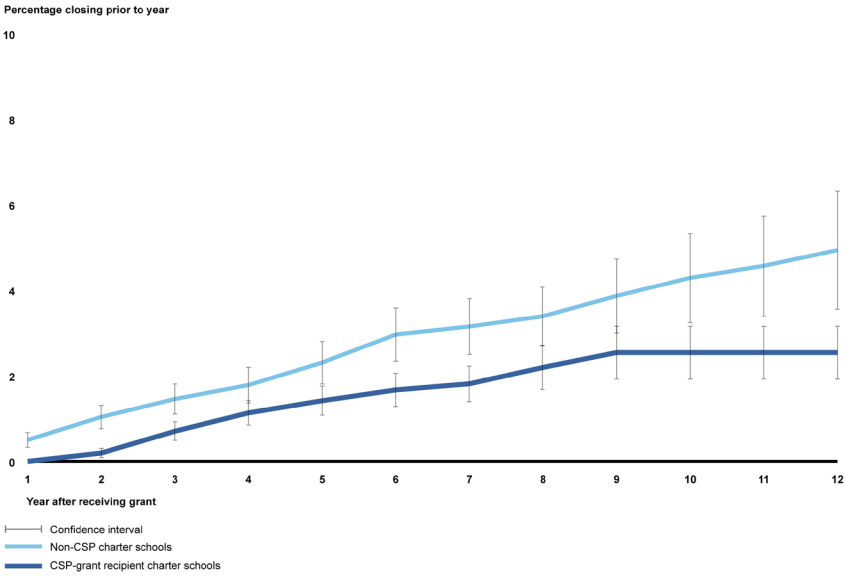
We reported on results from the first group. For all three analyses we conducted, we found that charter schools that received CSP awards were generally less likely to close than similar non-CSP charter schools.

Where are Charter Schools receiving CSP awards located?

Charter schools that received CSP awards were more likely to be located in rural or urban areas, and had higher proportions of Black or Hispanic students and students eligible for free or reduced-price lunch. In our recent report, we found that more than a third (41 percent) of all charter schools were predominately same-race/ethnicity (75 percent of the students or more) and the majority were predominately Black or Hispanic charter schools (see GAO-22-104737). The Department of Education's Notices Inviting Applications include priorities for awarding CSP grants. Priority areas for funding among the three CSP grant types have included funding schools in economically distressed communities, schools in urban and rural areas, and schools that serve high-need students.

Source: GAO matched comparison analysis of the Department of Education's CSP award and selected elements of Common Core of Data. | GAO-23-105616

Figure 1: Probability of Charter Schools Program (CSP) Charter Schools and Non-CSP Charter Schools Closing within 12 Years of Receiving an Award



Source: GAO matched comparison analysis of the Department of Education's CSP awards data and school-level characteristics from the Common Core of Data. | GAO-23-105616

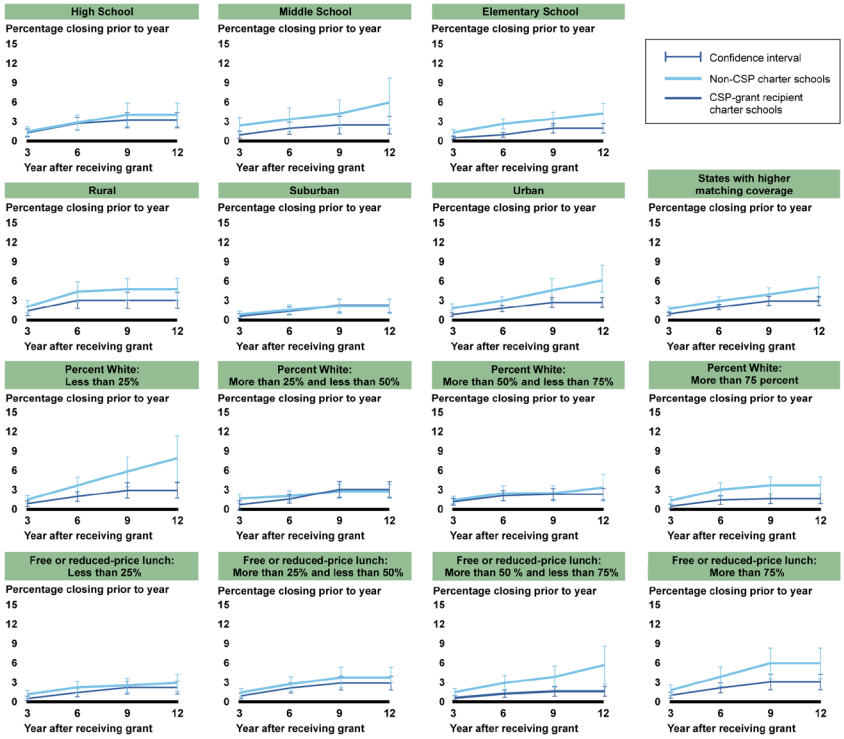
Note: GAO examined data for charter schools that received a CSP award between fiscal years 2006 and 2020 and matched them to similar, non-CSP charter schools. Error bars display 95 percent confidence interval for estimates. We analyzed Education's CSP awards data as of May 2022.

When we compared closure rates separately by grade level, locale (urban/suburban/rural), race/ethnicity, and percentage of students who receive free or reduced-price lunch, that same pattern generally held, with lower rates of closures for charter schools that received CSP grants (see

fig. 2).[10] For example, elementary charter schools that received CSP awards were generally less likely to close compared to similar non-CSP charter schools.

[10]Charter schools that received CSP grants, regardless of breakdowns, generally had lower closure rates than non-CSP charter schools; however, these differences were generally not statistically significant.

Figure 2: Probability of Charter Schools Program (CSP) Charter Schools and Non-CSP Charter Schools Closing, by Selected Characteristics, within 12 Years of Receiving an Award

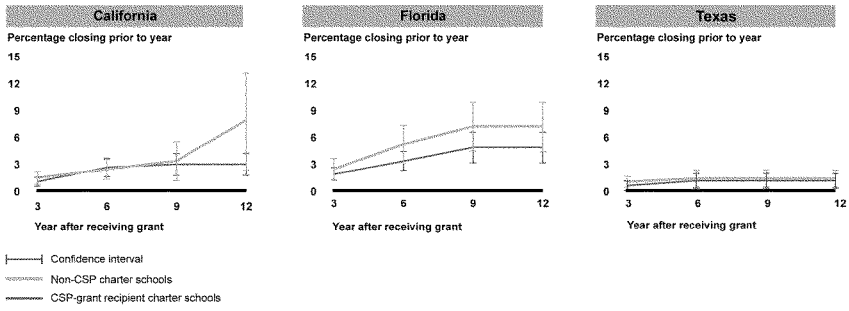


Source: GAO matched comparison analysis of the Department of Education's CSP awards data and school-level characteristics from the Common Core of Data. | GAO-23-105616

Note: GAO examined data for charter schools that received a CSP award between fiscal years 2006 and 2020 and matched them to similar, non-CSP charter schools. Error bars display 95 percent confidence interval for estimates. We analyzed Education's CSP awards data as of May 2022.

Further, when we compared closure rates separately in the three states that received the most CSP awards and funding—California, Florida, and Texas—we found similar patterns (see fig. 3).

Figure 3: Probability of Charter Schools Program (CSP) Charter Schools and Non-CSP Charter Schools Closing in California, Florida, and Texas within 12 Years of Receiving an Award



Source: GAO matched comparison analysis of the Department of Education's CSP awards data and school-level characteristics from the Common Core of Data. | GAO-23-105616

Note: GAO examined data for charter schools that received a CSP award between fiscal years 2006 and 2020 and matched them to similar, non-CSP charter schools. Error bars display 95 percent confidence interval for estimates. We analyzed Education's CSP awards data as of May 2022

What are some reasons for charter schools closing or never opening?

Officials from seven state education agencies we interviewed cited the following reasons for charter schools closing or never opening:

- Difficulty securing facilities
- Low enrollment
- Financial or business mismanagement
- Lack of community support
- Competition from other schools
- Charter is not reauthorized
- Poor academic outcomes

Source: GAO analysis of interviews with state education officials. | GAO-23-105616

Finally, our matched comparison analyses showed that the probability of charter schools having closed, regardless of whether they received CSP awards, generally increased over time. Officials we interviewed from seven state education agencies noted various reasons for charter schools closing (see textbox). However, CSP grant-recipient schools closed at lower rates, even 12 years post-award.

CSP Grant-Recipient Charter Schools that Closed or Never Opened Received Over $150 Million

States Awarded $152 Million in CSP State Grants to Charter Schools that Closed or Never Opened

What happens to Charter Schools Program State subgrant funding awarded to charter schools that closed or never opened?

According to state education agency officials we interviewed from five states, they recover funds, reallocate funds to future charter schools, and redistribute purchases made by the charter school authorizer to other charter schools.

Source: GAO analysis of interviews with officials from state education agencies. | GAO-23-105616

Of the 4,616 charter schools that received CSP State subgrant awards, 638 charter schools—or about 14 percent—closed or never opened, according to our analysis of Education's CSP FYs 2006–2020 awards data (see table 2).[11] These 638 charter schools received about $152 million (about 8 percent) of the total $1.97 billion in CSP State funding awarded during this period. Figure 4 shows CSP State awards and funding levels for charter schools that closed or never opened across the United States. Figure 5 shows overall CSP State awards by state between FYs 2006 and 2020.

[11]We analyzed Education's CSP award data, which has information on charter schools' operating status. We used Education's charter school operating status variables, and, when appropriate, recoded categories into "open," "future," "closed," and "never opened." We defined "open" to mean a school is currently in operation. We defined "future" as a charter schools that is planned to be opened. We considered a charter school as "closed" if it was no longer operating. We considered a charter school as "never opened" if it did not open after being awarded CSP funding. We looked up school operating status in CCD for missing data for multiple CSP State awards. There were three CSP State award records for which we did not find a charter school operating status. These awards account for .06 percent of total CSP State awards and $1,750,000 of funding.

Table 2: Operating Status of Charter Schools That Received Charter Schools Program State Educational Agencies/State Entities (CSP State) Awards, Fiscal Years 2006–2020

	Total CSP State awards[a]	Open	Future[c]	Closed	Never opened
Number of awards to charter schools (Percentage of totals)	4,616[b]	3,747 (81%)	228 (5%)	429 (9%)	209 (5%)
Amount awarded (Percentage of totals)	$1.97 billion	$1.7 billion (88%)	$86 million (4%)	$132 million (7%)	$20 million (1%)

Source: GAO analysis of the Department of Education's CSP awards data. | GAO-23-105616

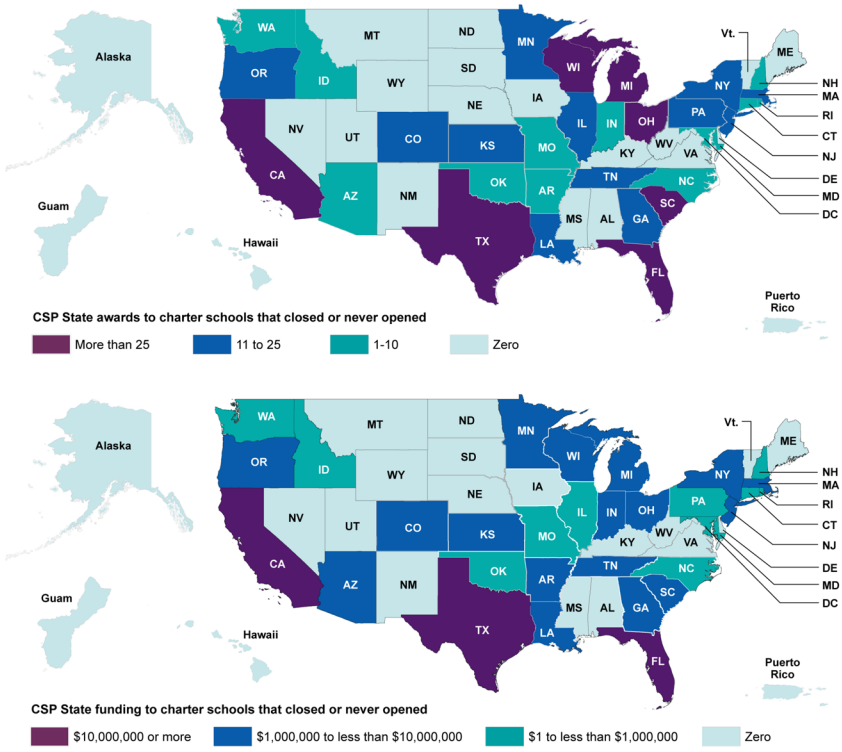
Note: CSP State Entities grant recipients report charter school operating status to Education twice a year. We analyzed Education's CSP awards data as of May 2022.

[a]As of its effective date in 2017, the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act, broadened eligible entities under the CSP State Entities program to include state educational agencies, state charter school boards, state governors, and charter school support organizations. Our analysis consolidates both CSP State Educational Agencies/State Entities grants.

[b]Three charter schools that received CSP State awards did not have a school operating status in Education's CSP awards data. As a result, the sum of open, future, closed, and never opened does not equal 4,616.

[c]A charter school is considered "future" if it is not yet open but plans to open at a later date.

Figure 4: Charter Schools Program State Educational Agencies/State Entities (CSP State) Awards and Funding Levels for Charter Schools That Closed or Never Opened, Fiscal Years 2006–2020

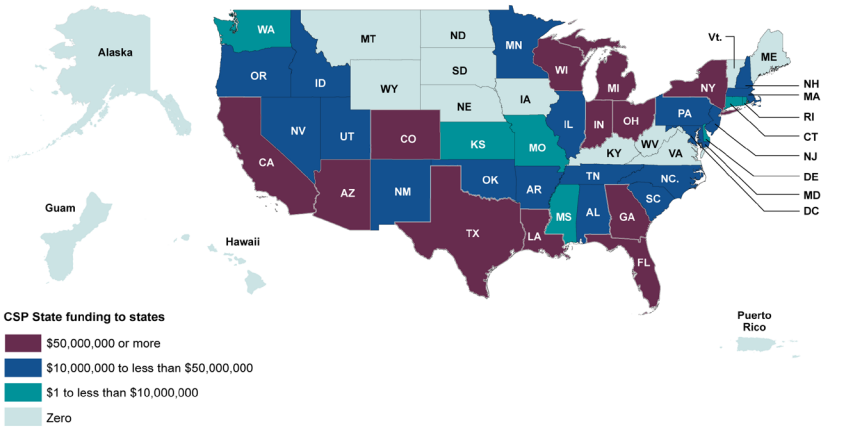


Source: GAO analysis of the Department of Education's CSP awards data. | GAO-23-105616

Note: As of its effective date in 2017, the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act, broadened eligible entities under the CSP State Entities program to include state educational agencies, state charter school boards, state governors,

and charter school support organizations. Our analysis consolidates both CSP State Educational Agencies/State Entities grants. CSP state grant recipients report charter school operating status to Education twice a year. We analyzed Education's CSP awards data as of May 2022.

Figure 5: Overall Charter Schools Program State Educational Agencies/State Entities (CSP State) Awards, Fiscal Years 2006–2020



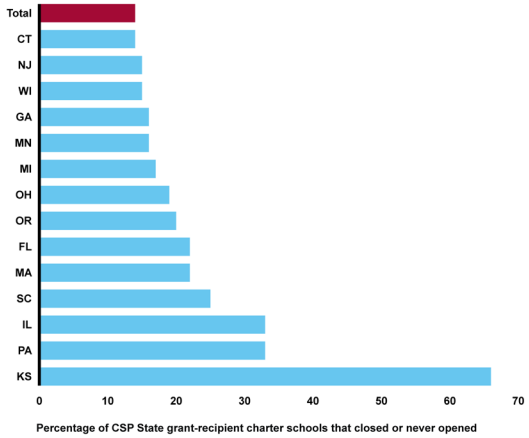
Source: GAO analysis of the Department of Education's CSP awards data. | GAO-23-105616

Note: As of its effective date in 2017, the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act, broadened eligible entities under the CSP State Entities program to include state educational agencies, state charter school boards, state governors, and charter school support organizations. Our analysis consolidates both CSP State Educational Agencies/State Entities grants. CSP state grant recipients report charter school operating status to Education twice a year. We analyzed Education's CSP awards data as of May 2022.

California, Florida, Texas, Wisconsin, and Louisiana accounted for more than half of CSP State awards funding that went to charter schools that closed or never opened, while Kansas, Pennsylvania, Illinois, South Carolina, Massachusetts, and Florida had the highest rates of charter schools that closed or never opened (see fig. 6). Further, while about 14 percent of CSP State subgrant recipient charter schools across all states closed or never opened, over 30 percent of these schools in Pennsylvania and Illinois, and over 60 percent in Kansas closed or never opened. The five states with the highest rates of CSP State grant-

recipient charter schools that closed or never opened accounted for about 19 percent (about $29 million of $152 million) of CSP State award funding that went to charter schools that closed or never opened.

Figure 6: States with the Highest Proportion of Charter Schools Program State Educational Agencies/State Entities (CSP State) Subgrant-Recipient Schools That Closed or Never Opened, Fiscal Years 2006–2020



Source: GAO analysis of the Department of Education's CSP awards data. | GAO-23-105616

Note: As of its effective date in 2017, the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act, broadened eligible entities under the CSP State Entities program to include state educational agencies, state charter school boards, state governors, and charter school support organizations. Our analysis consolidates both CSP State Educational Agencies/State Entities grants. CSP state grant recipients report charter school operating status to Education twice a year. We analyzed Education's CSP awards data as of May 2022.

Our analysis showed that the average CSP State subgrant award for charter schools that closed was $308,000 compared to $96,000 for charter schools that never opened. A majority of charter schools (390 of 638) that closed or never opened received less than $250,000 in CSP State subgrant funding, while eight charter schools received more than $750,000 (see table 3). Over 1,600 CSP State subgrant-recipient charter schools that remained open received at least $500,000 in CSP State

subgrant funding, compared to 83 charter schools that closed or never opened. See the text box for additional information on CSP State awards.

Table 3: Distribution of Charter Schools Program State Educational Agencies/State Entities (CSP State) Subgrant Awards to Charter Schools by Operating Status, Fiscal Years 2006–2020

	All CSP State subgrant awards	$250,000 or less	$250,001 to $500,000	$500,001 to $750,000	$750,001 to $1,000,000	More than $1,000,000
All schools	4,616	1,417	1,438	1,269	411	81
Closed	429	194	159	74	2	0
Never opened	209	196	6	1	6	0
Open	3,747	898	1,247	1,166	367	69
Future	228	129	24	27	36	12

Source: GAO analysis of the Department of Education's CSP awards data. | GAO-23-105616

Note: As of its effective date in 2017, the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act, broadened eligible entities to include state educational agencies, state charter school boards, state governors, and charter school support organizations. Our analysis consolidates both CSP State Educational Agencies/State Entities grants. CSP state grant recipients report charter school operating status to Education twice a year. We analyzed Education's CSP awards data as of May 2022.

Overall Department of Education's Charter Schools Program State Educational Agencies/State Entities (CSP State) Awards, Fiscal Years 2006–2020

Education awarded 91 grants to 35 states and the District of Columbia through CSP State grants between FYs 2006 and 2020, according to our analysis of Education's CSP awards data. Five states received about half of the $1.97 billion in CSP State awards during this time period.

- California: $318 million
- Florida: $186 million
- Texas: $171 million
- New York: $146 million
- Wisconsin: $108 million

On average, charter schools received $426,854 in CSP State subgrant funding. States awarded the most funding per charter school include:

- Alabama: $1.4 million
- Oklahoma: $900,000
- Mississippi: $859,754
- Nevada: $825,236
- Maryland: $609,133

Oregon awarded the least funding to charter schools, averaging about $231,047 per charter school.

Source: GAO analysis of the Department of Education's CSP awards data. | GAO-23-105616

About $2.7 Million in CSP Charter Management Organizations and Developers Awards Went to Schools that Closed or Never Opened

Of the 1,172 charter schools that received funds through CSP CMO awards, 96 percent (1,123) were open or planned to open, according to our analysis of Education's CSP awards data for FYs 2006 through 2020 (see table 4).[12] Three charter schools that received funds through CSP CMO grants and closed or never opened were awarded $1 million of the total $425 million. Of the 235 charter schools that received CSP Developers awards, 83 percent (196) were open or planned to open, according to our analysis of Education's CSP awards data for FYs 2006 through 2020 (see table 5).[13] Ten charter schools that received $1.7 million of $105 million in CSP Developer funding closed or never opened. See the text boxes for additional information on CSP CMO and CSP Developer awards.

Department of Education's Charter Schools Program Charter Management Organizations (CSP CMO) Awards, Fiscal Years (FY) 2006–2020

Seventy-one charter management organizations received CSP CMO awards in 31 states and the District of Columbia, according to our analysis of Education's CSP awards data for FYs 2006 through 2020. On average, charter schools funded through CSP CMO awards received $365,987. Five CMOs received about 51 percent of $425 million in CSP CMO award funding:

- KIPP Foundation: $106 million
- IDEA Public Schools: $63 million
- Uncommon Schools Incorporated: $20 million
- Aspire Public Schools: $14 million
- Success Academy: $13 million

Source: GAO analysis of the Department of Education's CSP awards data. | GAO-23-105616

Department of Education's Charter Schools Program Non-State Educational Agencies/Developers (CSP Developers) Awards, Fiscal Years (FY) 2006–2020

Charter school developers in 32 states, Guam, and Puerto Rico, received CSP Developer awards, according to our analysis of Education's CSP awards data for FYs 2006 through 2020. On average, charter schools that received CSP Developer award funding received $445,252. Five states accounted for about 54 percent of about $104 million in CSP Developers funding during this time period:

- Pennsylvania: $14 million
- Missouri: $12 million
- Illinois: $11 million
- Arizona: $10 million
- New Jersey: $9 million

Source: GAO analysis of the Department of Education's CSP awards data. | GAO-23-105616

[12]There were 46 CSP CMO award records that did not have a charter school operating status. These awards account for 4 percent of CSP CMO awards and $2,030,508 of funding.

[13]There were 29 CSP Developers award records that did not have a charter school operating status. These awards account for 6 percent of CSP Developers awards and $6,500,584 of funding.

Table 4: Operating Status of Charter Schools That Received Funding Through Charter Schools Program Charter Management Organization (CSP CMO) Awards, Fiscal Years 2006–2020

	CSP awards[a]	Open	Future[b]	Closed	Never opened
Number of awards to charter schools (Percentage of totals)	1,172	685 (58%)	438 (37%)	2 (0.2%)	1 (0.1%)
Amount awarded (Percentage of totals)	$ 425,277,116	$342,448,841 (81%)	$79,792,158 (19%)	$1,005,608 (0.2%)	$0 (0%)

Source: GAO analysis of the Department of Education's CSP awards data. | GAO-23-105616

Note: CSP CMO grant recipients report charter school operating status to Education twice a year. We analyzed Education's CSP awards data as of May 2022. While one charter school that received a CSP CMO award never opened, it did not receive funding, which accounts for the $0 in the never open category.

[a]Forty six charter schools that received CSP CMO awards did not have a school operating status in Education's CSP awards dataset. As a result, the sum of open, future, closed, and never opened does not equal 1,172.

[b]A charter school is considered "future" if it is not yet open but plans to open at a later date.

Table 5: Operating Status of Charter Schools That Received Charter Schools Program Non-State Educational Agencies/Developers (CSP Developers) Awards, Fiscal Years 2006–2020

	CSP awards[a]	Open	Future[b]	Closed	Never opened
Number of awards to charter schools (Percentage of totals)	235	181 (77%)	15 (6%)	6 (3%)	4 (2%)
Amount awarded (Percentage of totals)	$104,634,258	$92,405,567 (88%)	$3,995,431 (4%)	$1,401,215 (1%)	$331,461 (0.3%)

Source: GAO analysis of the Department of Education's CSP awards data. | GAO-23-105616

Note: CSP Developers grant recipients report charter school operating status to Education twice a year. We analyzed Education's CSP awards data as of May 2022.

[a]Twenty-nine charter schools that received CSP Developers award did not have a school operating status in Education's CSP awards dataset. As a result, the sum of open, future, closed, and never opened does not equal 235.

[b]A charter school is considered "future" if it is not yet open but plans to open at a later date.

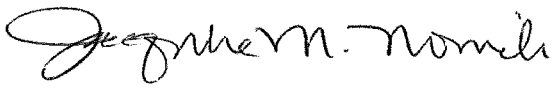
Agency Comments

We provided a draft of this report to the Department of Education for review and comment. Education provided written technical comments, which we incorporated as appropriate.

We are sending copies of this report to the appropriate congressional committees and the Secretary of Education. In addition, the report is available at no charge on the GAO website at https://www.gao.gov.

If you or your staff have any questions about this report, please contact me at (617) 788-0580 or nowickij@gao.gov. Contact points for our Office

of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made key contributions to this report are listed in appendix III.



Jacqueline M. Nowicki, Director
Education, Workforce, and Income Security Issues

Appendix I: Objective, Scope, and Methodology

Overview

This report examines the extent to which Charter Schools Program (CSP) grant-recipient charter schools stayed open or closed compared to similar non-CSP charter schools between fiscal years (FY) 2006 and 2020, and how much CSP funding has gone to CSP grant-recipient charter schools that stayed open, closed or never opened during this period.

To conduct this work, we used the Department of Education's CSP awards data for FYs 2006 through 2020—the most recent available comparable data—and school-level characteristics from the Common Core of Data (CCD). We analyzed Education's CSP awards data as of May 2022.

- **CSP awards data**. The CSP awards data provides information on charter schools that received CSP State Educational Agencies/State Entities (CSP State), CSP Non-State Educational Agencies/Developers (CSP Developers), and CSP Charter Management Organization (CSP CMO) awards, including award amounts, school identification numbers, and operating status.[1]
- **CCD.** Education's CCD is a comprehensive, annual, national database of all public elementary and secondary schools and school districts. Using the school identification number, we combined CSP award data with CCD data for our analyses.

We conducted a multivariate matching analysis (matched comparison analysis) and descriptive analysis of the CSP awards data and CCD. For the matched comparison analysis, we used the combined dataset to examine whether school closure rates differed between CSP grant-recipient charter schools and non-CSP charter schools between FYs 2006 and 2020. (Appendix II provides more information on our matched comparison analysis.) We also analyzed Education's CSP data on the number of awards and funding amounts granted across three CSP grant types.

We reviewed relevant federal laws, regulations, and guidance, such as Education's CSP Notices Inviting Applications. Furthermore, we interviewed federal Education officials about the CSP and CCD datasets

[1]Education's data contractor for the CSP—WestEd—has collected data on CSP award subgrantees on behalf of Education since FY 2006. WestEd collects data from grantees (state entities, developers, and charter management organizations) twice a year and conducts data checks on the self-reported data. For example, Education officials told us that WestEd uses CCD to check reported CSP grant-recipient charter schools' statuses.

used in our analyses.[2] We sent a structured question set to the top 15 states that received the most CSP State funding, and received 8 responses. We asked them to provide information on their states' eligibility criteria for awarding sub grants, reasons CSP grant-recipient charter schools closed, and the recovery of funds when a CSP grant-recipient charter school closes. We also interviewed representatives from nonfederal entities such as research entities and education advocacy organizations that were knowledgeable and had researched key topics covered under this study.

We conducted this performance audit from December 2021 through October 2022 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.

Analysis of Education's CSP Awards Data and Charter School Operating Status

We conducted a descriptive analysis of Education's most recently available CSP awards data on CSP State, CSP Developers, and CSP CMO grants for FYs 2006 through 2020. We determined the number of awards and funding amounts, and analyzed CSP data on school operating status (e.g., remained open, closed, or never opened) for this time period. We also analyzed CSP awards and funding by state and by charter management organization. For example, we examined the number of CSP awards that went to charter schools that closed or never opened.

Using variables listed in Education's 2019 public-facing dataset on CSP awards, we requested current data on the three CSP grants from Education.[3] Education provided current data on CSP award and funding

[2]Education publishes notices inviting applications (NIA) in the Federal Register for the CSP grants. NIAs include priorities, requirements, definitions, and selection criteria for CSP grants. We reviewed these NIAs to better understand Education's priorities in awarding grants and in designing a structured question set for states.

[3]We reviewed Education's public-facing FY 2015 and 2019 CSP awards data, and accompanying analyses to help determine our data request from Education. While the two public-facing datasets have information on CSP grantees and subgrantees, the information lags information we obtained directly from Education. For example, the public-facing FY 2019 CSP awards data contains data through the end of 2018. By contrast, the current CSP awards data provided by Education contains data on CSP awards through FY 2020.

including from its G5 grants management system.[4] Among other variables, we requested information for FYs 2006 through 2020 on:

- **Grant type.** CSP State, CSP Developers, CSP CMO grants.
- **Grantee name.** Name of entity that received CSP grant.
- **Award number.** Unique grant award number.
- **Charter school name.** Name of the school that received CSP funding.
- **National Center for Education Statistics (NCES) school identification number.** Unique school identification number, which we used to link to elements of select CCD variables.
- **Charter school location.** State and city location of grantee and charter school.
- **Funding awards.** The amount of funding awarded to each charter school.
- **Charter school operating status.** Charter school statuses coded as open, future, closed, and never opened, among others.[5]

We requested information on CSP grant and subgrant recipients for FYs 2006 through 2020. Education did not systematically start collecting information from CSP grantees on subgrantees until FY 2006. Education officials told us that their contractor—WestEd—contacted CSP grantees that received an award prior to FY 2006, but it is likely that some subgrantees from FYs 1995 through 2005 closed or never opened. As a result, data from FYs 1995 through 2005 are incomplete.

We took steps to clean and recode Education's CSP awards data for FYs 2006 through 2020. To further understand the extent to which CSP grant-recipient charter schools remained open, closed, or never opened, we manually identified the operating status of schools that had "blank" listed as their operating status in Education's internal CSP awards dataset. To do this, we used Education's NCES school ID numbers to find the

[4]G5 is Education's Grants Management system. G5 replaces the former e-Grants, Grant Administration and Payment systems. G5 is available to applicants, grantees, payees, as well as internal Education staff.

[5]If a charter school is listed as "future," then the charter school has been selected for an award but has not opened yet.

operating status of these schools in the NCES Public School Locator.[6] We then recoded schools listed as "blank" to their correct operating status, including open, closed, or never opened. We identified the operating status of 129 CSP grant-recipient charter schools previously listed as "blank." We were unable to identify the operating status of 78 CSP grant-recipient charter schools. For these cases, we noted that the data do not include the operating status.

We examined CSP State grantee and subgrantee (the charter school) information, including checking whether they were both located in the same state. We found two instances in Education's CSP award data where the grantee and proposed charter school were in different states. Education officials told us that two schools were planned to open in South Carolina and Florida; however, because they never secured facilities in these states, the address of their Virginia charter management organization was used instead. We corrected those data to reflect that these schools planned to open originally in South Carolina and Florida.

[6]The NCES Public School locator was created to enable school officials and the public to find the correct name, address, telephone number, NCES school ID number, locale, and school operating status, among other school characteristics. The school locator pulls information from Education's most recent CCD.

Appendix II: Multivariate Matching Analysis

Multivariate Matching Analysis Comparing the Closure Rates of CSP Grant-Recipient and Non-CSP Charter Schools Closing

We conducted a multivariate matching analysis to examine whether school closure rates differed between Charter Schools Program (CSP) grant-recipient and similar non-CSP charter schools, using Education's CSP award data joined to its Common Core of Data (CCD) from 2006 through 2020.[1] We identified comparison groups of non-CSP charter schools that closely resembled CSP grant-recipient charter schools on various characteristics measured in the CCD. We chose these covariates based on their potential to be associated with the receipt of grants and with school closure. We also sent a structured question set to the 15 states with the greatest dollar amount awarded through the CSP State Educational Agencies/State Entities (CSP State) grant. The question set addressed how these states distributed CSP grants to subgrantee charter schools, which helped confirm our choice of covariates.

Each comparison group required that some covariates match exactly between CSP grant-recipient charter schools and non-CSP charter schools. These exact covariates included:

- **Year charter school first opened.** The year when the charter school was first measured as a new school in the CCD.
- **State**.
- **Grade level.** Elementary, middle, high school, or combination of these.
- **Locale.** Urban, suburban, or rural.
- **School district.**

From these exact covariates, we created three matched comparison groups, using different combinations of the exact covariates:

- **Group 1.** Year opened, state, grade level, and school district.
- **Group 2.** Year opened, state, locale, and grade level.
- **Group 3.** Year opened, state, and grade level.

Requiring an exact match on more covariates limited our analysis sample to a smaller portion of the original population of interest, as shown in table 6. Exactly matching on fewer covariates increased the coverage of our

[1]Our matching analysis used school status data from the CCD, which uses school years. In contrast, our analysis of CSP funding trends generally used school status data from the CSP, because this source measured school status for fiscal years.

analysis sample, but increased the chance that the comparison schools would be dissimilar.

Table 6: Population Coverage Rates by Group for Multivariate Matching Analysis of Charter Schools Program (CSP) Grants, Based on Data for Fiscal Years 2006–2020

State	Population	State-grade-year-district exact match	State-grade-year-locale exact match	State-grade-year exact match
AK	1	0 (0.00%)	0 (0.00%)	0 (0.00%)
AL	2	0 (0.00%)	1 (50.00%)	1 (50.00%)
AR	38	1 (2.63%)	9 (23.68%)	16 (42.11%)
AZ	111	0 (0.00%)	48 (43.24%)	65 (58.56%)
CA	538	86 (15.99%)	429 (79.74%)	470 (87.36%)
CO	114	13 (11.40%)	28 (24.56%)	72 (63.16%)
CT	7	0 (0.00%)	0 (0.00%)	0 (0.00%)
DC	31	1 (3.23%)	8 (25.81%)	8 (25.81%)
DE	9	0 (0.00%)	2 (22.22%)	3 (33.33%)
FL	338	101 (29.88%)	206 (60.95%)	286 (84.62%)
GA	46	2 (4.35%)	8 (17.39%)	17 (36.96%)
HI	4	2 (50.00%)	2 (50.00%)	2 (50.00%)
ID	24	0 (0.00%)	2 (8.33%)	4 (16.67%)
IL	40	3 (7.50%)	6 (15.00%)	7 (17.50%)
IN	71	0 (0.00%)	27 (38.03%)	32 (45.07%)
KS	17	0 (0.00%)	5 (29.41%)	7 (41.18%)
LA	46	3 (6.52%)	18 (39.13%)	23 (50.00%)
MA	40	0 (0.00%)	1 (2.50%)	1 (2.50%)
MD	28	3 (10.71%)	3 (10.71%)	5 (17.86%)
ME	4	0 (0.00%)	0 (0.00%)	1 (25.00%)
MI	110	2 (1.82%)	63 (57.27%)	89 (80.91%)
MN	49	0 (0.00%)	25 (51.02%)	35 (71.43%)
MO	29	1 (3.45%)	22 (75.86%)	23 (79.31%)
MS	5	0 (0.00%)	1 (20.00%)	1 (20.00%)
NC	30	0 (0.00%)	9 (30.00%)	10 (33.33%)
NH	26	0 (0.00%)	0 (0.00%)	0 (0.00%)
NJ	58	0 (0.00%)	6 (10.34%)	14 (24.14%)
NM	49	4 (8.16%)	8 (16.33%)	13 (26.53%)
NV	12	9 (75.00%)	6 (50.00%)	9 (75.00%)
NY	250	0 (0.00%)	72 (28.80%)	75 (30.00%)
OH	120	0 (0.00%)	68 (56.67%)	75 (62.50%)

State	Population	State-grade-year-district exact match	State-grade-year-locale exact match	State-grade-year exact match
OK	10	1 (10.00%)	4 (40.00%)	4 (40.00%)
OR	32	0 (0.00%)	3 (9.38%)	5 (15.62%)
PA	58	0 (0.00%)	25 (43.10%)	29 (50.00%)
PR	1	0 (0.00%)	0 (0.00%)	0 (0.00%)
RI	23	0 (0.00%)	1 (4.35%)	4 (17.39%)
SC	61	3 (4.92%)	5 (8.20%)	10 (16.39%)
TN	77	8 (10.39%)	25 (32.47%)	31 (40.26%)
TX	214	36 (16.82%)	203 (94.86%)	211 (98.60%)
UT	23	0 (0.00%)	4 (17.39%)	5 (21.74%)
WA	6	0 (0.00%)	0 (0.00%)	0 (0.00%)
WI	112	5 (4.46%)	29 (25.89%)	53 (47.32%)
Total	**2864**	**284 (9.92%)**	**1382 (48.25%)**	**1716 (59.92%)**

Source: GAO matched comparison analysis of the Department of Education's CSP awards data and school-level characteristics from the Common Core of Data. | GAO-23-105616

Note: Entries are counts of charter schools with row percentages in parentheses. We examined data for the CSP State Educational Agencies/State Entities, CSP Charter Management Organizations, and CSP Non-State Educational Agencies/ Developers grants. We analyzed Education's CSP awards data as of May 2022.

For each CSP grant-recipient charter school, we selected the non-recipient school that was most similar on several continuous covariates:

- **Number of students.**
- **Student racial and ethnic demographics.** The percentage of Asian, Black, Hawaiian/Pacific Islander, Hispanic, Native American, Non-Hispanic White, and more than one race students.
- **Free or reduced-price lunch eligibility rate.**

We matched charter schools on these continuous covariates within the groups formed by cross-classifying the exact covariates, such as state by grade level. We identified the closest non-CSP school on the continuous covariates using the Mahalaobis distance metric, without requiring a maximum distance, and we reused non-CSP schools as needed to

achieve the best match. In the statistics literature, this method is known as one-to-one Mahalanobis distance matching with replacement.[2]

Although we were able to perform a combination of exact and distance-based matching on key characteristics, we could not measure some characteristics that may have varied between the two groups and that may have been associated with closure. For example, CSP grant-recipient charter schools may have been more likely to have the necessary administrative skills or resources to seek and receive CSP awards. These same characteristics could allow CSP grant-recipient charter schools to remain open longer. Because our matched comparison could not ensure that both groups of charter schools were similar on all relevant characteristics, differences in closure rates should not be attributed only to award receipt.

We used Kaplan-Meier statistical models for duration data to estimate differences in closure rates between the matched and unmatched charter schools prior to various follow-up years. These methods accounted for charter schools that remained open at the end of our observation period (i.e., "right-censoring") and estimated 95 percent confidence intervals to quantify uncertainty. We weighted the estimation by the inverse of the number of times that the matching method re-used each comparison charter school. We stratified the models by CSP grant-recipient versus non-CSP recipient status and various subpopulations to make separate estimates for each group.

Scope of Analysis

We defined CSP grant-recipient schools as those receiving CSP State Educational Agencies/State Entity, CSP Non-State Educational Agency/Developers, or CSP Charter Management Organizations grants.[3]

[2]For more information on the Mahalanobis method, see Guido W. Imbens and Donald B. Rubin, *Causal Inference for Statistics, Social, and Biomedical Sciences: An Introduction* (New York, NY: Cambridge University Press, 2015), Chapter 15, "Matching to Improve Balance in Covariate Distributions."

[3]The CSP State Entities program is authorized under the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA). Pub. L. No. 89-10, 79 Stat. 27 (1965), as amended by Pub. L. No. 114-95, 129 Stat. 1802 (2015) (codified as amended at 20 U.S.C. §§ 7221-7221j). Prior to the enactment of ESSA, this program was called the CSP State Educational Agencies program. Education was authorized to make awards to state educational agencies to enable them to conduct charter school subgrant programs in their states. The CSP State Entities program under ESSA has broadened the types of entities that can apply for the grant, including state educational agencies, state charter school boards, state governors, and charter school support organizations. It also has different authorized activities, priorities, definitions, application requirements, and selection criteria.

We did not have adequate sample sizes to compare closure rates separately by grant type. We defined cohorts of CSP grant-recipient charter schools using only the first grant awarded within our time frame. Grant-recipient charter schools may have received additional CSP grants during the follow-up period when we measured closure.

Our analysis applied to only a selected subpopulation of CSP grant-recipient charter schools, as shown in table 7. Of the 4,494 charter schools in the CCD receiving grants from school year 2006 through 2020, 3,643 had students and were not run by the Bureau of Indian Education (see table 7). We defined this group as our target population of interest. We further limited this group to the 2,596 schools that: (1) opened; (2) could be observed in the CCD as "new" in the year prior to receiving its first grant; or (3) and had complete data on all covariates. Charter schools that satisfied all three screens made up about 71 percent of the original target population. Among charter schools that met the first two screens, 85 percent had operating status reported in the CCD for only one year prior to receiving grants, and 86 percent of these charter schools were "new" in that year. It should be noted that although we looked at data over a 14-year period from fiscal years (FY) 2006 through 2020, the maximum period of time we could assess closure probability was 12 years. This is because we (1) required schools in the matched comparison analysis to be new in the year prior to receiving a grant and (2) designated schools' first year of operation as the year following receipt of a grant.

Table 7: Scoping Decisions to Arrive at Final Population for Multivariate Matching Analysis for Charter Schools Program (CSP) Grants, Based on Data for Fiscal Years 2006–2020

Number of schools	Description
4,494	All charter schools in the Common Core of Data (CCD), receiving 1 or more grants
3,643	Only K-12 charter schools with students, not run by the Bureau of Indian Education
3,349	Only charter schools that opened (first CCD status new or open)
2,868	Only charter schools that were first observed in new status in the year prior to receiving grant
2,596	Only charter schools with complete covariate data

Source: GAO matched comparison analysis of the Department of Education's CSP awards data and school-level characteristics from the Common Core of Data. | GAO-23-105616

Note: We examined data for the CSP State Educational Agencies/State Entities, CSP Charter Management Organizations, and CSP Non-State Educational Agencies/ Developers grants. We analyzed Education's CSP awards data as of May 2022.

Our matched samples achieved coverage rates of 9–60 percent of the target population, depending on the exact covariates used, as shown previously in table 6. Coverage rates exceeded 90 percent for California, Florida, and Texas and exceeded 50 percent for several additional states.

Data Reliability

We took steps to assess the reliability of the CSP awards and CCD datasets. For example, we interviewed Education officials, and we reviewed charter school status data in the CSP awards data and compared it to status data in the National Center for Education Statistics (NCES) school locator.[4] Specifically, we:

- compared Education's restricted data file to the public use file, which includes additional context for variables such as school status, and verified that our results using the public use file were similar;
- conducted our own electronic data testing to assess the accuracy and completeness of the data used in our analyses;
- reviewed technical documentation, including data collection forms, on the data elements included in the CSP awards dataset; and
- interviewed federal and state officials knowledgeable about the CSP awards data and CCD, and consulted these officials periodically throughout the course of our study.

Matching Results

Table 8 shows various quantiles of the unmatched sample and for the sample matched exactly by state, opening year, grade level, and locale. Generally, the quantiles were similar between CSP grant-recipient and non-CSP charter schools.

[4]The NCES Public School Locator is a publicly available website with a search tool for accessing CCD public school data for school year 2020-21.

Table 8: Unmatched Sample and Comparison Group Matched Exactly on State, Year, Grade, and Locale for Charter Schools Program (CSP), Based on Data for Fiscal Years 2006–2020

		Unmatched percentile					Matched percentile				
Covariate	Treatment	10	25	50	75	95	10	25	50	75	95
Location: latitude by longitude	CSP grant-recipient charter schools	-4397.39	-3989.37	-3352.09	-2986.51	-2140.33	-4550.94	-4022.62	-3434.74	-2901.59	-2102.80
Location: latitude by longitude	Non-CSP charter schools	-4603.91	-4053.87	-3498.95	-3003.16	-2179.31	-4593.04	-4025.03	-3477.80	-2895.05	-2093.45
Location: latitude	CSP grant-recipient charter schools	28.51	33.13	37.36	40.73	44.07	27.78	30.30	34.14	39.74	42.88
Location: latitude	Non-CSP charter schools	28.81	32.76	36.15	40.65	44.94	26.70	30.26	34.23	39.75	42.95
Location: longitude	CSP grant-recipient charter schools	-118.45	-111.80	-88.42	-80.52	-73.88	-121.29	-117.67	-95.53	-82.65	-74.22
Location: longitude	Non-CSP charter schools	-120.86	-112.11	-95.37	-83.00	-76.54	-121.11	-117.74	-95.51	-82.12	-75.10
Number students	CSP grant-recipient charter schools	44.00	79.00	121.00	210.00	511.60	51.00	81.00	127.00	221.75	533.85
Number students	Non-CSP charter schools	25.00	53.00	115.00	236.00	605.80	37.00	74.25	140.00	232.00	486.95
Percent students on free or reduced-price lunch	CSP grant-recipient charter schools	0.07	0.31	0.65	0.84	0.97	0.08	0.35	0.68	0.86	0.97
Percent students on free or reduced-price lunch	Non-CSP charter schools	0.00	0.10	0.46	0.78	0.96	0.05	0.36	0.67	0.85	0.97
Race: percent Native American	CSP grant-recipient charter schools	0.00	0.00	0.00	0.00	0.03	0.00	0.00	0.00	0.00	0.03
Race: percent Native American	Non-CSP charter schools	0.00	0.00	0.00	0.00	0.02	0.00	0.00	0.00	0.00	0.02

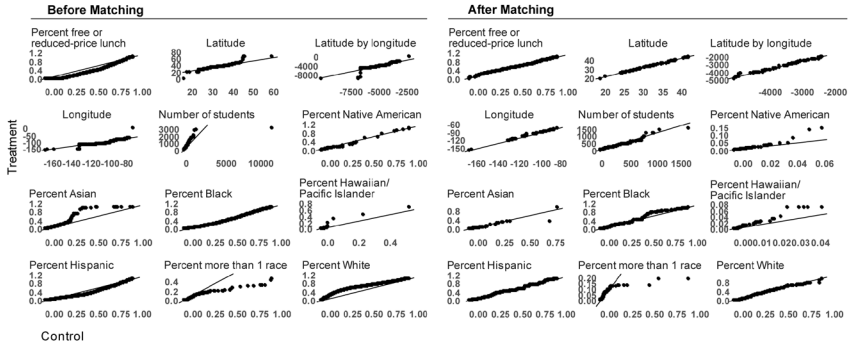
		Unmatched percentile					Matched percentile				
Covariate	Treatment	10	25	50	75	95	10	25	50	75	95
Race: Percent Asian	CSP grant-recipient charter schools	0.00	0.00	0.01	0.03	0.12	0.00	0.00	0.01	0.03	0.14
Race: Percent Asian	Non-CSP charter schools	0.00	0.00	0.00	0.02	0.11	0.00	0.00	0.01	0.03	0.09
Race: Percent Black	CSP grant-recipient charter schools	0.00	0.03	0.18	0.62	0.98	0.00	0.03	0.15	0.55	0.97
Race: Percent Black	Non-CSP charter schools	0.00	0.02	0.11	0.48	0.98	0.00	0.04	0.16	0.52	0.98
Race: Percent Hawaiian/Pacific Islander	CSP grant-recipient charter schools	0.00	0.00	0.00	0.00	0.01	0.00	0.00	0.00	0.00	0.01
Race: Percent Hawaiian/Pacific Islander	Non-CSP charter schools	0.00	0.00	0.00	0.00	0.01	0.00	0.00	0.00	0.00	0.01
Race: Percent Hispanic	CSP grant-recipient charter schools	0.00	0.04	0.17	0.51	0.92	0.01	0.07	0.27	0.65	0.95
Race: Percent Hispanic	Non-CSP charter schools	0.00	0.02	0.11	0.33	0.90	0.01	0.07	0.29	0.66	0.95
Race: Percent non-Hispanic White	CSP grant-recipient charter schools	0.00	0.02	0.15	0.56	0.91	0.00	0.02	0.11	0.42	0.83
Race: Percent non-Hispanic White	Non-CSP charter schools	0.00	0.04	0.33	0.72	0.95	0.00	0.02	0.13	0.47	0.81
Race: Percent 2 or more races	CSP grant-recipient charter schools	0.00	0.00	0.01	0.04	0.11	0.00	0.00	0.01	0.04	0.12
Race: Percent 2 or more races	Non-CSP charter schools	0.00	0.00	0.00	0.01	0.08	0.00	0.00	0.01	0.04	0.12

Source: GAO matched comparison analysis of the Department of Education's CSP awards data and school-level characteristics from the Common Core of Data. | GAO-23-105616

Note: We examined data for the CSP State Educational Agencies/State Entities, CSP Charter Management Organizations, and CSP Non-State Educational Agencies/Developers grants. We analyzed Education's CSP awards data as of May 2022

Figures 7 through 9 show the distributions of covariates in grant-recipient charter schools and non-CSP charter schools, before and after matching. In a completely balanced design, each point in each plot would sit directly on the diagonal line, representing that the quantiles of each sample's distribution are the same. As seen below, matching generally improved the similarity of the covariate distributions, but imbalances remained for school size in some of the matched samples and for some race and ethnic groups (e.g., Native American, more than one race, Asian, and Hawaiian/Pacific Islander).

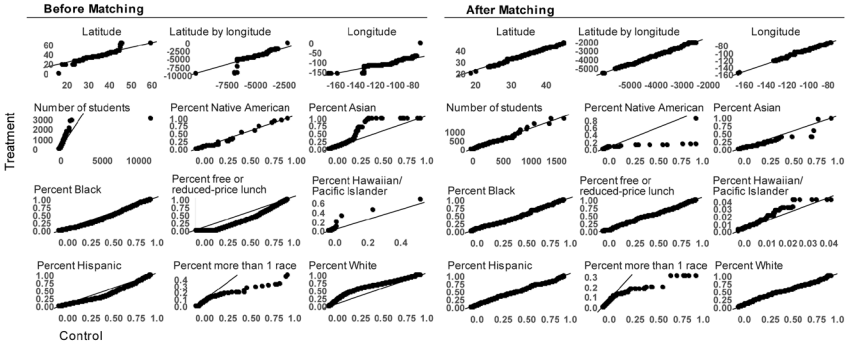
Figure 7: Covariate Distributions among Charter Schools Programs (CSP) and Comparison Charter Schools, Matched Exactly on State, Grade, Year, and District, Based on Data for Fiscal Years 2006–2020



Source: GAO matched comparison analysis of the Department of Education's CSP awards data and school-level characteristics from the Common Core of Data. | GAO-23-105616

Note: Points are quantiles of the sample distributions, overlain with a 45-degree line (empirical quantile-quantile plots).The sample distributions are identical if the quantiles fall on the line. We examined data for the CSP State Educational Agencies/State Entities, CSP Charter Management Organizations, and CSP Non-State Educational Agencies/Developers grants. We analyzed Education's CSP awards data as of May 2022.

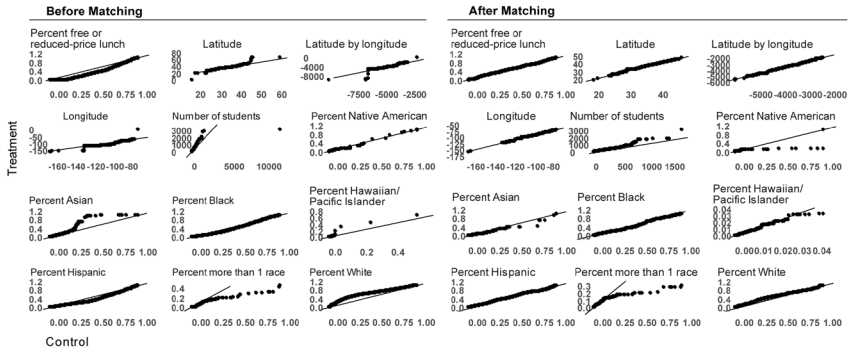
Figure 8: Covariate Distributions among Charter Schools Programs (CSP) and Comparison Charter Schools Matched Exactly on State, Grade, Year, and Locale, Based on Data for Fiscal Years 2006–2020



Source: GAO matched comparison analysis of the Department of Education's CSP awards data and school-level characteristics from the Common Core of Data. | GAO-23-105616

Note: Points are quantiles of the sample distributions, overlain with a 45-degree line (empirical quantile-quantile plots).The sample distributions are identical if the quantiles fall on the line. We examined data for the CSP State Educational Agencies/State Entities, CSP Charter Management Organizations, and CSP Non-State Educational Agencies/Developers grants. We analyzed Education's CSP awards data as of May 2022.

Figure 9: Covariate Distributions among Charter Schools Programs (CSP) and Comparison Charter Schools Matched Exactly on State, Grade, and Year, Based on Data for Fiscal Years 2006–2020



Source: GAO matched comparison analysis of the Department of Education's CSP awards data and school-level characteristics from the Common Core of Data. | GAO-23-105616

Note: Points are quantiles of the sample distributions, overlain with a 45-degree line (empirical quantile-quantile plots).The sample distributions are identical if the quantiles fall on the line. We examined data for the CSP State Educational Agencies/State Entities, CSP Charter Management Organizations, and CSP Non-State Educational Agencies/Developers grants. We analyzed Education's CSP awards data as of May 2022.

Table 9 shows the mean difference on each covariate between grantees and nongrantees, divided by the standard deviation of the grantee observations and multiplied by 100. Generally, matching reduced these differences to less than 10 (0.1 standard deviations).

Table 9: Standardized Mean Difference Before and After Matching for Multivariate Matching Analysis for Charter Schools Program (CSP), Based on Data for Fiscal Years 2006–2020

	State-grade-year-district exact match		State-grade-year-locale exact match		State-grade-year exact match	
Variable	Standardized difference before	Standardized difference after	Standardized difference before	Standardized difference after	Standardized difference before	Standardized difference after
Location: Latitude	8.96	0.34	8.96	-1.84	8.96	-2.31
Location: Longitude	25.13	-0.47	25.13	-0.40	25.13	-0.25
Race: percent Asian	-2.62	6.70	-2.62	8.96	-2.62	7.76

Variable	State-grade-year-district exact match		State-grade-year-locale exact match		State-grade-year exact match	
	Standardized difference before	Standardized difference after	Standardized difference before	Standardized difference after	Standardized difference before	Standardized difference after
Race: percent Hispanic	18.5	-0.30	18.50	-1.27	18.50	2.08
Race: percent Black	10.37	-5.78	10.37	1.07	10.37	-0.82
Race: percent non-Hispanic White	-27.55	1.84	-27.55	-5.34	-27.55	-6.80
Race: percent Native American	5.97	-16.63	5.97	6.15	5.97	6.43
Percent of students on free or reduced-price lunch	34.91	-5.78	34.91	1.64	34.91	2.11
Race: percent Hawaiian/Pacific Islander	0.32	-21.61	0.32	-9.70	0.32	3.09
Race: percent more than one race	24.49	7.16	24.49	9.39	24.49	8.13
Number students	-3.37	8.92	-3.37	1.11	-3.37	-10.80
Location: latitude by longitude	14.33	-0.61	14.33	1.30	14.33	1.86

Source: GAO matched comparison analysis of the Department of Education's CSP awards data and school-level characteristics from the Common Core of Data. | GAO-23-105616

Note: Entries are the mean differences on each covariate between grantees and non-grantees, divided by the standard deviation of the grantee observations and multiplied by 100. We examined data for the CSP State Educational Agencies/State Entities, CSP Charter Management Organizations, and CSP Non-State Educational Agencies/Developers grants. We analyzed Education's CSP awards data as of May 2022.

Finally, table 10 shows the results of Kolmogorov-Smirnov tests before and after matching. Kolmogorov-Smirnov tests assess the probability that two samples are drawn from the same distribution. Tests generally showed p-values that exceeded .05. This implies we generally could not reject the hypothesis that the covariate samples were drawn from the same distribution.

Table 10: Kolmogorov-Smirnov p-Values Before and After Matching for Charter Schools Program (CSP) Multivariate Comparison Analysis, Based on Data for Fiscal Years 2006–2020

	State-grade-year-district exact match		State-grade-year-locale exact match		State-grade-year exact match	
Variable	Before matching	After matching	Before matching	After matching	Before matching	After matching
Location: latitude	0.000	0.758	0.000	0.428	0.000	0.158
Location: longitude	0.000	0.983	0.000	0.375	0.000	0.281
Race: percent Asian	0.000	0.009	0.000	0.014	0.000	0.018
Race: percent Hispanic	0.000	0.823	0.000	0.135	0.000	0.115
Race: percent Black	0.000	0.549	0.000	0.047	0.000	0.007
Race: percent non-Hispanic White	0.000	0.103	0.000	0.038	0.000	0.027
Race: percent Native American	0.000	0.758	0.000	0.767	0.000	0.845
Percent of students on free or reduced-price lunch	0.000	0.823	0.000	0.124	0.000	0.053
Race: percent Hawaiian/Pacific Islander	0.001	0.927	0.001	0.853	0.001	0.956
Race: Percent more than one race	0.000	0.482	0.000	0.428	0.000	0.513
Number students	0.000	0.419	0.000	0.011	0.000	0.002
Location: latitude by longitude	0.000	0.758	0.000	0.103	0.000	0.053

Source: GAO matched comparison analysis of the Department of Education's CSP awards data and school-level characteristics from the Common Core of Data. | GAO-23-105616

Note: We examined data for the CSP State Educational Agencies/State Entities, CSP Charter Management Organizations, and CSP Non-State Educational Agencies/Developers grants. We analyzed Education's CSP awards data as of May 2022.

Figures 6 through 8 and tables 9 and 10 show that matching improved covariate balance between the CSP grant-recipient charter school and non-CSP charter school groups. However, less restrictive comparison groups have worse balance than more restrictive comparison groups. Moreover, balance between CSP grant-recipient charter school and non-CSP charter school was generally worse for some racial and ethnic groups than for other covariates.

Outcome Results

We found that CSP grant-recipient charter schools were generally less likely to close than similar non-CSP charter schools, regardless of which matched comparison group we used (see table 11).

Table 11: Estimated Rates of Closure, by Follow-Up Time and Matched Comparison Group for Multivariate Matching Analysis for Charter Schools Program (CSP), Based on Data for Fiscal Years 2006–2020

	State-grade-year-district exact match		State-grade-year-locale exact match		State-grade-year exact match	
Years open	Non-CSP charter schools	CSP grant-recipient charter schools	Non-CSP charter schools	CSP grant-recipient charter schools	Non-CSP charter schools	CSP grant-recipient charter schools
1	0.73	0.00	0.50	0.00	0.50	0.00
	(0.17–1.29)	(0.00–0.00)	(0.33–0.68)	(0.00–0.00)	(0.33–0.67)	(0.00–0.00)
2	1.78	0.14	1.04	0.19	1.01	0.31
	(0.91–2.65)	(0.00–0.33)	(0.77–1.31)	(0.09–0.30)	(0.76–1.27)	(0.19–0.42)
3	2.35	0.80	1.46	0.71	1.47	0.81
	(1.31–3.37)	(0.30–1.30)	(1.11–1.81)	(0.49–0.92)	(1.15–1.79)	(0.61–1.01)
4	3.07	1.11	1.79	1.13	1.79	1.22
	(1.75–4.36)	(0.50–1.71)	(1.37–2.20)	(0.85–1.42)	(1.42–2.17)	(0.95–1.48)
5	4.02	1.50	2.31	1.42	2.24	1.53
	(2.40–5.60)	(0.75–2.24)	(1.81–2.81)	(1.08–1.76)	(1.80–2.67)	(1.22–1.83)
6	4.85	1.66	2.97	1.67	2.86	1.78
	(2.96–6.71)	(0.85–2.47)	(2.34–3.59)	(1.29–2.06)	(2.30–3.41)	(1.43–2.13)
7	6.04	2.12	3.15	1.81	3.25	1.93
	(3.77–8.25)	(1.09–3.14)	(2.50–3.80)	(1.4–2.23)	(2.61–3.89)	(1.55–2.30)
8	7.83	3.09	3.40	2.20	3.46	2.22
	(4.87–10.69)	(1.59–4.57)	(2.71–4.08)	(1.68–2.71)	(2.79–4.12)	(1.78–2.67)
9	7.83	3.09	3.87	2.55	3.72	2.49
	(4.87–10.69)	(1.59–4.57)	(3.00–4.73)	(1.93–3.16)	(2.96–4.48)	(1.98–3.01)
10	7.83	3.09	4.29	2.55	4.07	2.49
	(4.87–10.69)	(1.59–4.57)	(3.25–5.33)	(1.93–3.16)	(3.17–4.97)	(1.98–3.01)
11	7.83	3.09	4.57	2.55	4.3	2.49
	(4.87–10.69)	(1.59–4.57)	(3.39–5.74)	(1.93–3.16)	(3.29–5.30)	(1.98–3.01)
12	7.83	3.09	4.941	2.55	4.3	2.49
	(4.87–10.69)	(1.59–4.57)	(3.56–6.3)	(1.93–3.16)	(3.29–5.30)	(1.98–3.01)

Source: GAO matched comparison analysis of the Department of Education's CSP awards data and school-level characteristics from the Common Core of Data. | GAO-23-105616

Note: Entries are the estimated chance that a school will close prior to each follow-up time, with 95 percent confidence intervals in parentheses. We examined data for the CSP State Educational Agencies/State Entities, CSP Charter Management Organizations, and CSP Non-State Educational Agencies/Developers grants. We analyzed Education's CSP awards data as of May 2022.

Appendix III: GAO Contacts and Staff Acknowledgments

GAO Contacts	Jacqueline M. Nowicki, Director, (617) 788-0580 or nowickij@gao.gov
Staff Acknowledgments	In addition to the contact named above, Sherri Doughty (Assistant Director), Manuel Valverde (Analyst in Charge), Michael Alleyne, Elizabeth Calderon, Gretel Clarke, Denise Cook, Holly Dye, Jessica Mausner, Jean McSween, John Mingus, Mimi Nguyen, Samuel Portnow, Almeta Spencer, and Jeff Tessin made key contributions to this report.

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Ms. LEE. Thank you. I have heard countless stories about charter schools closing because of fraud and mismanagement, and voucher programs taking advantage of the fact that they have no fiscal accountability. How concerned should we be about mismanagement, fraud, and corruption if we expand Federal support and funding for charters and vouchers.

Ms. LEVIN. We should be very concerned. You are right that there are numerous reports throughout the country of both charter and voucher schools engaging in fraud, waste and abuse of public dollars. It is unconscionable to send billions more in a Federal voucher program to schools that have almost no accountability or transparency requirements.

Ms. LEE. Thank you, Ms. Levin. It is clear that school choice, this school choice fallacy we are talking about today just exacerbates the inequalities, the inequities we already have. Wealthy, white families will continue to have their choices subsidized by depriving largely black and brown, and other marginalized children of educational opportunities.

If school choice is going to work, children and families do need real choices. A for-profit charter school that closes a month after opening because of fraud and mismanagement, is not a real choice.

A private school where tuition is twice as much as a child scholarship amount, where a child is not entitled to an IEP, and where a child could be expelled, for instance, for having two moms, is not a real choice.

An underfunded neighborhood school with larger class sides, fewer books, substandard wages for teachers, and deteriorating infrastructure because everyone's increasing tax dollars are being used to subsidize charters and private. It is also not a real choice.

Families and children are fully funded, high-quality, well-resourced public schools, and we can accomplish that, but not by giving away more handouts to billionaires that will discriminate against the most marginalized students to turn a profit. I thank you all for your time, and I yield back.

Chairman KILEY. Thank you very much. The Representative from Guam, Mr. Moylan, is recognized for 5 minutes.

Mr. MOYLAN. Thank you, Mr. Chairman, Madam Ranking Member, and thank you for hosting this important hearing on expanding educational choice. School choice allows parents and families the freedom to choose the schools that work best for them. In my district of Guam, people often work outside their villages, sometimes on the opposite side of the island.

Situations like these sometimes make it difficult for parents who want to ensure that they are home for their young children when they are out of school. Expanding school choice across the board, both private and public, empowers families to choose what works, giving needed flexibility in districts like my own.

My question is for Mrs. Clark. You mentioned that your family had to jump through a variety of hoops before qualifying for educational savings account, we all want to make sure that the government funds are spent responsibly. What ways, if any, can State lawmakers slash red tape or redundant reporting requirements so that families can navigate the system more easily?

Mrs. CLARK. Thank you for the question. Well, the whole idea behind school choice and ESAs is parents' rights. We want to give control back into the hands of parents, so that they can direct the dollars, and put them in the education environment that best meets their child's needs.

I advocate for a really flexible ESA programs that are open immediately, or what we call universal to all families. It took us over 12 years to get that in Arizona, and of course, once we have universal ESA the number of students on it just skyrocketed because we removed those barriers.

I also think requiring prior public school attendance, it is not good for the public school system, and it is very difficult for families, especially students with disabilities who often, you know, would have to go enroll their child in a public school, and then pull them out just to qualify.

What I mentioned earlier, we do not want to burden public schools, and so allowing families like Arizona has to use a private diagnosis of your student with a disability instead of having to go through the public school system—you can if you want to, but you are no longer required to go through the public school system to prove your student has a disability.

Those are three reforms, and removal of red tape that I think other states should consider.

Mr. MOYLAN. Thank you. I appreciate that. My last question will be for Mr. Blanks. You mentioned that school choice nurtured your intellectual and academic potential. Can you elaborate further on how school choice programs can help create pipelines to meaningful, well-paying jobs in rural districts like mine?

Mr. BLANKS. Yes, well, thank you for that question. To go off of some of that, I was supposed to be a statistic. I was supposed to be in prison or not even here today, and if it were not for school choice, there is no telling where I would be.

Thinking about not just the academic portion that school choice helps a child, I always say that you may not be in the classroom, but you are always a student, and being able to take advantage of those opportunities to progress even after graduating high school or college, or whatever the case may be, has been monumental in my own life.

I mean, never in a million years would I imagine sitting before you all today, and it was all because of my educational journey. We can stop a lot of the criminal justice aspect of middle-aged people and people my age if they have a great education.

I believe that when we are talking about school choice, and we did not hear a lot about why—once again, as I said earlier, why families want to send their children to a different school in the first place, or why are they not a part of the conversation when we are talking about education?

I have seen up until this point a lot of protection for the bureaucracy, and I am here to fight for students. I am here to fight for parents and be that voice for them because even just looking in the room, there are not too many of them here.

My perspective is we give every single family school choice, and allow parents to drive where they send their child to school because

that is the most important thing that a parent can do for their child.

Mr. MOYLAN. Continue the fight, and we are here to support you. Thank you very much to the panel, thank you Mr. Chairman.

Chairman KILEY. Thank you. I have about a minute here. Dr. McShane, we have heard various claims regarding the data when it comes to school choice programs, could you just take a moment to address what we have heard from the minority witness?

Mr. MCSHANE. We certainly heard a lot. School choice, particularly private school choice, has been studied an incredible amount over a long period of time.

I had in my written testimony a summary of I think over 188 different studies across a variety of different indicators, the overwhelming weight of those is positive. That is not to say that there are not some studies in some places that have shown negative results.

Whether you are talking about student achievement, those students that participate in the program and their test scores, talking about student attainment, which is later life outcomes, like high school, graduation or college matriculation, whether you are looking at actually—there has been some discussion of segregation. My understanding of the eight empirical studies that have been done, 7 of them showed positive results, and only one showed negative results.

Civic values, a host of other accounts, by and large the weight of the evidence is positive.

Chairman KILEY. It sounds like they are cherry picking either poorly designed programs, or outlier examples, to try to create a narrative?

Mr. MCSHANE. Those would be your words, not——

Chairman KILEY. By the way, we hear that there might be some charters or private schools where there is waste, fraud and abuse, nothing like that ever happens in the traditional public schools, correct?

Mr. MCSHANE. I am from Kansas City, so we were home to one of the most famous and long-running school desegregation lawsuits that spent billions and billions upon dollars. The Federal Judge, when he dismissed at the end basically put his hands up and said yes, we spent so much money, and so much of it was just wasted.

Chairman KILEY. Pursuant to the previous order, the Chair declares the Committee in recess subject to the call of the Chair. We will plan to reconvene promptly in 5 minutes at 11:50. Thank you. The Committee now stands in recess.

[Recess.]

Chairman KILEY. The Committee is reconvened. The Representative from Pennsylvania, Mr. Mackenzie, is recognized for 5 minutes.

Mr. MACKENZIE. Well, thank you Mr. Chairman, and appreciate the topic of this hearing today. A great conversation to be had about how we can improve the lives and education of students all across this country. What I would like to talk about, I would like to give just a little background.

My experience in Pennsylvania is that we have a system where charter schools coexist with traditional public schools. They are all

public schools in Pennsylvania, that is how they are characterized in our State law, and that is how they should be viewed, is all being equal public schools.

What I see is that all too often in America today, the wealthy have an unlimited set of choices. They can go to private school, they can go to parochial school, they can do whatever they want because they have that access to resources. As you move down that socioeconomic ladder often the number of choices narrow.

Oddly though, maybe the middle class face the worst, or the least set of choices because there are scholarships for lower income individuals, and that is wonderful. I am not saying that is a bad thing, but ultimately those middle-class families who do not have the wealth and opportunity to go to the school of their choice, and they do not qualify for resources and scholarships that are available for low-income students. They are left in a situation where they have the least number of choices possible.

This is more just a broad conversation that I want to have about how we can expand choice for everybody across the spectrum, but at the same time reduce the hostility that I see for choice. We see, in Pennsylvania, these schools coexist. They are both public schools. That is what they are.

For some reason there are folks that want to demonize the choice of a family that is going outside of the traditional public school system. What we see all too often is that it has pitted one against another, which is this really odd thing I think to do when you are talking about the education of children.

Demonizing the alternative educational system is not helping a child. That is not helping them get a better education. All too often we see it as a one-zero, you win, we lose scenario.

I would just like to hear from our panelists about what we can do to bring down the negative rhetoric that is demonizing the alternative, the hatred that is out there that is existing in the hearts of so many people that want to restrain choice and restrain options.

How can we have these systems coexist, and what can we do to encourage choice and opportunity for everybody as opposed to demonizing the alternatives?

Mrs. CLARK. I will start. I have got good news for you. I run a Facebook group of over 11,000 Arizona ESA families, and they span political spectrums, socioeconomic spectrums, their life and their lifestyles look very, very different. There is one thing they all have in common—they are on Arizona's ESA program.

A lot of the rhetoric that we hear is perpetuated by large special interest groups that are more focused on propping up failing systems, than they are focused on students and parents, and their rights.

The good news is that at very ground, most grassroots, most basic level, families love school choice programs, and they are doing everything they can to make sure that their voices are heard, and that their voices surpass the special interest rhetoric that we hear from the other side.

Mr. BLANKS. I would jump right behind what Mrs. Clark said. Keeping the conversation student centric is—will be far more beneficial, not just from checking the temperature on it, but also actually creating meaningful policy.

At the end of the day that is the purpose of education, not just public education, education as a whole, it is to ensure that our future is secured through educating our children.

When that is the focus, and those are the conversations, it does not really matter if it is a private school, or a charter school, or a home school, or whatever the case may be. The end goal is to ensure that children are actually being educated. Similar to what Mrs. Clark said, there are a lot of political interests that have power and are navigating things across the board.

When it comes down to how the children are doing, it is pretty simple, and this conversation is a great example of that. We have heard that vouchers do not work, or that vouchers do not help the lower income minority community. That is me. I am that student that was low-income minority and did not have any other options.

When the conversation is framed that way, it is really hard to jack up the temperature, and some people will try. I have had a lot of experience in that, but at the end of the day if we are helping children, that should be our main goal and our main priority.

Mr. MACKENZIE. Well, I want to thank you for that. I think we do need to elevate and raise up these voices of individuals that have succeeded through school choice because we know all across the country there are good and bad scenarios in both traditional and charter, or other alternative school systems.

We want to elevate those wonderful outcomes and experiences that are being had across the spectrum, regardless of where they are, and ultimately leave that choice to the families and the parents because they are the ones that are going to best determine the situation and the setting that is going to benefit their child, and their educational outcome.

I just want to thank all of you for being here to raise up these voices, and we want to continue this conversation. Thank you.

Chairman KILEY. The Ranking Member of the Full Committee, Mr. Scott, is recognized for 5 minutes.

Mr. SCOTT. Thank you, Mr. Chairman. Mr. Chairman, I have always been intrigued by the strategy of dealing with totally dysfunctional schools by helping a handful of people with a voucher get away, and leaving the vast majority still stuck behind in the failing school system, did nothing for the vast majority of students, except give them less resources than they had to begin with.

Ms. Levin, can the private schools charge more than the voucher amount?

Ms. LEVIN. Yes, and they often do. They also have been shown to raise their prices when vouchers come to their State.

Mr. SCOTT. Who pays the difference between the voucher amount and the tuition?

Ms. LEVIN. That is on the backs of families as well as other nontuition expenses, making them only accessible to the wealthy.

Mr. SCOTT. Now, when these voucher programs start off, is there any explosion in private school seats?

Ms. LEVIN. Yes. There is often fly by night private schools in strip malls, and other places that are not suitable, that rise up to take advantage of the funds.

Mr. SCOTT. Yes. Has that quality been assessed in the new schools?

Ms. LEVIN. Yes. They are often low-quality, and they often close. I believe research shows that about 20 percent of schools close within a few years. In Florida, it is 30 percent.

Mr. SCOTT. That when they actually get there, they do not have any better opportunity than they had to begin with?

Ms. LEVIN. That is correct, and they also do not have rights.

Mr. SCOTT. Well, and well, we will get to rights in just a second. Do the schools have their own admission standards?

Ms. LEVIN. They do. Voucher laws are written to explicitly allow them to keep those standards, even if they are discriminatory.

Mr. SCOTT. Mr. Blanks indicated that he is an example of that. He said he was denied twice to the school he applied to. What oversight is there on admissions policies?

Ms. LEVIN. There is basically none.

Mr. SCOTT. Is there any guarantee that those who get a voucher can get into a private school?

Ms. LEVIN. There is not, and I have spoken with many families that may have started with high hopes, especially for students with disabilities, and then found that there was no school that would accept their child.

Mr. SCOTT. Then what happens to them?

Ms. LEVIN. Then they remain in public schools, which now have fewer resources to serve them.

Mr. SCOTT. Do schools set their own discipline standards?

Ms. LEVIN. They do, and in most places private schools are not subject to anti-bullying laws like public schools are.

Mr. SCOTT. Can they expel students?

Ms. LEVIN. They can for things like their sexual orientation, their disability, their academic achievement ability, their English language ability, and many other things that would not be allowed in public schools.

Mr. SCOTT. What happens to those students?

Ms. LEVIN. Those students depend on public schools, which again now have fewer resources.

Mr. SCOTT. Tell me about the civil rights protections? You said even if discriminatory?

Ms. LEVIN. That is right. Civil rights protections are substantially lower for private school students than public school students. I know employment law was mentioned, which is different than the rights for students.

Mr. SCOTT. You mentioned Title VI, disparate impact cases can only be brought by the Department of Education. Are Title VI cases brought against private schools?

Ms. LEVIN. Title VI only applies to schools that receive Federal financial assistance, and that is an increasingly low number of private schools.

Mr. SCOTT. Is acceptance of a voucher from Federal funding is not that a question about whether or not they are even subject to any of the civil rights laws like Title VI?

Ms. LEVIN. Correct. Private school students do not enjoy the protections of many Federal civil rights statutes, including Title VI unless there is Federal funding.

Mr. SCOTT. You mentioned segregation. I recall, as you suggested, the battle cry of segregationists was give us state's rights. How do state's rights help enforce civil rights?

Ms. LEVIN. Well, states can enact civil rights laws that go beyond Federal law. Again, they largely, such as special education laws, would not apply to students who take a voucher.

Mr. SCOTT. What oversight is there for private to be able for us to determine whether or not they are good schools or bad schools? I would imagine there is a great deal of variability?

Ms. LEVIN. Very little, and again, decreasing with each passing year, that is a deliberate choice, and we know why. It's because the results are not good.

Mr. SCOTT. Are they subject to the NAEP tests?

Ms. LEVIN. Most private school voucher programs have very little or no testing requirements.

Mr. SCOTT. Thank you, Mr. Chairman.

Chairman KILEY. Mr. Allen, or Ms. Miller, the Representative from Illinois is recognized for 5 minutes.

Mrs. MILLER. Thank you, Chairman, and thank you to all of our witnesses. This is such an important hearing. Our children are the future of our country. First of all, Ranking Member Scott just said how concerned he was that students are leaving the public schools, and that it would leave a vast majority of students behind in a failing school system.

Exactly, this is the point. Whether they are leaving or escaping, I am not sure. They are also concerned that there is mismanagement, fraud and corruption in, you know, alternative schools, or in how the money would be used, but I want to remind everybody that the Chicago Public Schools are spending $29,000.00 a year per student.

It is a 97 percent increase since 2012. They are reading under 30 percent at the grade level, probably substantially below that. Math, the proficiency is under 20 percent. These results are dismal, and the focus should be what is best for the students, and empowering the parents.

Mrs. Clark, thank you so much for your testimony. It seems like Arizona's education savings account program has been truly transformational for your family. I am hopeful that other State Legislators will hear your stories, and stories like yours, and consider establishing, or expanding ESA programs.

What would you say to State Legislators who are on the fence about whether the program is worthwhile?

Mrs. CLARK. Thank you for the question. Well, I am a public school graduate, Pre-school all the way through college, so let me say that upfront. Never did I imagine that my local public school would not meet my own children's needs. I was given the ESA as the only option for my students with a disability.

The message I have for other State Legislators is look at states like Arizona, like Florida, and the 13 plus other states that have passed programs. The demand is there because the public school system does not work for every child.

We spoke earlier that families had different needs and goals and interests for their children and passing school choice programs al-

lows those families who are stuck in failing public schools an option out.

Mrs. MILLER. Thank you, Mrs. Clark. Dr. McShane, my colleagues on the other side keep saying that school choice does not work. What do you think is the disconnect between what the research shows and the perceptions of school choice among its opponents?

Mr. MCSHANE. Look, I think that research in its best form, is supposed to be a flashlight and not a sledgehammer. It is supposed to help us better understand the world, better understand our policies, figure out ways to make them better, see where they are not working, learn from them.

It is not supposed to be something that you use to sort of bludgeon the people who think differently than you into submission. I think we saw a fair amount of that during the COVID pandemic for example. Someone waving around, well this study shows, and then suddenly we are all supposed to sort of change our behavior as a result of that.

We need to draw from multiple different wells when it comes to figuring out what the best course of action is. Research is one of those wells, but our values is one of those wells, the experiences of the people who participate in programs, our religious traditions, ethics, morality, we are supposed to draw from all of those.

One of the beautiful things about being American, is that different people draw from those wells differently. One of the beautiful things about school choice is it allows a system where they can have institutions that reflect those different values.

Mrs. MILLER. Absolutely. Decades ago, I took my children out of public school to home educate them, so that I could give them a Christian education, and use Christian curriculum, and I am so thankful for the freedom to do that.

You know, insanity is doing the same thing over and over again and expecting different results. The most—I have been saying for a long time, the most racist thing going on in our country is forcing children in inner city schools, black and brown children, to be forced to stay in failing schools, and this has got to end. Thank you so much for our witnesses, and I yield back.

Chairman KILEY. Thank you very much. Ms. Levin, just out of curiosity, who are the major funders of your organization?

Ms. LEVIN. We receive relatively small grants from a number of charitable and other organizations.

Chairman KILEY. OK. Like the American Federation of Teachers, Teachers Unions, any funding from there?

Ms. LEVIN. Yes. We do receive small grants from them.

Chairman KILEY. Such organizations, they generally lose money, the more students enroll in private schools and charter schools, is that correct?

Ms. LEVIN. I would not draw a direct line, no.

Chairman KILEY. No? When you have more students educated in charter schools than private schools, you do not think that causes the Teachers Union to lose money.

Ms. LEVIN. I think the teachers' union is not concerned so much with its bottom line as with its mission of educating more children.

Chairman KILEY. You did not answer my question. I think that that is something worth disclosing the next time that you testify before the Committee. Let us see, we have I believe one more, Ms. Wilson from Florida, on the Democrat side.

Ms. WILSON. Thank you, Mr. Chair. Public schools have to educate everyone, the gifted, the disabled, the wheelchair bound, the mentally challenged, the sick, the orphan, the ungovernable, everyone. Charter and private schools cherry pick, and refuse entry to any child they do not want.

They can do that, but public schools cannot, and that is wrong. With less funding they have to handle everyone. It is unfair, and it is an insane ploy to destroy public education, and leave it in shambles, and I implore you to stop supporting charter schools, and support our wonderful public schools. I am from Florida, and I have seen what happens when we do this.

Ms. Levin, in your statement, you State that many schools around the Nation face chronic and severe underfunding, diverting much needed funding from public education to pay for private school vouchers exacerbates the lack of resources. I harken back to a 2009 Miami-Dade School District Report that questioned whether some public schools were attempting to select high-performing students for enrollment.

The report found that advanced students were nearly twice as likely to transfer to select public—to select private schools, as to continue in their home schools. However, this selective enrollment is not unique to Miami. Across the country, this is creating a new segregated public school system.

If the private schools are cherry picking the best students, diverting funds, and not subject to the same oversight, of course they would have an advantage. How do we ensure that this does not happen?

Ms. LEVIN. We ensure this does not happen by not funding voucher programs that have all the flaws that you have just articulated, and furthermore, by fully funding public schools where of course, there are huge challenges, but where there are mechanisms and laws, and also the will of most of the people in this country to make things better.

I do want to go back for one moment to the idea of demonizing families and individuals because that is what you do when you do not have reasoned and evidence backed arguments. Education Law Center, and the scores of public education supporters around the country engage in respectful opposition to policies that in our considered judgment, would hurt far more students than would help them.

We also oppose policymakers who support those policies who should know better. Just to be clear, I am proud to stand shoulder to shoulder with educators across the country who are fighting for the same things.

Ms. WILSON. Thank you. I yield back.

Chairman KILEY. The Representative from Georgia, Mr. Allen, is recognized for 5 minutes.

Mr. ALLEN. Thank you, Mr. Chairman. I have 14 beautiful grandchildren, and boy they are different. You know, God created every child with unique characteristics, and guess what? They de-

serve the best. The best school for every child. It might not be the best school for another.

Let us be clear. We do not want to lose one child in this country. All of us are sick of that, and it is creating real problems. At the same time, how do we change the direction? We know we are going in the wrong direction. I mean 70 percent of the country said this country is going in the wrong direction.

A lot of it starts right there in education. I bring you good news. To fill the need for young students who are struggling in public schools, we established Heritage Academy, and we give low-income single moms a choice for their child's education. These children are receiving a faith-based education, and every child has thrived.

These children, these moms send these children to Heritage Academy because basically they are told they are losers in the public school system. They are growing both academically and spiritually, and most—I think all of them, all awarded a full scholarship to any private school they want to go to in my district.

That is the good news. Again, in my State school choice is an 80 percent issue. Ms. Clark, one common argument we hear about school choice and ESA's in particular, is that they defund traditional public schools or otherwise degrade the quality of public education. Have you seen that in Arizona?

Mrs. CLARK. Absolutely not. In fact, not a single public school has closed in Arizona in the over 12 plus years that we have had the ESA program in our State.

Mr. ALLEN. OK. Well, I have got to speak up for my daughters. I have one daughter that is sending her children to a faith-based private school, where she attended. We sent out children, because we wanted them to get a faith-based education. I have another daughter who is sending hers to public school, and she has gotten in there and gotten involved in that public school, and you know, the parents have, and it is beginning to thrive.

Now, it took a lot to do that. I applaud. My wife did the same thing when our children were in high school. Dr. McShane, I have reviewed the data you presented in your testimony. I am impressed by how overwhelming the research base favoring school choice, which again you know, in Georgia it is an 80 percent positive issue, what would help make the public more aware of the results you have offered us here today?

Mr. MCSHANE. Well, research is boring. I noticed when I saw in the lineup that I was going to have to open for Jenny and Walter, I felt like a band that has to open for two significantly better bands, and you are just going to kind of get the doors blown off you there.

It does highlight an important point that ultimately the research that I do, the research that others do, the datapoints that we collect are real human beings that are trying to do right by their children, or children themselves. I think doing as much as we can to tell the stories underneath those data because research ultimately look, we do averages, right?

We take all the voucher kids on this side, and all the non-voucher kids on this side. We look at what they are, the average. We know under averages are big bell curves, right?

Mr. ALLEN. Yes.

Mr. MCSHANE. There are some people that are doing better, there are some that are doing worse. Trying to tell those actual stories and learning from them is important.

Mr. ALLEN. Yes. Right. I understand. Mr. Blanks, thank you for coming and testifying today. Your story is—I mean Ben Carson is a good friend of mine. He has a similar story, and we like to say, you know, we want every child to have the same opportunity you had. Thanks for being here, and thank you for speaking out for every young person in America because it's important.

Mr. BLANKS. Thank you for that. I just want to be very clear that I am not the only one. There are thousands of students across the country who have benefited from similar programs that are thriving, that are doing great work. There is an army coming up behind me.

I could introduce you to hundreds of families. To quote Coach Prime, "I ain't too hard to find." I am going to continue this work because I believe in it, and I have benefited from it, and I have seen the results, and I believe that every child should have the same experience that I did.

Mr. ALLEN. Well, that is what has made America the great country it is today. Thank you. Thanks to all of you, and I yield back.

Chairman KILEY. Thank you very much, and thank you to all of our witnesses for your time and testimony today. I now recognize the Ranking Member for closing remarks.

Ms. BONAMICI. Thank you, Mr. Chairman. Before I turn to my closing, I want to clarify that public opinion does not support private school vouchers. When people were asked as a part of a recent poll whether they prefer increasing Federal funding to support public schools, or providing funding to support private school vouchers, the majority of voters on both sides of the aisle chose public schools, regardless of their age, gender, race, political views, education level, or the State that they live in.

In fact, 68 percent of voters chose public schools, while only 24 percent chose vouchers, and that number was even higher for parents of school aged kids. This includes two-thirds of all voters in Alabama, Louisiana, Oklahoma and West Virginia. All states that have private voucher programs, and I might add that overwhelmingly supported President Trump.

Voucher proposals failed on all three State ballots where they appeared in November, Colorado, Nebraska and Kentucky. In fact, voters across the country have rejected every ballot measure proposing a voucher scheme since 1967, a total of 17 times. I would like to enter into the record a document entitled, "The Public Wants Public Schools Not Vouchers," by All4Ed.

Chairman KILEY. Without objection.

[The Information of Ms. Bonamici follows:]

The Public Wants Public Schools, Not Vouchers

By Anne Hyslop, Director of Policy Development at All4Ed

As All4Ed wrote when releasing the initial *OpinionatED* findings in January, "a national debate about the future of education is happening in an information vacuum, without considering what the public wants and needs from our education system."

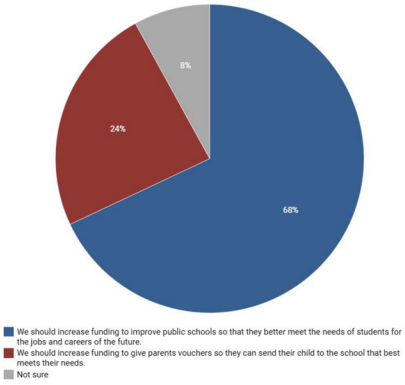
That's certainly the case when it comes to one of President Trump's main education priorities: using federal funds for vouchers and scholarships at private and religious schools. In fact, his nominee to be Secretary of Education, Linda McMahon, highlighted the administration's goal to "free American students from the education bureaucracy through school choice" at her recent Senate confirmation hearing.

Find more results on the following areas:

- Motivating Education Issues for Voters
- Education in this Election
- Education Institutions and Federal Role
- Education Funding
- Vouchers
- Safe, Welcoming and Inclusive Schools
- College, Career, and Technical Training
- Preparing for Education and Training Beyond High School

LEARN MORE HERE

But is that what parents—and the public—really want? Not even close.



Our data is clear and consistent: **When given the direct choice between increasing federal funding to support public schools or to support private school vouchers, the majority of voters—regardless of age, gender, race, political views, education level, or the state they live in—pick public schools.**

Among all voters, more than two-thirds choose funding for public schools over vouchers, as do an even higher share of parents – 70% – the same parents that the Trump administration claims to hope to empower. And despite vouchers' popularity among Republican leaders, including incoming Secretary McMahon and President Trump's last Education Secretary, Betsy DeVos, **majorities of Republican and Trump voters also prefer to spend federal funds on public schools over vouchers.** Likewise, two-thirds of voters in states that voted overwhelmingly for President Trump, including Alabama, Louisiana, Oklahoma, and West Virginia, pick public school funding over private school vouchers.

Voters' support for public schools also shone through when asked about the importance of 22 different education priorities. Vouchers were among the lowest ranked, coming in at number 19 and number 22, dead last. On the other hand, over half of voters said it was extremely important to ensure schools are safe and welcoming for all children, no matter how they learn, what language they speak at home, or where they are from. This was the top priority for voters in our poll.

President Trump says voucher and scholarship programs are growing because they "[offer] teachers and parents an alternative to classrooms that are micromanaged from Washington, DC." But that's not the alternative most teachers and parents want. Just 25% of parents and 19% of teachers would prefer the federal government to fund vouchers over public schools. And the U.S. Department of Education plays no role in what is taught in America's classrooms.



Providing parents **vouchers** to enable them to choose the best school for their child.

Rather than promoting vouchers and scholarship programs that take taxpayer funds from under-resourced public schools to pay for tuition at private and religious schools that can discriminate and pick and choose their students, let's heed parents, our educators, and the American people and invest in the high-quality public education our children deserve.

Read All4Ed CEO Amy Loyd's related blog on "Why Public Schools Must Remain a Priority Amid School Choice Expansion."

Ms. BONAMICI. Then I would also like to enter into the record the following documents. A letter from Americans United for Separation of Church and State opposing school vouchers; a letter from the Consortium for Constituents with Disabilities; Education Task Force opposing the Educational Choice for Children Act;

A letter from the Center for Learner Equity, opposing the Educational Choice for Children Act; a letter from the National Coalition from Public Education opposing the Educational Choice for Children Act; and two articles from ProPublica about Arizona's voucher program.

The first is, "School Vouchers were Supposed to Save Taxpayer Money; Instead they Blew a Massive Hole in Arizona's Budget." The second, "In a State with school vouchers for all low-income vouchers aren't—low-income voters are not choosing to use them primarily because they can't afford the additional costs like tuition balance, and cost of transportation."

Chairman KILEY. Without objection.

[The Information of Ms. Bonamici follows:]



March 11, 2025

The Hon. Kevin Kiley
Chairman
Subcommittee on Early Childhood,
Elementary, and Secondary Education
House Committee on Education
and Workforce
2445 Rayburn House Office Building
Washington, D.C. 20515

The Hon. Suzanne Bonamici
Ranking Member
Subcommittee on Early Childhood,
Elementary, and Secondary Education
House Committee on Education
and Workforce
2231 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Kiley and Ranking Member Bonamici:

Americans United for Separation of Church and State submits this letter for the March 11, 2025 hearing titled, "Education Without Limits: Exploring the Benefits of School Choice."

Under the euphemism of "school choice," unpopular voucher programs funnel taxpayer funds away from our public schools to pay for private school tuition for a small number of predominantly wealthy families. The rest of our students are left behind to choose, if they have any choice at all, between weakened public schools and low-quality private schools.

Private school vouchers do not work. They undermine public schools, fail to improve student achievement, funnel resources to private schools without any accountability, fund discrimination, and violate religious freedom.

The push for private school voucher programs is part of a concerted effort to destroy public schools and their role as a unifying, inclusive, and democratic force in our communities. And now a new threat to our public schools is emerging. The Supreme Court will soon consider whether a Catholic school that integrates religion into every aspect of its educational program can demand to operate as a public charter school and get taxpayer funding in *St. Isidore of Seville Catholic Virtual School v. Drummond*.[1] The religious school wants to be a public school but maintains policies and practices that discriminate in student admissions, student discipline, and employment based on religion, sexual orientation, gender identity, and disability.

Public schools serve nearly 90% of America's schoolchildren. They are vital to our children, our communities, our workforce, our society, and our democracy. Taxpayer funds should go to strengthening public schools that are open to all children, not subsidizing schools that only serve a few.

Americans United for Separation of Church and State

With a national network of more than 380,000 supporters, Americans United for Separation of Church and State is a nonpartisan educational and advocacy organization that brings together people of all religions and none to safeguard the fundamental American principle of the separation of church and state. We protect the right of everyone to practice the religion of their

[1] Supreme Court Docket No. 24-396.

choice or no religion at all, so long as it does not harm others. Since our founding in 1947, we have fought to ensure that public funds go to public schools, not to private or religious schools through vouchers or other schemes, because they violate religious freedom and undermine public schools.

Public Schools Are the Cornerstone of American Democracy

Education is essential to preparing our children for happy and fulfilling lives and careers. It is also critical to creating a functioning democracy. Public schools improve our communities, reduce inequalities, and forge common experiences.

While our public schools are far from desegregated, our public school system is one of the institutions where we are most likely to encounter, interact with, and get to know people of different races, religions, abilities, and socio-economic backgrounds. Our public schools are subject to federal civil rights laws that protect students and teachers from discrimination. They include programs and protections for students with disabilities. They must adhere to teacher and curriculum standards. And, they are secular and welcoming to students of all religions and none.

Public schools are not infallible. They face enormous challenges, including systematic racism, inequality, and underfunding. But subsidizing private schools with taxpayer-funded vouchers and transforming private religious schools into charter schools won't fix these challenges—instead, they exacerbate them.

Public Schools Are Under Attack

Anti-public-school groups, Christian Nationalists, and their political allies are engaging in a relentless campaign to undermine, defund, and replace public schools. They have created false controversies over books, curricula, and policies to sow distrust in our public schools, in order to push for radical changes to our education system.

Alongside voucher programs, anti-public school advocates have promoted a range of other policies aimed at shifting funds away from the public school system, including calling for the illegal dismantling of the U.S. Department of Education—a move that will devastate the nation's most vulnerable students[2]—and promoting the extreme notion of religious public charter schools.

These efforts are also part of a plan to use the government to impose one narrow view of religion on all of our children and undermine the foundational principle of church-state separation. It's no surprise that many of the same groups seeking to fund religious education are also pushing laws and policies to require Bibles and the display of the Ten Commandments in public school classrooms;[3] instill religion and promote Christianity in public school curriculum

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[2] Tim Walker, How Dismantling the Department of Education Would Harm Students, *NEA Today* (Feb. 4, 2025) (detailing key programs impacted by the destruction of the department, including Title I funds to low-income schools, special education services funded under the Individuals with Disabilities Education Act, and civil rights enforcement).

[3] Longstanding Supreme Court precedent establishes that displaying the Ten Commandments in public schools is unconstitutional under the First Amendment. *Stone v. Graham*, 449 U.S. 39, 41 (1980) (per curiam). In November 2024, a federal district court judge held that a Louisiana law requiring the display of the religious text in public schools is facially unconstitutional. *Roake v. Brumley*, __ F. Supp. 3d __, 2024 WL 4746342, at *4, *90 (M.D. La Nov. 12, 2024) (5th Cir. argued Jan. 23, 2025).

standards;[4] put chaplains in public schools;[5] and encourage teachers to pray with public school students.[6]

Attacks on public schools aren't new. Jerry Falwell, the televangelist and conservative activist, wrote back in 1979 that he "hope[d] to see the day when … we don't have public schools. The churches will have taken them over and Christians will be running them."[7] Activists including Christopher Rufo and the Heritage Foundation (the conservative think tank behind Project 2025) are taking up this mantle.[8]

From trying to impose religion on public school students to funneling taxpayer funds to support religious education, Christian Nationalists continue to pursue this agenda. For example, this term, the U.S. Supreme Court will hear *St. Isidore of Seville Catholic Virtual School v. Drummond*,[9] which threatens the basic principles that public schools are secular and serve all students, regardless of identity or learning needs. While charter schools, like other public schools, must accept all students and may not be run as religious schools, St. Isidore would be operated as a Catholic school, integrating religious doctrine and beliefs into all subjects and maintaining policies and practices that discriminate in student admissions, student discipline, and employment based on religion, sexual orientation, gender identity, or disability.[10]

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[4] *See, e.g.*, Letter from Interfaith Communities and Religious Freedom Organizations to Oklahoma Superintendent Ryan Walters and Oklahoma State Board of Education re: Interfaith Communities and Religious Freedom Advocates Oppose Inappropriate Promotion of Christianity in Oklahoma's Revised Social Studies Standards (Feb. 25, 2025); Letter from Religious Freedom and Civil Rights Organizations to Texas superintendents and school board members re: Schools Must Reject the Texas Open Education Resources Proposed Bluebonnet Curriculum for K-5 Reading Language Arts (Jan. 30, 2025).

[5] Repeatedly, school districts given the choice of adopting this policy have rejected it. For instance, in Texas, many school districts rejected the idea of chaplain policies—25 of the largest school districts in the state, which educate one-third of all students in Texas, voted against creating a chaplain program. Briget Grumet, The Surprising Result of Chaplain Law? Texas Public Schools Sent a Message, *Austin American-Statesman* (Mar. 4, 2024). Likewise, in Florida, more than half a dozen districts have considered and voted against volunteer chaplain programs. Marion School Board Denies Policy to Bring Chaplains to Campuses, *Ocala News* (Dec. 12, 2024).

[6] In *Kennedy v. Bremerton School District*, 597 U.S. 507 (2022), the Supreme Court reaffirmed the principle that public school employees cannot coerce students to pray with them. Despite this clear constitutional prohibition, advocates have attempted to use this decision to allow public school employees to engage in religious prayer in the classroom and throughout the school day.

[7] Jerry Falwell, *America Can Be Saved!* (1979).

[8] Anti-public school activist Christopher Rufo—a leader in the fight to illegally shut down the Department of Education—has manufactured attacks on public schools curriculums as part of "a strategy of laying siege to the institutions" that will lead to parents having "a fundamental right to exit" public schools. Josie Ensor, He Is America's 'Most Effective Conservative'. This Is His Blueprint for Trump, *The Times* (Dec. 5, 2024); Michelle Goldberg, Democrats Desperately Need Public Schools to Get Back to Normal, *Baltimore Sun* (Nov. 9, 2021). The Heritage Foundation has repeatedly published reports urging voucher advocates to "emphasize cultural problems" in public schools and offer vouchers as a solution. *See, e.g.,* Jay Greene & James Paul, Time for the School Choice Movement to Embrace the Culture War, *Heritage Found.* (Feb. 9, 2022); Inez Feltscher Stepman, *School Choice: Parents' Most Powerful Tool for Defeating Critical Race Theory*, *in* The Critical Classroom: How Critical Race Theory Undermines Academic Excellence & Individual Agency in Education *Heritage Found.* 227-35 (Lindsey M. Burke et al., eds., 2022).

[9] Supreme Court Docket No. 24-396.

[10] *OKPLAC, Inc. v. Statewide Charter School Board*, No. CV-2023-1857 (Okla. Dist. Ct., Okla. Cnty., filed July 31, 2023), a parallel case filed by faith leaders, public-school parents, and public education advocates, in Oklahoma state court, raises similar claims that the approval of St. Isidore violates state law and the state constitution. The issues that the case presents include arguments concerning St. Isidore's

Religious freedom means that students and their families—not politicians or school officials—should make their own decisions about matters of faith. No student should face indoctrination as a requirement of getting an education funded by the government. That's a critical reason why public schools are open and welcoming to all students.

Vouchers Are Supported by Billionaire Interests, Not the Public

Voters across the country have consistently opposed private school vouchers, voting down ballot measures every time they've been on the ballot—seventeen times. In 2024, voters in Kentucky, Nebraska, and Colorado rejected voucher ballot measures. Even in many of the reddest counties in Kentucky and Nebraska, voters resoundingly opposed vouchers.[11]

But the number of states adopting or expanding voucher programs continues to grow thanks to widespread lobbying and political campaigning by anti-public education organizations. State lawmakers who remain skeptical of voucher bills find themselves facing well-funded primary challenges from pro-voucher candidates[12] and threats from pro-voucher governors.[13] These campaigns are bankrolled by billionaire donors like the Kochs, the Waltons, and the DeVoses. Their organizations, like Americans for Prosperity, American Federation for Children, the Heritage Foundation, the Bradley Foundation, and others, are pouring hundreds of millions of dollars into lobbyists' and politicians' coffers.[14] When their chosen candidates win control, private school vouchers are at the top of their agenda, even though communities and parents oppose these harmful proposals.

Vouchers Are Ineffective

Private school vouchers fail to achieve their most basic goal: improving educational outcomes. Large-scale studies show students using vouchers perform worse academically than their peers

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discrimination against students and families and the school's treatment of students with disabilities. The plaintiffs are represented by Americans United for Separation of Church and State, the ACLU, Education Law Center, and Freedom From Religion Foundation, along with local counsel Benjamin H. Odom, John H. Sparks, Michael W. Ridgeway, and Lisa M. Mason of Odom & Sparks; and J. Douglas Mann.

[11] Eli Hager & Jeremy Schwartz, Despite Trump's Win, School Vouchers Were Again Rejected by Majorities of Voters, *ProPublica* (Nov. 9, 2024).

[12] For example in 2024, "national pro-voucher advocates . . . spen[t] more than $4.5 million in Tennessee's primary election to defend and elect legislative candidates they claim will support school choice proposals. . . . [A]t least $14.8 million was spent by similar advocacy groups in the Texas primary election earlier in May to oust and replace voucher opponents." Kimberlee Kreusi, Millions of Campaign Dollars Aimed at Tilting School Voucher Battle Are Flowing Into State Races, *AP* (Aug. 13, 2024). As a result, Tennessee enacted a universal voucher program in 2025 following years of legislative defeats. Sarah Grace Taylor, Lee Wins Long-Sought Universal School Voucher Plan in Tennessee, *Nashville Banner* (Jan. 31, 2025) ("After a six-year struggle and millions of dollars in campaigning from outside groups," the Tennessee General Assembly passed a voucher bill.).

[13] *See, e.g.*, Karen Brooks Harper, School Voucher Supporters Bask in Primary Wins, Say Goals Are Within Reach, *Tex. Trib.* (Mar. 6, 2024).

[14] Nina Mast, State and Local Experience Proves School Vouchers are a Failed Policy That Must be Opposed, *Econ. Policy Inst.* (Apr. 20, 2023).

who are not in the voucher program.[15] The impact of vouchers in Ohio[16] and Louisiana[17] caused a larger reduction in students' math scores than those caused by the COVID pandemic.[18] Voucher programs in D.C.[19] and Indiana[20] caused devastating decreases in math scores, on par with the learning loss inflicted on students by Hurricane Katrina.

Voucher programs also provide fewer educational resources than the public schools. U.S. Department of Education studies of the D.C. voucher program (the only federally funded voucher program) show that students participating in the program are less likely to have access to English Language Learner programs and services for students with disabilities than students not in the program.[21] Likewise, a survey of the private schools in Milwaukee's voucher program found that nearly 35% reported offering no art, music, physical education, library, or technology specialist teachers.[22]

Vouchers Are Financially Irresponsible

1. **Vouchers Invite Fraud and Abuse**

Private school voucher programs lack basic oversight and accountability to the taxpayers. Many voucher schools are permitted to take taxpayer money without implementing any standards for financial accountability, teacher qualifications, testing, or achievement. Some state voucher programs do not require teachers to hold a bachelor's degree.[23] In addition, many states do not require accreditation for private schools, thus, taxpayer-funded vouchers are regularly used to pay for tuition at unaccredited schools.[24]

Even when voucher programs require minimal standards by law, the programs often fail to enforce them. For example, U.S. Government Accountability Office reports document how the administrator of the D.C. voucher program has repeatedly failed to meet even the most basic, statutorily required accountability standards, such as maintaining certificates of occupancy and adequate financial records.[25] Some states with large voucher programs do not conduct any

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[15] Ctr. for Evaluation & Educ. Policy, Evolving Evidence on School Voucher Effects, *Ind. U. Sch. of Educ.* (Nov. 2022); *see generally* Nat'l Coalition for Public Educ., Studies & Reports.
[16] David Figlio & Krzysztof Karbownik, Evaluation of Ohio's EdChoice Scholarship Program: Selection, Competition, & Performance Effects, *Thomas B. Fordham Inst.*, 2 (2016).
[17] Jonathan Mills & Patrick Wolf, The Effects of the La. Scholarship Program on Student Achievement after Four Years 4 (EDRE Working Paper No. 2019-10, May 10, 2019).
[18] Nat'l Coalition for Pub. Educ., Voucher Impacts on Academic Achievement.
[19] U.S. Dep't of Educ., Evaluation of the D.C. Opportunity Scholarship Program: Impacts Two Years After Students Applied (June 2018) (2018 D.C. Study).
[20] R. Joseph Waddington & Mark Berends, Impact of the Indiana Choice Scholarship Program: Achievement Effects for Students in Upper Elementary & Middle School, 37 *J. Policy Analysis & Mgmt.* 4, 738-808 (Aug. 2018).
[21] 2018 D.C. Study at 16.
[22] Erin Richards, Report: Choice Schools Lack Specialty Teachers, *Milwaukee J. Sent.* (Feb. 13, 2013).
[23] U.S. Gov't Accountability Off., Private School Choice Programs Are Growing and Can Complicate Providing Certain Federally Funded Servs. to Eligible Students, Pub. No. GAO-16-712, 24 (2016).
[24] *See, e.g.*, Eli Hager, Arizona Regulators Closed a Failing Charter School. It Reopened as a Private Religious School Funded by Taxpayers, *ProPublica* (Dec. 31, 2024).
[25] U.S. Gov't Accountability Off., District of Columbia Opportunity Scholarship Program: Actions Needed to Address Weaknesses in Admin. & Oversight, Pub. No. GAO-13-805 (Nov. 2013); U.S. Gov't Accountability Off., District of Columbia Opportunity Scholarship Program: Additional Policies & Procedures Would Improve Internal Controls & Program Operations, Pub. No. GAO-08-9 at 26 (Nov. 2007).

ongoing monitoring of private voucher schools.[26] This lack of accountability and oversight makes voucher programs a ripe target for waste, fraud, and abuse—and the examples are many. In Florida, voucher schools took millions in public funds for students not even attending those schools.[27] In Wisconsin, the voucher program paid $139 million to schools that failed to meet the state's requirements for operation.[28] In North Carolina, an investigation found that the state lost approximately $2.3 million to fraud by sending voucher funds to private schools to pay for students who don't exist and private schools that were actually closed.[29] And, in South Carolina, around $1.5 million in taxpayer dollars were given to families of students who were ineligible for the state voucher program—about one in three students enrolled in the program were removed after initial payments were made.[30]

The lack of oversight also results in wasting taxpayer funds on frivolous items not directly related to educational needs. In Arizona, vouchers were used to pay for Amazon gift cards, ski trips, pizza ovens, and trampolines,[31] while in Florida families used these funds to pay for paddle boards, big-screen televisions, foosball tables, and trips to Disney World.[32]

2. Vouchers Benefit Wealthy Families While Leaving Poor Kids Behind

Studies have repeatedly shown that vouchers largely subsidize the tuition of wealthy families who already attend expensive, selective private schools. In Arkansas, 95% of participating voucher students in 2023 never attended public school;[33] and in Florida, only 13% had previously attended public school.[34] The illusion of "school choice" is revealed for the lie that it is when so few students are actually using vouchers to leave their public schools.

In Florida, one quarter of state vouchers are going to families in the top income tier. These families use their $8,000 vouchers to pay tuition at private schools that can cost more than $20,000 a year.[35] For example, 98% of students attending a private Catholic school in a wealthy Central Florida community use taxpayer-funded vouchers to subsidize tuition costs. In response, this school and other similarly costly private schools have increased tuition costs. Likewise, in Iowa, private schools increased tuition by as much as 40% and required students who had previously received scholarships to apply for vouchers after the implementation of its

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[26] U.S. Gov't Accountability Off., Private School Choice: Accountability in State Tax Credit Scholarship Programs, Pub. No. GAO-19-664 (Sept. 2019).
[27] Gus Garcia-Roberts, McKay Scholarship Program Sparks a Cottage Industry of Fraud & Chaos, *Miami New Times* (June 23, 2011).
[28] Molly Beck, State Paid $139 Million to Schools Terminated from Voucher Program Since 2004, *Wisc. State J.* (Oct. 12, 2014).
[29] Kris Nordstrom, New Analysis Shows Many Private Schools in N.C. Have More Vouchers Than Students, *N.C. Justice Ctr.* (June 16, 2023).
[30] Hannah Wade, SC Gave $1.5M in Scholarships to Students Who Didn't Qualify, State Oversight Agency Says, *The State* (Mar. 6, 2025).
[31] Melissa Blasius & Garrett Archer, Arizona Empowerment Scholarships: What $304 Million Bought, A*BC15 Arizona in Phoenix (KNXV)* (Oct. 3, 2023).
[32] Jeffrey S. Solochek, Florida School Vouchers Can Pay for TVs, Kayaks and Theme Parks. Is That OK?, *Tampa Bay Times* (Sept. 1, 2023).
[33] Ark. Dep't of Educ., Education Freedom Account Annual Report, 2023-2024 School Year 8 (Sept. 20, 2023).
[34] Danielle Prieur, Florida Policy Institute Asked for School Voucher Data. Here's What Step Up for Students Provided, *WMFE NPR* (Sept. 14, 2023).
[35] Annie Martin, Millions Flow to Wealthy Families, Pricey Private Schools Under Florida's Supercharged Voucher Program, *Orlando Sent.* (Feb. 14, 2025).

universal private school voucher program.[36] Meanwhile, low- and middle-class families cannot afford to attend elite private schools, of which vouchers often cover less than half the cost—leaving families with the choice between the subprime private schools and increasingly underfunded public schools.

3. Vouchers Drain Public Funds

Private school vouchers result in skyrocketing costs. Voucher proponents claim that vouchers will cost less than or the same as funding public schools. However, once voucher programs take effect, costs quickly get out of control, leading to budget shortfalls, cuts to public school funds, and even tax increases.

In Arizona, where 75% of voucher users were already in private school, lawmakers underestimated the cost of voucher programs by about 1,100%. The voucher program was initially projected to cost $65 million in 2023 but actually cost upwards of $708 million, leading to a state budget crisis and requiring Arizona to make significant cuts to various state programs, including water and highway infrastructure and community college funding.[37]

Other states have decreased funds to public schools while increasing budgets for voucher programs. The Florida Senate projected that its 2023 voucher expansion would cost the state $646 million[38]—the actual costs for Florida's private education voucher program for the 2024-25 school year is estimated to be about $3.9 billion.[39] This has been paid, in part, by diverting over $2 billion in public school funds. Likewise, Ohio Governor Mike DeWine's proposed 2025 budget would take over $100 million from Ohio's traditional public schools over the next two years, while costs for voucher programs and charter schools would increase by $500 million.[40] And, Texas Governor Greg Abbott admitted that the state's proposed voucher program could lead to less funding for public schools.[41]

4. A Federal Voucher Would Benefit Wealthy Donors to the Detriment of Local Schools and Communities

Under a proposed federal voucher program, the Education Choice for Children Act (ECCA),[42] individuals and corporations would receive a dollar-for-dollar tax credit for donating to scholarship-granting organizations that provide vouchers to students to fund private school tuition. In sum, the bill would require the government to forgo $10 billion per year, indefinitely. In

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[36] Jason Clayworth, Iowa's Private Schools Dash For Cash, *Axios Des Moines* (May 17, 2023); Robin Opsahl, Reynolds Not Concerned By Private Schools Raising Tuition Because of ESA Program, *Iowa Capital Dispatch* (May 11, 2023).
[37] Hilary Wething, How Vouchers Harm Public Schools, *Econ. Policyy Inst.* (Dec. 19, 2024); Eli Hager, School Vouchers Were Supposed to Save Taxpayer Money. Instead They Blew a Massive Hole in Arizona's Budget, *ProPublica* (July 16, 2024).
[38] Lynn Hatter, Florida Expands Its Voucher Program to Every Student, Regardless of Income, *NPR* (Mar. 24, 2023).
[39] Norin Dollard & Mary McKillip, Florida Continues to Drain Much-Needed Funds Away from Public Schools to Private and Home-School Students, *Fla. Policy Inst.* (Jan, 14, 2025).
[40] Laura Hancock, DeWine's budget cuts $103M from Ohio school districts, as costs explode for charters and vouchers. See if your district gets cut, *Cleveland* (Feb. 20, 2025).
[41] Benjamin Wermund & Edward McKinley, Texas Gov. Greg Abbott Says Vouchers Could Lead to Less Funding for Public Schools, *Hous. Chron.* (Feb. 13, 2025).
[42] H.R. 833, 119th Cong. (2025); *see also* S. 292 (Senate companion).

just ten years, the voucher program would result in a loss of $100 billion dollars.[43] This massive tax credit decreases available funding for public school budgets, hurting the 90% of students served by our nation's public schools.

Moreover, by giving away a dollar-for-dollar tax credit, this proposal provides bigger tax benefits to individuals and corporations that give money for voucher programs than any other traditional charitable donations, which only garner a tax deduction. Thus, the proposal privileges contributions to private school vouchers over donations to charitable donations—it's 2-3 times more generous. As a result, organizations helping people in our local communities, like veterans organizations, homeless shelters, or food banks, could lose out.

Vouchers Exclude and Discriminate

1. **Vouchers Are Rooted in Discrimination and Perpetuate Segregation**

Private school vouchers were first designed to evade desegregation orders in the wake of *Brown v. Board of Education.*[44]

After *Brown*, Southern policymakers created voucher programs used to fund tuition at "segregation academies." For example, in Prince Edward County, Virginia, officials opened whites-only private schools, gave out taxpayer-funded tuition vouchers, and shuttered the public school system entirely for five years.[45] In Virginia and Georgia, legislators and voters approved amendments to their state constitutions to fund "tuition grants"—just another name for vouchers—for families to attend all-white private schools.[46] Mississippi and South Carolina followed a similar playbook.[47]

Each of these segregation voucher programs were sold using the same language that is being used to sell "school choice" today. Georgia's law claimed to "advance the constitutional rights of school children to attend private schools of their choice in lieu of public schools."[48] The Alabama plan to give money to white students to attend all white private schools was called the "Freedom of Choice Plan" and advocates claimed it "had nothing to do with segregation, but aimed to advance each child's education."[49] Supporters of vouchers in North Carolina also avoided mentions of race and instead argued that the voucher program would create "competition" that "would stimulate progress in public education" and would "offer all our citizens the broadest possible freedom of choice."[50]

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[43] The tax avoidance opportunities available to the nation's wealthiest families would be substantial. Leaked IRS data suggest that Betsy DeVos would likely be eligible to claim more than $10 million in tax credits annually. If she chose to make her voucher contributions in the form of corporate stock, she would also avoid paying substantial amounts of capital gains tax. Nat'l Coalition for Pub. Educ., Oppose Federal Private School Voucher Program Costing $10 Billion Per Year 3 (Feb. 2025).
[44] *See* Jon Hale, *The Choice We Face: How Segregation, Race, & Power Have Shaped America's Most Controversial Education Reform Movement* (2021); Chris Ford, et al., The Racist Origins of Private School Vouchers, *Ctr. for Am. Progress* (July 12, 2017).
[45] Hale at 34.
[46] *Id.* at 25.
[47] *Id.* at 24-25.
[48] Steve Suitts, *Overturning Brown: The Segregationist Legacy of the Modern School Choice Movement* 15 (2020).
[49] *Id.* at 24-25.
[50] *Id*. at 42.

Private school voucher programs continue the segregationists' legacy of discrimination even today. National data continue to show that private schools tend to be more segregated than similarly situated public schools and enroll higher populations of white students compared to public schools. Nationwide, 69% of private school students are white, 9% are Black, and 10% are Hispanic or Latino.[51] According to a study, 43% of private school students across the country attended deeply segregated schools where white students comprise 90% or more of the school's enrollment.[52] When students of color receive vouchers, they are likely to attend deeply segregated private schools. For example, a study of a Milwaukee voucher program found that 85% of Black students in the voucher program attended schools with 90% or more non-white students, as opposed to around 77% of those in public schools.[53]

2. Vouchers Harm Rural Students and Communities

Private school voucher programs are also harmful to rural school students and communities. Vouchers do not provide actual choice for many students living in rural areas. While 92% of urban families have access to one or more private schools within five miles, only 34% of rural families have the same access.[54]

When enrollment in rural public schools shrink—even if only by a few students—communities suffer. Rural public schools are the hub of community life serving as emergency shelters, gathering places, healthcare and food distribution centers, and polling locations. They are also often the largest employers in their communities.[55] Because the margins for operating a public school in rural communities are incredibly small, the departure of a few students can leave rural schools with fewer resources to provide educational instruction, non-instructional benefits, and employment opportunities for the communities. These communities then must figure out how else they can get the resources and services they need—or go without them.[56]

3. Vouchers Strip Students of Civil Rights and Protections

Public schools are open to, and must serve, all students. Private schools, on the other hand, often leave students and families without the educational choices they purport to provide. They can deny students admission or expel them for a host of reasons, such as their religion, sexual orientation, gender identity, academic abilities, or disability status. Often, families who receive a voucher will find themselves without any choice at all when private schools refuse to accept their child.

Private schools do not abide by the same civil rights requirements as public schools, including those in federal civil rights laws such as in Titles IV and VI of the Civil Rights Act of 1964, Title IX of the Education Amendments Act of 1972, the Individuals with Disabilities Education Act, Title II of the Americans with Disabilities Act, and Section 504 of the Rehabilitation Act of 1973.

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[51] Ke Wang et al., School Choice in the United States: 2019, *Nat'l Ctr. for Educ. Stats.* 22 (Sept. 2019).
[52] Suitts at 77.
[53] Lisa Kaiser, Still Separate, Still Unequal, *Shepherd Express* (May 14, 2014).
[54] Kristin Blagg & Matthew M. Chingos, Who Could Benefit From School Choice? Mapping Access to Public and Private Schools, 2 *Brookings Evidence Speaks Reports* #12 (Mar. 30, 2017).
[55] *See, e.g.*, Allen Pratt, As a Tennessee Rural Educator, I Fear That School Voucher Expansion Will Hurt Our Children, *The Tennessean* (Feb. 28, 2024).
[56] For example, in West Virginia, declining student enrollment (in part due to the state's voucher program) has led to the closure of 53 schools in the previous five years, and the planned closure of an additional 25 schools. The closure of local high schools has devastated towns. Amelia Ferrell Knisley, West Virginia School Board Approves More Closures, *The74* (Dec. 14, 2024).

Students who attend private schools do not have the same free speech and religious freedom protections under the First Amendment, the same due process or other constitutional and statutory rights guaranteed to them as in public schools, or the same clear systems for oversight, reporting violations, or enforcing penalties for noncompliance as children and families attending public schools.

For students with disabilities, the consequences of losing the rights and protections provided in public schools are often especially damaging. Private schools accepting vouchers do not provide students with disabilities with the same quality and quantity of services available to students in public schools, including those mandated under each student's Individualized Education Program (IEP). Students who leave the public schools with a voucher forfeit many of the protections provided to students under the Individuals with Disabilities Education Act (IDEA)—including the right to a Free Appropriate Public Education (FAPE) tailored to their individual needs—because they are considered parentally placed in private schools. In many cases, students with disabilities are often categorically excluded from private school voucher programs because private schools cannot adequately serve them and there are no federal protections that require private schools to do so.

LGBTQ+ children and children with LGBTQ+ families also face disproportionate discrimination in voucher programs. Many private voucher schools teach anti-LGBTQ+ curriculum,[57] and promote harmful conversion therapy for LGBTQ students.[58] Discrimination against LGBTQ+ students in voucher programs is widespread: for example, a 2023 survey of Wisconsin private schools receiving voucher funds found that about 40% of schools had policies discriminating against LGBTQ+ students.[59] Reports from Florida,[60] Pennsylvania,[61] and North Carolina have also documented voucher-funded private schools' discrimination against LGBTQ+ students.[62]

4. Vouchers Violate Religious Freedom

Voucher programs predominantly fund students to attend private, religious schools. For example, studies of Indiana's voucher program found that 98% of participating schools were religious;[63] in the Arkansas voucher program, 87% of participating schools were religious;[64] and

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[57] Samantha Sunne & Donnell Suggs, Some Ga. Tax Credit Scholarships Go to Anti-LGBT Schools, *The Current* (July 1, 2021) (Georgia private schools that accept vouchers have explicit anti-LGBTQ+ written policies (15 of 100 participating schools) and teach anti-LGBTQ+ curricula that would not be permitted in public schools (at least 12 participating schools)).
[58] Rebecca Klein, Millions Of Taxpayer Dollars Are Going to Schools that Push Conversion Therapy, *HuffPost* (June 10, 2020) (Florida private schools accepting millions in taxpayer-funded vouchers promote conversion therapy for LGBTQ+ students).
[59] Phoebe Petrovic, 'Unwanted and Unwelcome': Anti-LGBTQ+ Policies Common at Wisconsin Voucher Schools, *Wisc. Watch* (May 31, 2023).
[60] Leslie Postal & Annie Martin, Anti-LGBT Florida Schools Getting School Vouchers, *Orlando Sent.* (Jan. 23, 2020).
[61] Catherine Caruso, Pennsylvania Taxpayers Are Funding Discriminatory Religious Schools, *New Republic* (May 2, 2024).
[62] Public Schools First NC, How NC Tax Dollars Are Used to Discriminate Against Students and Families (Jul. 2023).
[63] Laura Meckler & Michelle Boorstein, Billions in Taxpayer Dollars Now Go to Religious Schools Via Vouchers, *Wash. Post* (June 3, 2024).
[64] Steve Brawner, Eighty-Four Private Schools Approved for LEARNS Money, *Magnolia Rep.* (Aug. 3, 2023).

in the D.C. voucher program, 81% of participating students attended religious schools.[65] This conflicts with one of the most dearly held principles of religious freedom: the government should not compel anyone to fund religion, especially one with which they disagree. Parents certainly may choose a religious education for their children, but they may not demand that the taxpayers foot the bill.

Nor should taxpayer dollars be used to fund schools that can refuse to admit students or hire employees based on their religion. Yet many religious schools impose a religious litmus test on students, teachers, and their families. Furthermore, because oversight must accompany public funds, vouchers threaten the autonomy of religious schools by opening them up to government audits, control, and interference.

Conclusion

Subsidizing private schools with taxpayer-funded vouchers and transforming private schools into public schools do not solve the real challenges that public schools face. Rather than funneling taxpayer money into programs that have proven to be discriminatory, unsuccessful, and unaccountable, we would best serve the nation's students by ensuring that public funds remain in public schools.

Sincerely,



Dena Sher
Associate Vice President, Public Policy



Alessandro Terenzoni
Vice President, Public Policy

[65] U.S. Dep't of Ed., Evaluation of the D.C. Scholarship Program: An Early Look at Applicants and Participating Schools Under the SOAR Act, 10, 29 (2014).

CONSORTIUM FOR CONSTITUENTS WITH DISABILITIES

March 10, 2025

Dear Chairman Wahlberg and Ranking Member Scott,

The Consortium for Constituents with Disabilities (CCD) Education Task Force is writing to oppose the *Educational Choice for Children Act of 2025 (ECCA)* including its inclusion in the pending budget reconciliation package. The ECCA intends to amend the Internal Revenue Code of 1986 to allow up to $10 billion in tax dollars annually be diverted directly to private and religious schools and away from local school districts. This legislation would also enable and promote discrimination against students with disabilities whose educational access and opportunity rights under the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act of 1973 (Section 504) are not included and upheld.

CCD opposes the bill -and its inclusion in any legislative package- due to the longstanding position that any Federal funds directed toward or in support of education must adhere to the IDEA, Section 504, the Americans with Disabilities Act, and other civil rights laws. Specifically, Federal taxpayer dollars should not be used for any school choice or voucher/voucher-like programs unless Federal education, civil rights, and disability laws apply to the use of the funds. Also, we do not support the use of any Federal education funds (e.g., ESEA Title programs, IDEA Parts B, C, D) for block grants or for school choice programs.

Our concerns relate primarily to the shifting of taxpayer dollars through a tax credit to fund scholarships (aka vouchers) to any non-public school primarily because the recipient schools are not required to adhere to federal education and civil rights laws -and are also known to reject admission to students with disabilities who may require specialized instruction, education services and supports, or accommodations to access an education- and, the recipient schools are not required to ensure students meet state-set standards in reading, math, science, and graduation as expected for all other schools as required under the Elementary and Secondary Education Act (ESEA).

Specifically, under IDEA, schools are required to provide a free appropriate public education in the least restrictive environment to all children with disabilities. As such, children are provided with an Individualized Family Service Plan (IFSP-ages 0-3) or an Individualized Education Program (IEP-ages 4-21) where educational services, interventions, supports, and accommodations are provided. Parents are active partners in developing the IFSP/IEP and have access to procedural safeguards (known as “due process”) to challenge school decisions regarding their child’s education. Given that all students should be able to attend a high-quality school or early childcare program that meets their needs while maintaining all rights under the IDEA, 504 and other Federal laws, we oppose the ECCA and do not support its inclusion in the reconciliation bill.

The intersection of IDEA with vouchers and choice programs is legally complex however, as noted by the National Council on Disability, due to a longstanding interpretation by the U.S. Department of Education "the use of vouchers constitutes a 'parental placement' leaving the [IDEA-eligible] child with no individual entitlement to free appropriate public education (FAPE), including special education and related services in connection with those placements." This means that unless the policy explicitly requires federal laws to apply, for the majority of children whose families opt for a school voucher/voucher mechanisms to attend a private [or religious] school, these students must relinquish their rights under IDEA, including the right to evaluations or assessments provided by the school district, an IEP, FAPE, least restrictive environment (LRE), and procedural due process protections. (See: School Choice Series Choice & Vouchers—Implications for Students with Disabilities, National Council on Disability, 2018.) Private schools can also reject any student – before or after- enrollment for any reason, even a disability. Thus, when parents use vouchers, education savings accounts or other school choice mechanisms, unless explicitly protected, they forfeit important rights, legal protections, and services guaranteed by IDEA, often without their knowledge. Therefore, we urge you to consider the important rights of 9.5 million children with disabilities* and reject the ECCA as part of a budget reconciliation package.

CCD actively partners with Congress on education laws and policies in support of students with disabilities and stands ready to assist you in developing legislation that includes and protects all children and their families. If you have any questions, please reach out to the co-chairs below.

Sincerely,

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*According to the most recent data, 8 million children (ages 0-21) are eligible under the Individuals with Disabilities Education Act and 1.5 million children are served under Section 504.

The CCD Education Task Force leads, collaborates and monitors federal legislation and regulations that address the educational needs of children and youth with disabilities and their families, including any policy efforts affecting the funding and implementation of federal laws such as the Individuals with Disabilities Education Act (IDEA), Every Student Succeeds Act (ESSA), Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act (ADA). We advocate for high expectations for children with disabilities under these and other laws.
www.c-c-d.org



March 10, 2025

Dear Chairman Wahlberg and Ranking Member Scott,

The Center for Learner Equity (CLE) is a nonprofit organization dedicated to ensuring that students with disabilities access quality educational opportunities and choices, robust support, and inclusive environments. As a leading national voice regarding supporting students with disabilities in both the charter and traditional public school sectors, CLE is writing to oppose the *Educational Choice for Children Act of 2025 (ECCA)*.

Nearly 475,000 children with disabilities and their families exercise public charter school choice across the nation. These students attend public charter schools that, according to state laws, either function as their own local education agency or operate within public school districts. There are just a handful of states that do not authorize public charter schools. For families whose children are eligible under the Individuals with Disabilities Education Act (IDEA), having the ability to exercise choice and attend a school that provides the specialized education, intervention, and support their child requires is indeed positive. We would love to see that number grow.

Our opposition to the ECCA stems from the very fact that diverting federal tax dollars away from traditional public and charter schools and directly into private and religious schools will diminish rights and educational opportunities for millions of children with disabilities. We also know from multiple studies on private school choice that parents of disabled students who seek to attend private schools are too often faced with convoluted school admissions policies, reduced or eliminated access to specialized therapies and services their child needs, a loss of transportation, and a dearth of other problems that typically lead families right back to their local traditional or public charter school.[1] As CLE's co-founder recently wrote:

> Despite multiple methods of enacting private school choice programs, what is universal is that the rights of children with disabilities are diminished when they step inside a private school. This includes not only the right to attend but also to be taught alongside their peers, and to access individualized supports. So, a child with autism, dyslexia, or Down syndrome, for example, may be denied access, and private schools are under no obligation to provide any specialized services or supports to help them succeed. This extends to needs that surface after enrollment – that is, a private school can simply inform the family that the child is "no longer a good fit" for the school. By contrast, a traditional or public charter school is required to conduct an evaluation and provide services. While some private schools cater to students with disabilities, it is very unclear to what extent this model is financially or programmatically sustainable absent designated funding or explicit federal protections.[2] (The74million)

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[1] See: *In Search of Opportunity: Can Families Use Education Choice to Secure More of What They Want?*, Center for Reinventing Public Education, (Dec. 2024), https://crpe.org/in-search-of-opportunity-can-families-use-education-choice-to-secure-more-of-what-they-want/#:~:text=As%20education%20choice%20programs%20expand,have%20disabilities%E2%80%94encounter%20significant%20obstacles. *School Choice Series Choice & Vouchers—Implications for Students with Disabilities*, National Council on Disabilities (Nov. 2018), https://www.ncd.gov/assets/uploads/reports/2018/ncd-choice-vouchers-2018.pdf
Private School Choice: Federal Actions Needed to Ensure Parents Are Notified About Changes in Rights for Students with Disabilities, U.S. Government Accountability Office, (Nov. 2017), https://www.gao.gov/assets/d1894high.pdf

[2] L.M.Rhim, *School Choice for Some But Not All*, The74Million, (Dec. 2024), https://www.the74million.org/article/school-choice-for-some-but-not-for-all/

The right of any child with a disability to attend school, to be included with peers, and to access individualized support under IDEA and Section 504 of the Rehabilitation Act of 1973 (Section 504) is only 50 years old. These important rights have created possibility and independence through education. But they hinge upon public schools: As currently conceptualized, those rights do not follow students into private or religious educational settings. We cannot forget our recent history, when exclusion was the norm – and we must not go backwards.

Do not include the ECCA in any legislative package, including the budget reconciliation package. By design, it would enable and promote discrimination against students with disabilities whose rights to access and opportunity are not included or upheld.

CLE would be pleased to provide additional information regarding the need for additional federal support for the charter school program and how this would expand both choice and opportunity for students with disabilities and their families.

Sincerely,



Jennifer Coco
Interim Executive Director

NCPE National Coalition for PUBLIC EDUCATION

February 10, 2025

Speaker Mike Johnson
568 Cannon House Office Building
Washington, DC 20515

Minority Leader Hakeem Jeffries
2433 Rayburn House Office Building
Washington, DC 20515

Majority Leader John Thune
322 Hart Senate Office Building
Washington, DC 20515

Minority Leader Chuck Schumer
317 Russell Senate Office Building
Washington, DC 20515

Dear Speaker Johnson, Leader Jeffries, Leader Thune, and Leader Schumer:

The 62 undersigned members of the National Coalition for Public Education (NCPE) write to express our strong opposition to the inclusion of funding for private school vouchers in any budget reconciliation package in the 119th Congress.

In particular, we oppose the Educational Choice for Children Act (H.R. 817, S.292) a proposal to create a national voucher program that would divert $10 billion per year in tax dollars to private schools and families who homeschool. This legislation is fiscally irresponsible, enables discrimination against students, undermines local control of education, and would severely damage public schools that educate 90% of American children.

Tuition tax credit voucher schemes may have a different name and structure, but they are simply another private school voucher: they divert taxpayer funds away from public education and into private schools. The Educational Choice for Children Act provides individuals a dollar-for-dollar tax credit for donating money to a "scholarship granting organization" that pays the tuition for students who attend private schools or reimburses families who homeschool. This operates less like a tax incentive and more like a direct transfer of taxpayer funds away from public education and into private schools. In fact, taxpayers donating corporate stock to these private school voucher programs would receive more back in tax cuts than the amount they donated.[1]

The government should not redirect up to $10 billion dollars per year of taxpayer dollars to pay for ineffective, discriminatory, and unaccountable vouchers. Private school vouchers fail to improve students' academic achievement. Indeed, they often cause students to perform worse

[1] Voucher boondoggle: house advances plan to give the wealthy $1.20 for every $1 They steer to private K-12 schools. (n.d.). ITEP. https://itep.org/school-vouchers-educational-choice-for-children-act-of-2024/

than their peers who aren't in the voucher program: large-scale studies of the Louisiana[2], Indiana[3], Ohio[4], and Washington, DC[5] programs show that voucher students experienced significant declines in their academic performance. The impact of accepting a voucher on academic achievement in these programs is on par with or worse than the learning loss caused by Hurricane Katrina and the COVID-19 pandemic.[6]

Although promoted as "educational freedom," private school vouchers do not provide real freedom of choice to students and parents. The "choice" in voucher programs actually lies with the private schools, which often reject students for a variety of reasons including disability, sexual orientation and gender identity, religion, academic achievement, and economic status.[7] Like other voucher legislation in states, this bill would fund private schools that are permitted to discriminate against students and families. In contrast, public schools are open to all and are a cornerstone of our communities particularly in rural areas of America. Private school voucher programs undermine our nation's public schools by funneling desperately needed resources away from public schools to fund the education of a few, select students in private, often religious, schools.

Indeed, private school voucher programs have a sordid history. Rooted in attempts to evade desegregation orders in the wake of *Brown v. Board of Education*, they still fund discrimination today. Despite receiving public funds, voucher schools do not have to abide by the same civil rights requirements as public schools, including many of those in Title VI and Title IX of the Civil Rights Act, the Individuals with Disabilities Education Act (IDEA), Title II of the Americans with Disabilities Act, and the Every Student Succeeds Act (ESSA). Students who attend private schools with vouchers are also stripped of other protections for their civil rights and liberties, including First Amendment, due process, and other constitutional and statutory rights.

Students with disabilities are especially underserved by vouchers. Voucher schools do not provide the same quantity and quality of services available to students with disabilities in public schools, including those mandated under each student's individualized education program (IEP). If admitted to a private school that accepts a voucher through a tax credit program, students and their families are responsible for complying with their selected private schools' code of conduct in order to maintain enrollment at the school. Disability and behavior are linked, as unmet needs can sometimes result in challenging behaviors. Voucher schools often deny

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[2] Jonathan N. Mills & Patrick J. Wolf, Univ. of Ark., The Effects of the Louisiana Scholarship Program on Student Achievement After Four Years, EDRE Working Paper No. 2019-10 (Apr. 2019).
[3] Megan Austin et al., Voucher Pathways and Student Achievement in Indiana's Choice Scholarship Program, Russell Sage Foundation J. of the Social Sciences (2019).
[4] David Figlio & Krzysztof Karbownik, Fordham Inst., Evaluation of Ohio's EdChoice Scholarship Program: Selection, Competition, & Performance Effects (July 2016).
[5] U.S. Gov't Accountability Office, GAO-13-805, District of Columbia Opportunity Scholarship Program: Actions Needed to Address Weaknesses in Administration and Oversight, 19 (2013).
[6] Cowen, J.. (2024, November 8). *OPINION: After two decades of studying voucher programs, I'm now firmly opposed to them*. The Hechinger Report. https://hechingerreport.org/opinion-after-two-decades-of-studying-voucher-programs-im-now-firmly-opposed-to-them/
[7] Polson, Diana, Rachel Tabachnick, and Stephen Herzenberg. "Pennsylvania's Track Record on Private School Vouchers: Still No Accountability." *Keystone Research Center* (2024).

students with disabilities admission or subject them to inappropriate or excessive suspensions or expulsions. This discrimination should not be supported by taxpayer funds.

In addition, private schools are not required to meet state-determined accountability requirements under the Elementary and Secondary Education Act currently known as the Every Student Succeeds Act (ESSA). They frequently do not have to meet any baseline standard for teacher qualification, student testing, financial accountability, or even safe facilities. Further, example after example demonstrates that the lack of oversight requirements results in waste, fraud, and abuse. In Arizona, vouchers were used to pay for Amazon gift cards, ski trips, pizza ovens, and trampolines,[8] while in Florida families used these funds to pay for paddle boards, big-screen televisions, foosball tables, and trips to Disney World.[9]

Finally, vouchers are unpopular with the general public. Just this year, voters in Nebraska, Kentucky, and Colorado resoundingly rejected vouchers or measures to allow for vouchers. This is no surprise given that for decades, voters across the country have rejected the creation or expansion of private school vouchers fourteen previous times.[10] Recent polling data[11] from All4Ed found that a majority of voters, regardless of party, support public education and would choose to use federal funding on public schools over voucher programs.

For all of the above reasons, we urge you to reject any efforts to include private school vouchers in any reconciliation package. Vouchers are bad public policy. Congress would better serve our children by using our limited taxpayer funds to ensure every child has access to strong public schools.

Thank you for your consideration of our views.

AASA, The School Superintendents Association
Advancement Project
AESA
AFT
AFL-CIO
All4Ed
Alliance for Educational Justice
Alliance to Reclaim Our Schools
American Atheists

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[8] Blasius, Melissa, and Garrett Archer. “ABC15 Arizona in Phoenix (KNXV).” *ABC15 Arizona in Phoenix (KNXV)* 3 Oct. 2023. Web.
[9] Dillon, Lucy. “Megacon Orlando Announces Its 2025 Return with Four Days of Fandom Madness.” *Orlando Weekly*, 31 Oct. 2024, www.orlandoweekly.com/arts/megacon-orlando-announces-its-2025-return-with-four-days-of-fandom-madness-38118474, https://doi.org/1025139/74700. Accessed 9 Nov. 2024.
[10]https://static1.squarespace.com/static/582f7c15f7e0ab3a3c7fb141/t/63d162c3ae7bc31595b41397/1674666706305/2023+-+NCPE+Voucher+Toolkit+FINAL.pdf
[11] OpinionatED: Voters’ Views on Education in 2024. All4Ed. Retrieved from https://all4ed.org/publication/executive-summary-opinionated-voters-views-on-education-in-2024/

American Civil Liberties Union
American Federation of State, County and Municipal Employees (AFSCME)
American Humanist Association
American Music Therapy Association
Americans for Democratic Action (ADA)
Americans United for Separation of Church and State
Association for Career and Technical Education
Association of School Business Officials International (ASBO)
Autistic Self Advocacy Network
Baptist Joint Committee for Religious Liberty
Center for American Progress (CAP)
Center for Inquiry (CFI)
Center for Learner Equity
Clearinghouse on Women's Issues
Cooperative Baptist Fellowship (CBF)
Council for Exceptional Children
Council of Administrators of Special Education
Council of the Great City Schools
Economic Policy Institute
Families for Strong Public Schools
Feminist Majority Foundation
FFRF Action Fund
First Focus Campaign for Children
GLSEN
In the Public Interest
Interfaith Alliance
Learning Disabilities Association of America
National Association of Counties (NACo)
National Association of Elementary School Principals
National Association of Federally Impacted Schools
National Association of School Psychologists
National Association of Secondary School Principals (NASSP)
National Center for Learning Disabilities
National Center for Parent Leadership, Advocacy, and Community Empowerment (National PLACE)
National Council of Jewish Women
National Disability Rights Network (NDRN)
National Education Association
National PTA
National Rural Education Association
National School Boards Association
Network for Public Education
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Education

School Vouchers Were Supposed to Save Taxpayer Money. Instead They Blew a Massive Hole in Arizona's Budget.



Former Arizona Gov. Doug Ducey touts the universal school voucher program he signed into law in 2022. Bob Christie/AP Photo

Arizona, the model for voucher programs across the country, has spent so much money paying private schoolers' tuition that it's now facing hundreds of millions in budget cuts to critical state programs and projects.

by Eli Hager

July 16, 2024, 6 a.m. EDT

ProPublica is a nonprofit newsroom that investigates abuses of power. Sign up for Dispatches, a newsletter that spotlights wrongdoing around the country, to receive our stories in your inbox every week.

In 2022, Arizona pioneered the largest school voucher program in the history of education. Under a new law, any parent in the state, no matter how affluent, could get a taxpayer-funded voucher worth up to tens of thousands of dollars to spend on private school tuition, extracurricular programs or homeschooling supplies.

In just the past two years, nearly a dozen states have enacted sweeping voucher programs similar to Arizona's Empowerment Scholarship Account system, with many using it as a model.

Yet in a lesson for these other states, Arizona's voucher experiment has since precipitated a budget meltdown. The state this year faced a $1.4 billion budget shortfall, much of which was a result of the new voucher spending, according to the Grand Canyon Institute, a local nonpartisan fiscal and economic policy think tank. Last fiscal year alone, the price tag of universal vouchers in Arizona skyrocketed from an original official estimate of just under $65 million to roughly $332 million, the Grand Canyon analysis found; another $429 million in costs is expected this year.

As a result of all this unexpected spending, alongside some recent revenue losses, Arizona is now having to make deep cuts to a wide swath of critical state programs and projects, the pain of which will be felt by average Arizonans who may or may not have school-aged children.

Among the funding slashed: $333 million for water infrastructure projects, in a state where water scarcity will shape the future, and tens of millions of dollars for highway expansions and repairs in congested areas of one of the nation's fastest-growing metropolises — Phoenix and its suburbs. Also nixed were improvements to the air conditioning in state prisons, where temperatures can soar above 100 degrees. Arizona's community colleges, too, are seeing their budgets cut by $54 million.

Still, Arizona-style universal school voucher programs — available to all, including the wealthiest parents — continue to sweep the nation, from Florida to Utah.

In Florida, one lawmaker pointed out last year that Arizona's program seemed to be having a negative budgetary impact. "This is what Arizona did not anticipate," said Florida Democratic Rep. Robin Bartleman, during a floor debate. "What is our backup plan to fill that budget hole?"

Her concern was minimized by her Republican colleagues, and Florida's transformational voucher legislation soon passed.

Advocates for Arizona's universal voucher initiative had originally said that it wouldn't cost the public — and might even save taxpayers money. The Goldwater Institute, a conservative think tank that helped craft the state's 2022 voucher bill, claimed in its promotional materials at the time that the vouchers would "save taxpayers thousands per student, millions statewide." Families that received the new cash, the institute said, would be educating their kids "for less than it would cost taxpayers if they were in the public school system."

But as it turns out, the parents most likely to apply for these vouchers are the ones who were already sending their kids to private school or homeschooling. They use the dollars to subsidize what they were already paying for.

The result is new money coming out of the state budget. After all, the public wasn't paying for private school kids' tuition before.

Chris Kotterman, director of governmental relations for the Arizona School Boards Association, says that Arizona making vouchers available to children who had never gone to public school before wasn't realistically going to save the state money.

"Say that my parents had been gladly paying my private school tuition, because that's what was important to them — that I get a religious education. That's completely fine," Kotterman said. "But then the state said, 'Oh, we'll help you pay for that.'"

"There's just no disputing that that costs the state more money," he said, critiquing the claims of the Goldwater Institute and others who'd averred that this program and ones like it around the country would not be costly. "That's not how a budget works."

Inspiring a "National Movement"

Heading into this fall, which will bring both a new school year and an election that stands to remake American education, ProPublica is going to be examining the complexities, lessons and failures of the nation's first universal school voucher program as a model for where the whole system seems headed. Arizona's program "set the standard nationally" and "inspired a national movement," according to leading voucher advocacy groups; it is "the nation's school-choice leader," per the longtime conservative columnist George Will.

For decades, voucher initiatives, including in Arizona, had only served small subsets of students. Often, eligibility was limited to certain poor students from failing public schools, whose families could use a voucher to switch them into a potentially better private school.

In Arizona, for example, vouchers as of 2011 were available solely to students with disabilities, to make sure that their families could afford a range of personalized education options. The program was then expanded to students who had lived in foster care and to Native American students before, gradually, the money started going disproportionately to wealthier households.

Because these measures were initially narrow in scope, some studies found that they had no negative impact on state and local budgets — studies that voucher advocates continued to cite even as states started considering providing vouchers to every parent who wanted one, which is a far more costly undertaking.

Universal voucher efforts, beginning with Arizona's universal Empowerment Scholarship Account program in 2022, allow parents to spend public money not just on private school tuition but also on recreational programs for their kids like ninja warrior training, trampoline park outings and ski passes, or on toys and home goods that they say they need for homeschooling purposes. (The average ESA award is roughly $7,000.)

In a statement to ProPublica, a spokesperson for Arizona's former Republican Gov. Doug Ducey, who signed the universal voucher program into law, said that "not only does Gov. Ducey have no regrets about ESA expansion, he considers it one of his finest achievements and a legacy accomplishment. And what he's most thrilled about is that Arizona's ESA expansion was followed by 11 other states doing essentially the same thing. Arizona helped set off an earthquake."

Voucher proponents have long pointed out that private school parents have a right to and could be sending their children to public school at taxpayers' expense. So providing them with what is often a smaller amount of taxpayer money in the form of a voucher to help them pay their private school tuition is, the argument goes, a net savings for the public.

This is similar to arguing that the public should help pay for car drivers' gas because if they didn't drive, they might use public transportation instead, which would be a cost to taxpayers.

Ducey's spokesperson, Daniel Scarpinato, did not acknowledge that the net cost of universal vouchers has been far higher than voucher supporters originally promised. Instead, he reiterated that "universal ESA costs are basically revenue neutral." The reasoning: Overall enrollment in Arizona public schools has been slightly down — ever since many parents withdrew their kids during the pandemic — creating some savings in the education budget that could be seen as offsetting the new voucher spending.

Ducey, as well as Matt Beienburg, the Goldwater Institute's director of education policy, blamed Arizona's budget crisis on current Democratic Gov. Katie Hobbs, pointing out that she signed a 2023 budget that spent down what was then a surplus instead of keeping the money in reserve for a possible moment like this. (The 2023 budget was passed with bipartisan support.) Ducey did not answer a question about whether he'd had a long-term plan to pay for ballooning voucher spending, beyond relying on that one-time surplus.

In an email, Beienburg maintained that Arizona's current budget mess wasn't caused by vouchers; he blamed, among other issues, state revenue recently being lower than anticipated. (The Goldwater Institute in 2021 collaborated with Ducey to write and pass a tax cut that reduced income taxes on the wealthiest Arizonans to 2.5%, the same rate that the poorest people in the state pay, which is the leading cause of the decline in revenue.)

Dave Wells, research director at the Grand Canyon Institute, said that none of the competing budget trends that Ducey and the Goldwater Institute pointed to mean that Arizona can actually afford universal vouchers, at least not without making severe, harmful budget cuts.

"They chose to make ESAs universal and that has made the budget situation much worse," he said. "We still had a budget shortfall and budget cuts. The cost is still the cost."

"It Isn't Funded"

Now that vouchers in Arizona are available even to private school kids who have never attended a public school, there are no longer any constraints on the size of the program. What's more, as the initiative enters its third year, there are no legislative fixes on the table to contain costs, despite Hobbs' efforts to implement some reforms. "I have not heard them agree to anything that is a financial reform of the program at all," said Sen. Mitzi Epstein, the Democratic minority leader of the state Senate, referring to her Republican colleagues.

Arizona doesn't have a comprehensive tally of how many private schoolers and homeschoolers are out there, so it remains an open question how much higher the cost of vouchers could go and therefore how much cash should be kept on hand to fund them. The director of the state's nonpartisan Joint Legislative Budget Committee told lawmakers that "we've never really faced that circumstance before where you've got this requirement" — that anyone can get a voucher — "but it isn't funded."

Most importantly, said Beth Lewis, executive director of the public-school-advocacy group Save Our Schools Arizona, only a small amount of the new spending on private schools and homeschooling is going toward poor children, which means that already-extreme educational inequality in Arizona is being exacerbated. The state is 49th in the country in per-pupil public school funding, and as a result, year after year, district schools in lower-income areas are plagued by some of the nation's worst staffing ratios and largest class sizes.

Spending hundreds of millions of dollars on vouchers to help kids who are already going to private school keep going to private school won't just sink the budget, Lewis said. It's funding that's not going to the public schools, keeping them from becoming what they could and should be.

Mollie Simon contributed research.

Eli Hager

I'm a ProPublica reporter who writes about issues affecting poor and working-class people across the country.



MORE STORIES HAVE A TIP FOR A STORY?

I'm interested in hearing from current and former insiders at federal agencies that administer anti-poverty programs, as well as working-class people of all stripes about how their lives are changing.

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Education

In a State With School Vouchers for All, Low-Income Families Aren't Choosing to Use Them



Fabiola Velasquez walks her youngest child to school. Ash Ponders, special to ProPublica

by Eli Hager and Lucas Waldron

Oct. 12, 2024, 5 a.m. EDT

ProPublica is a nonprofit newsroom that investigates abuses of power. Sign up for Dispatches, a newsletter that spotlights wrongdoing around the country, to receive our stories in your inbox every week.

Reporting Highlights

- **Not a Choice for Everyone:** In Arizona, which now offers school vouchers to all students, lower-income families are using the program less than wealthier ones, a ProPublica analysis shows.
- **Barriers to Entry:** Lower-income families said that the location of private schools and additional costs for things like transportation, tuition and meals keep them from using vouchers.
- **Sales Pitch:** Advocates for vouchers have long argued their plan is a way for all children, no matter their socioeconomic background, to have access to a high-quality education.

These highlights were written by the reporters and editors who worked on this story. Were they helpful?

Alma Nuñez, a longtime South Phoenix restaurant cashier with three kids, attended a community event a few years ago at which a speaker gave a presentation about Arizona's school voucher program. She was intrigued.

Angelica Zavala, a West Phoenix home cleaner and mother of two, first heard of vouchers when former Gov. Doug Ducey was talking about them on the news. He was saying that the state was giving parents money that they could then spend on private school tuition or homeschooling supplies. The goal was to ensure that all students, no matter their socioeconomic background, would have access to whatever kind of education best fit them. Zavala thought: *This sounds great. Maybe it will benefit my family.*

And Fabiola Velasquez, also a mother of three, was watching TV with her husband last year when she saw one of the many ads for vouchers that have blanketed media outlets across metropolitan Phoenix of late.

She turned to him and asked, "Have you heard about this?"

Working-class parents like Nuñez, Zavala and Velasquez have often said in surveys and interviews that they're at least initially interested in school vouchers, which in Arizona are called Empowerment Scholarship Accounts. Many across the Phoenix area told ProPublica that they liked the idea of getting some financial help from the state so that they could send their children to the best, safest private schools — the kind that rich kids get to attend.



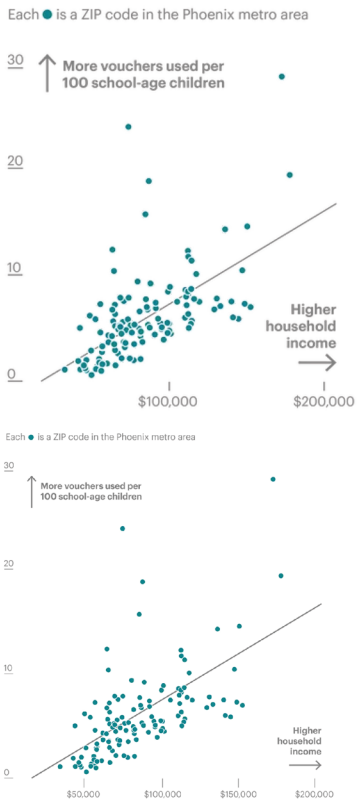
Angelica Zavala with her two daughters before school Ash Ponders, special to ProPublica

Yet when it comes to lower-income families actually choosing to use vouchers here in the nation's school choice capital, the numbers tell a very different story. A ProPublica analysis of Arizona Department of Education data for Maricopa County, where Phoenix is located, reveals that the poorer the ZIP code, the less often vouchers are being used. The richer, the more.

In one West Phoenix ZIP code where the median household income is $46,700 a year, for example, ProPublica estimates that only a single voucher is being used per 100 school-age children. There are about 12,000 kids in this ZIP code, with only 150 receiving vouchers.

Conversely, in a Paradise Valley ZIP code with a median household income of $173,000, there are an estimated 28 vouchers being used per 100 school-age children.

Poorer Neighborhoods in Maricopa County Used Fewer Vouchers



Note: Includes only ZIP codes with at least 200 school-age children, defined as kids 3 to 18 years old. Population sizes are estimates. Sources: American Community Survey 5-Year Estimates (2018-2022) and Arizona Department of Education Empowerment Scholarship Account Program Quarterly Report (FY 2024 Q2). Lucas Waldron, ProPublica

The question is, if there's interest in school vouchers among lower-income families, why isn't that translating into use, as conservative advocates have long promised would happen?

In our interviews, several families said that they simply didn't know about the program. Some mentioned that they didn't have the social contacts — or the time, given their jobs — to investigate whether vouchers

would be a better option for their kids than public school, which is generally simpler to enroll in and navigate.



Alma Nuñez and her family share dinner, a rare moment when the family is together during a busy school day. Ash Ponders, special to ProPublica

But others, like Nuñez, Zavala and Velasquez, said that they knew plenty about Empowerment Scholarship Accounts. Still, they had come to understand that the ESA program was not designed for them, not in a day-to-day sense. Logistical obstacles would make using vouchers to attend private school practically impossible for them and their children.

It starts with geography. The high-quality private schools are not near their neighborhoods.

ProPublica compiled a list of more than 200 private schools in the Phoenix metro area using a survey conducted by the National Center for Education Statistics, as well as a Maricopa County listing and other sources. We found that these schools are disproportionately located to the north and east of downtown — in Midtown, Arcadia, Scottsdale, Paradise Valley and the suburbs — rather than to the south and west, the historically segregated areas where Nuñez, Zavala and Velasquez live.

Only six of all of these private schools are in Census tracts where families earn less than 50% of the county's median income of $87,000.



Zavala talks to her daughters' school bus driver. Ash Ponders, special to ProPublica

So even if lower-income families were able to secure spots at a decent private school and could use vouchers to pay the tuition, they would still have to figure out how to get their children there. After all, while public schools generally provide free transportation via school buses, private schools rarely do.

Would they send their kids on $30-plus Uber rides each way every day? Or on city bus trips that might take up to two hours in each direction, because the routes aren't designed for students the way that school bus routes are? This might require their little ones to make multiple transfers, on their own, at busy intersections.

Zavala used an app that showed the private schools near her home; there weren't many, but she did know of one, St. Matthew Catholic School, that served students her daughters' age and was in the vicinity. It also had sports and a dual-language program, which not many private schools provide.

She filled out all the forms to apply for her daughters to attend St. Matthew using vouchers, before deciding that the stress of transportation — there wouldn't be a school bus — wasn't worth it. (Zavala also said she realized that the academics wouldn't necessarily offer an improvement over public school.)

Then there's tuition. Zavala, as well as Nuñez and Velasquez, learned that a voucher might not even cover the full price of a private school.

A typical voucher from Arizona's ESA program is worth between $7,000 and $8,000 a year, while private schools in the Phoenix area often charge more than $10,000 annually in tuition and fees, ProPublica found. The price tag at Phoenix Country Day School, one of the best private schools around, ranges from $30,000 to $35,000 depending on the age of the student. (The Hechinger Report has also found that private schools often raise their tuition when parents have vouchers.)

"Just because you gave me a 50%-off coupon at Saks Fifth Avenue doesn't mean I can afford to shop at Saks Fifth Avenue," said Curt Cardine, a longtime school superintendent, principal and teacher who is now a fellow at the Grand Canyon Institute, a left-leaning public policy think tank in Phoenix.

Next add the cost of food: breakfast, lunch, afternoon snack. These are provided by public schools to students from lower-income families, but at private schools, parents typically have to pay for them.

And throw in a supply of uniforms with the private school's logo — hundreds of dollars more.

Plus there is pressure to spend money at auctions, raffles and other fundraisers. (It's Christian to do so, many religious private school websites say.)



Nuñez Ash Ponders, special to ProPublica

Consider the choices available to Nuñez. For 17 years, she was a cashier at a restaurant, working 10 or more hours a day. Now she is raising three children, two of whom have autism. Private schools have some appeal to her in part because they might have smaller class sizes and more support for her son in third grade, whom she describes as "an earthquake."

For all of these reasons, Nuñez, Zavala and Velasquez — despite their initial interest — chose not to use Arizona's voucher program. Instead, they have each decided to start volunteering at the neighborhood public schools that their kids attend and to organize other busy parents to help make those schools better.

They meet with their school administrators regularly. They lend a hand at drop-off and pick-up. They've organized "cafecitos": an informal sort of PTA coffee hour.



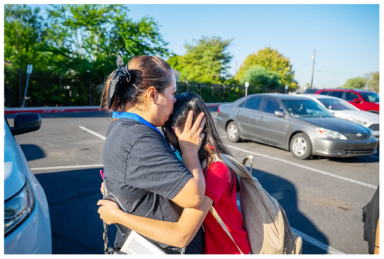
Velasquez and Nuñez attend a parent meeting run by ALL In Education, a Latino advocacy group that organizes parents to support their public schools. Ash Ponders, special to ProPublica

"I'm committed to the idea of public school for my and my neighbors' children," Velasquez said. "I have zero regrets about not using ESA."

This school year, ProPublica is examining Arizona's first-in-the-nation "universal" school voucher program: available to all families, no matter their income. We are doing so because more than a dozen other states have enacted, or are attempting to enact, voucher initiatives largely or partly modeled after this one.

Arizona's experience holds lessons for the rest of the country amid an election season in which the future of education is at stake, even as issues like immigration and inflation grab more headlines.

As they were initially conceived, school vouchers were targeted at helping families in lower-income areas. The first such programs, in cities like Milwaukee and Cleveland, provided money specifically to poor parents who had children in struggling, underfunded public schools, to help them pay tuition at a hopefully better private school.



Zavala embraces her daughter, whom she considered sending to a private school. Ash Ponders, special to ProPublica

Conservative advocacy groups still say that this is the purpose of vouchers. "School choice provides options for low-income families" by breaking "the arbitrary link between a child's housing and the school he or she

can attend," the Heritage Foundation, a conservative think tank with deep ties to former President Donald Trump, said in 2019. "At the core of the school choice movement is the aspiration that every family obtain the freedom to pursue educational excellence for their children — regardless of their geographic location or socioeconomic background," the Goldwater Institute, the Phoenix-based conservative think tank that pioneered and helped enact Arizona's ESA law, has asserted.

But now that groups like these have successfully pushed for vouchers to be made universal in several states, the programs are disproportionately being used by middle- and upper-income parents.

"Arizona is the school choice capital of the U.S. — great, but if it's not quality schools within a reasonable distance, then it's not meaningful choice for our families," said Stephanie Parra, CEO of ALL In Education, a pro-public-education Latino advocacy group that Nuñez, Zavala and Velasquez have been working with.

Michael J. Petrilli, president of the Thomas B. Fordham Institute, a pro-charter-school and school voucher education reform think tank, told ProPublica that Arizona's version of vouchers "is not well-designed to achieve the goal of providing more choice for low-income and working-class families." He said that "if you were going to design a program that really wanted to unlock private school choice for those families, you would design it very differently than Arizona did."

Petrilli said that this would at least include means-testing the program: in other words, making larger vouchers available to lower-income parents, rather than giving the same amount to the very wealthy, who do not need the help. (Some states with near-universal voucher programs, he noted, give priority to lower-income families, unlike Arizona.) This would help poor parents cover the cost of transportation, among other things.



Nuñez waits to pick up her son from third grade at Martin Luther King Jr. Elementary School. Ash Ponders, special to ProPublica

Arizona's program does allow parents to use their ESA money on transportation costs, but those who've already spent their voucher on tuition don't have anything left for a year's worth of Uber rides, city bus fares or gas. ESAs can also be used for homeschooling supplies, but most working parents can't homeschool.

Some private schools provide additional scholarships or financial aid to students from lower-income backgrounds, though the process can be complicated to navigate. In some instances, ProPublica found, private school application systems even require a nonrefundable fee to apply for need-based aid.

Advocates for vouchers argue that many of these inequities already exist and are just as bad in the public school system. They note that poor families are often practically limited to the public schools nearest to them; it's not as though the government provides transportation if parents want to send their kids to a better public school across town. (At least not since the end of the desegregation-era practice of busing Black children to mostly white schools. Busing helped to desegregate the public schools and improved academic outcomes for Black students, but it was broadly unpopular.)

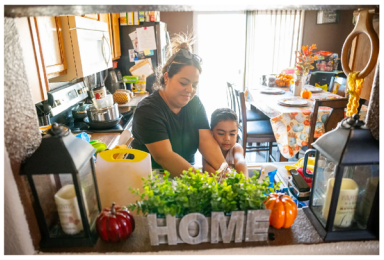
Michael McShane, director of national research for the pro-voucher advocacy and research organization EdChoice, said that it's still "early days" for universal programs like Arizona's, and that "there is an adoption curve anytime any new innovation takes place."

Asked why these efforts haven't yet clearly helped lower-income families, McShane said that the "first movers" in a newly reformed system "tend to be more risk-takers, which sort of comes with affluence." For lower-income parents whose children have long just been assigned to a public school, he said, school choice is "a muscle that has to be learned."

He acknowledged, though, that more still needs to be done to help students from less-affluent areas access private schools, especially in a sprawling state like Arizona. This could include providing larger vouchers based on students' socioeconomic circumstances as well as working on the "supply side" of the system — developing new private schools in places where there aren't many.

But the question remains whether quality private schools, interested in making a profit, will have any reason to build new locations in South or West Phoenix, where most parents can't pay tuition beyond their $7,000 voucher. So far, in these areas of the city, the free market has mostly just provided strip-mall, storefront private schools as well as what are called microschools, with little on their websites that working parents can use to judge their curricula, quality or cost. (Private schools in Arizona aren't obligated to make public any information about their performance.)

These schools might not be accredited. Their teachers might not be certified. They might close soon. They are certainly not the large, established, elite private schools of the American imagination.



Velasquez and her son cool off after walking home in the Phoenix heat. Ash Ponders, special to ProPublica

While lower-income families are struggling to access or even learn about ways to use vouchers, wealthier parents enjoy a smoother path.

Affluent parents in the Phoenix area whose kids were already attending private school, for example, told ProPublica that they are now being sent webinars and other emailed advice — from the private school administrators to whom they are already paying tuition — on how to apply for vouchers to subsidize that tuition.

Erin Rotheram-Fuller, a mom in South Scottsdale who is sending her daughter to a private school using the ESA program, is also an Arizona State University associate professor of education. She said that the program has largely worked for her family, in part because she lives in an upper-middle-class area and there are quality schools serving her daughter's needs that are relatively nearby. Moreover, she has been able to rely on word of mouth and help from her social circle, asking other ESA parents for advice about navigating logistical issues, like which documents to submit during the application process.

"As a parent, I'm grateful for it," Rotheram-Fuller said of the program. "But there are several layers of barriers."

"Parents near us can make so many more choices than other families who really need it," she said.

The moms in South Phoenix agree.

Zavala said that another reason that she didn't ultimately submit those forms to send her daughters to private school using vouchers was that what she could provide materially was less than what she predicted the other kids at the private school would have. She worried that her little girls, if not equipped with the latest cellphone, laptop and other indicators of wealth, would feel left out or be bullied.

Velasquez, meanwhile, wondered if she would be received in the same way at a private school as she is as a public school parent leader.

"Yes, there might be a nicer playground and basketball court, but would I be able to advocate for them?" she asked, referring to her children.



Velasquez walks her son to school. Ash Ponders, special to ProPublica

Dani Portillo, superintendent of the Roosevelt School District in South Phoenix, which these three mothers all send their children to, told ProPublica that ultimately "parents will speak by choosing our schools." She said, "The idea that if they don't go to a private school, they're not giving their child the best — no, that's false."

These parents made a clear school choice of their own, Nuñez, Zavala and Velasquez said: to say no to vouchers.

Mollie Simon contributed research.

Eli Hager

I'm a ProPublica reporter who writes about issues affecting poor and working-class people across the country.

MORE STORIES HAVE A TIP FOR A STORY?



I'm interested in hearing from current and former insiders at federal agencies that administer anti-poverty programs, as well as working-class people of all stripes about how their lives are changing.

Lucas Waldron
Lucas Waldron is a graphics editor at ProPublica.
MORE STORIES NEED TO GET IN TOUCH?



Ms. BONAMICI. Thank you, Mr. Chairman. I am not an educator like my colleagues, Representatives Wilson and Hayes, and Mannion, but I am a parent. I spent years and hundreds of hours, if not thousands of hours as a volunteer in public schools. I was fortunate to be able to do that.

I always thought about all of the kids. At one point my son said, "Mom, do you have to be at school all the time?" I thought about all of the students who did not have involved parents. As Ranking Member Scott was saying, what about all the rest of the children

who do not have maybe an involved parent, like Mr. Blanks? Who is speaking for them?

That is our responsibility to think about all of the students in public schools. I also want to followup on Representative Mackenzie's comment because he seemed to be only focused on public charter schools, and we, as I said in my opening, as Democrats, we are pro-choice in the public school system.

I just—he said how do we turn down the level of the debate, and make the discussion calmer? It is pretty simple. We support choice within the public school system because we know public education in this country has been chronically underfunded for decades.

Students are suffering because of it, and we know that the majority of funding comes from State and local sources, but that Federal funding piece, it is critical, and it is especially critical for low-income students, and students with disabilities.

Instead of fully funding public education to improve outcomes to meet the needs of students with disabilities, and to close those opportunity gaps, the Trump administration is threatening to dismantle the Department of Education. What a terrible message to send to families, to students, to educators, to business leaders that need an educated workforce, and to our global allies and competitors, who are making education a priority.

Now Republicans are touting voucher schemes as a solution, but vouchers take funding away from public schools, and give it to families, often wealthy families, to subsidize sending their kids to private school. The evidence does not show that school vouchers improve academic outcomes.

In fact, the research on voucher programs in Indiana, Louisiana and Ohio, found negative effects on student achievement after leaving the public school system. Vouchers also empower private schools to discriminate against disadvantaged students, increasing segregation, and they lack transparency and accountability, and they are a misuse of American tax dollars.

Of course, we have work to do to improve the public education system so it fully meets the needs of all students, and inspires them to be successful, creative, critical thinkers with a love of learning. It will always be the foundation on which we build our country's future.

We need to make those long-term Federal investments to get students back up to speed, to make school safe by addressing gun violence, by fixing crumbling school infrastructure, so every child, regardless of their background or income can have a bright future. The answer is to strengthen, not privatize public education.

Before I close, Mr. Chairman, I must say that I continue to be surprised by the topics of the Committee's hearings, given the ongoing attack on public education, and the Department of Education, and even education research.

Last week, Secretary McMahon sent out a memo, detailing the Department of Education's final mission. President Trump walked back the planned executive order to dismantle the Department after widespread public outcry.

Mr. Chair, I sincerely appreciate our conversation about priorities for the Subcommittee this session, and I know you care about

students and the future of education, so can we engage in a very brief colloquy, Mr. Chairman?

Chairman KILEY. Well, I am not sure as to the rules on colloquies, but if you would like to pose a question, I would be happy to address it in my closing statement.

Ms. BONAMICI. OK. I am going to pose a question. Thank you, Mr. Chairman. Are you—do you share concerns about the Department of Government Efficiency and Elon Musk's ongoing efforts to disrupt IDEA, to eliminate funding for rural and low-income schools, and access students' and families' sensitive personal data?

If you could also answer, I expect that the majority will call Secretary McMahon to the Committee soon, but across the country people are asking what DOGE is doing?

Can we work together, so our Subcommittee has both oversight and input into the reshaping of our country's public school system by bringing in—as well, as Secretary McMahon, Elon Musk, who is the leader of DOGE, either before the Full Committee, or the Subcommittee?

Chairman KILEY. Well, I have not heard anything about many of the items that you mentioned, but you used the word disrupt, and I do agree that our public education system is in need of disruption. We have seen our results fail our kids for too long, and they have gotten worse and worse and worse, year after year, even though we are spending more and more money.

The good news is that we see examples throughout the country where this sort of positive disruption is occurring in a way that lifts up all students and has gotten amazing results for students. We have seen some good examples in D.C. We saw it in New Orleans after Katrina, where they became an all charter network.

Florida was mentioned from one of the Representatives from Florida as somehow a bad example. Florida leads the Nation in education outcomes. It usually ranks first, or close to it. On the other hand, my State, California, which has done everything possible to restrict school choice, ranks among the worst in the country, even though it spends a lot, and has added tens of billions of dollars to the education budget.

In fact, in 2019, California was second worst in the entire country for education outcomes for kids. Then of course during COVID, as I mentioned before, California had the longest school shutdown of any State in the entire country, although not everyone was kept out of school.

For example, Gavin Newsom, the Governor who ordered the school shutdown, he sent his kids to in-person private school during that time. I think that just underlines a theme that comes out of today's hearing is that we already have universal school choice in this country for people of means, those who can afford it.

I am glad that the Democrat witness got a great opportunity growing up to go to an outstanding private school. I am glad that Gavin Newsom's kids get to go to a great school, and the Joe Biden's and Kamala Harris's kids. What I do not like is when those very politicians who are advocates who make one choice for their own families, then seek to deny that choice, use their power to deny that choice, to those who are less fortunate.

I think that that tension is what we are trying to resolve here, and we are trying to expand that sort of opportunity. We have heard a lot of railing against any form of voucher or scholarship or education savings account today, but the reality is that those who are making these arguments by and large, do not just oppose vouchers or particular voucher programs, they oppose school choice in general.

In fact, we saw that pivot even happen in the midst of this hearing where they start off by saying we support public charter schools, and then suddenly we hear spurious arguments about for-profit charters, 90 percent of charters are non-profit, or we hear things like charters can turn away students. Absolutely untrue.

Charters are open to all and are tuition free. That is the troubling theme that comes out of this is that the opposition is really to anything that disrupts the business model of keeping kids trapped in failing schools. It is that business model that has led to this education decline in our country.

What I think we need and what we are seeing emerge is a new model where the money follows the student. This is what extends opportunities to families who have other options, and it is what catalyzes system-wide change.

I will say in fairness, and I think that the Ranking Member is sincere on this, that the Democrat party has been divided on the issue of charters. We see some who are clearly anti-charter school, but there are some that have been supportive, like when President Biden tried to cut charter school grants.

Several Democrats, including Governor Polis in Colorado, came out against that. We have seen bipartisan support for great charters like Success Academy and KIPP. I mean Success Academy, the No. 1 performing school in the entire State of New York.

Nevertheless, and I have seen this firsthand in my own State, there has been a war against all forms of school choice, despite the manifold of benefits that we have seen for students. I am hoping is that those who are actually interested in getting positive education outcomes for kids will move past the talking point that we just need to put more money in there, since that is obviously a theory that has been falsified.

Of course we need to adequately fund education, but the notion that more money will produce better results without actual reform has been proven false time and again. If we can find those who are genuinely interested, and I am willing to partner with the Ranking Member, and anyone else on this side of the aisle, to support those forms of school choice that you can get behind.

Despite the vast differences of opinion we have seen today, I am hopeful that we will find some common ground going forward, and I really think we do have an opportunity to catalyze reforms that will benefit millions of kids, millions of families across this country, and set our country on a much more promising path going forward.

Ms. BONAMICI. I have not yielded back, but I appreciate the remarks. Just a couple of comments.

Chairman KILEY. I have been addressing my closing statement.

Ms. BONAMICI. Yes, but I did not yield back. A couple of things, Mr. Chairman. You mentioned addressing the need of students trapped in a failing school. I do not want to just address the stu-

dents who feel like they need to escape a school. We need to address all of the students, meaning when somebody says a school, first of all, a school is a building, what is happening to students in that school.

Do they need smaller class sizes? Do they need arts education? Do they need—is there lead in the water? Do they need behavioral healthcare? There are many reasons why we should not ignore everybody who is in what you were calling a failing school.

With regard to success, if you are using the NAEP scores to measure success, we understand as I mentioned, Mr. Chairman, the score is one way to assess a student. When you adjust by income, it is truly the low-income students who are really struggling.

I also note, Mr. Chairman, that you did not address whether we could expect to hear from Secretary McMahon or Elon Musk, or someone from DOGE. I hope you will do that in your closing, and I look forward to continuing the conversation, and now I yield back.

Chairman KILEY. Well, that was my closing. I do not think we usually yield back and forth on closing statements, but I do appreciate the conversation. I look forward to continuing it. I would like to thank our witnesses again for taking the time to testify before the Subcommittee today.

Without objection, there being no further business, the Subcommittee stands adjourned.

[Whereupon, at 12:31 p.m., the Subcommittee on Early Childhood, Education and Secondary Education was adjourned.]

[Additional submissions from Ranking Member Bonamici follows:]

Letter for the Record
National Parent Teacher Association (National PTA)

U.S House of Representatives
Committee on Education & The Workforce
Subcommittee on Early Childhood, Elementary, and Secondary Education

Hearing:
"Education Without Limits: Exploring the Benefits of School Choice"
March 11, 2025

On behalf of the National Parent Teacher Association (National PTA), we thank you for holding the hearing on Tuesday, March 11, 2025 "Education Without Limits: Exploring the Benefits of School Choice" and appreciate the opportunity to submit this letter for the record.

As the nation's oldest and largest child advocacy organization, National PTA has been working with school communities and decision makers to solve the toughest problems in our nation's history for over 125 years. With a presence in every state and 18,000 local units across the country and abroad, we represent millions of families, students, teachers, administrators and business and community leaders.

At PTA, our mission is to make every child's potential a reality by engaging and empowering families and communities to advocate for all children. Our association strongly supports educational choices within public schools to meet the needs of all students and believes parents and families should be involved in all aspects of public-school choice plans. However, there is a difference between public school choice programs and the use of taxpayer dollars for private school voucher programs.

Although marketed as "choice" for parents, these types of proposals are harmful to families, children, and schools. Time and time again, voucher programs have proven ineffective in improving student achievement, lack accountability, deprive students of the rights and protections they would receive in public schools, and fail in providing adequate services for students most in need, including students with disabilities, low-income students and students who are English learners.

Why Are Private School Voucher Proposals Harmful?

(1) **Voucher programs divert taxpayer dollars (sometimes billions of dollars) away from public schools** which educate the vast majority (80%) of children in this country.
Diverting funds away from public schools directly undermines their ability to educate and care for our children, narrowing the opportunities available to the millions of students in public

schools. Right now, public schools need more, not less, investment to meet the needs of our students and ensure a high-quality education for every child to reach their potential and thrive. Voucher programs can look different—from traditional vouchers to Education Savings Accounts (ESAs) to Scholarship Tax Credits—but all function the same way: to divert taxpayer dollars and funding away from public schools.

(2) **Voucher programs do not offer real choice to families**. Although promoted as providing "school choice" for parents, the "choice" inherent in private school voucher programs in reality lies not with families, but rather with the institutions themselves who often deny enrollment. Private schools funded through vouchers are usually allowed to reject students with disabilities—or any other students those private schools wish to avoid, including based on a student's academic ability, race/ethnicity, religion, sexual orientation or gender identity. Families who do not sign appropriate "statements of faith" or who do not have family compositions that align with the schools' preferences may also find their child rejected. In some communities, such as rural areas, there is no "choice" at all for parents when non-public options are hundreds of miles away. For example, in states like Alaska and Maine, rural families and communities rely upon public schools.

(3) **The reality is that even well-intentioned voucher programs have proven ineffective in improving students' academic achievement**. Repeated studies of voucher programs across the country show that vouchers do not improve students' academic achievement and can result in worse test scores for students. For example, studies of the voucher programs in Louisiana, Indiana and Ohio have demonstrated that students who used vouchers perform worse academically than their public-school peers. Learn more here.

(4) **Voucher programs lack accountability**. Most voucher programs lack accountability measures, and many also lack proper oversight to ensure they meet even the minimal standards that do exist. For example, many private schools that receive vouchers do not implement any requirements for teacher qualifications, testing or achievement. Unfortunately, there are usually very few guardrails on how voucher money could be spent, making it ripe for waste, fraud and abuse. Learn more here.

(5) **Voucher programs deprive students, including students with disabilities, of the rights and protections they would receive in public schools**. Private schools receiving vouchers are not required to abide by the same civil rights requirements as public schools. This includes many of the rights in the Every Student Succeeds Act (ESSA); Title VI and Title IX of the Civil Rights Act; the Individuals with Disabilities Education Act (IDEA); and Title II of the Americans with Disabilities Act. Students who attend private schools with vouchers are also stripped of other protections for their civil rights and liberties, including First Amendment, due process and other constitutional and statutory rights. Learn more here.

(6) **Voucher programs fail in providing adequate services for students most in need, including students with disabilities, low-income students and students who are English learners**.

Students with disabilities are especially underserved by vouchers. Private schools receiving vouchers often deny students with disabilities admission or, if admitted, do not provide the same quantity and quality of services available to students with disabilities in public schools, including those mandated under each student's individualized education program (IEP). Families who choose to use the vouchers must relinquish their child's rights under IDEA, including a free appropriate public education in the least restrictive environment and due process rights. Learn more here.

(7) **Voucher programs are often inaccessible to low-income families**. The cost of tuition and fees at schools that accept vouchers usually exceeds the amount of the voucher, making voucher schools unaffordable for most low-income families. In the end, the families most likely to use a voucher are the families who could already afford to send their kids to private schools. Research has found that in states with voucher programs, 70% of the students receiving vouchers are those already attending private schools, thus diverting funding from public schools without actually expanding choice for families. Learn more here.

(8) **Voucher programs are especially harmful in rural areas**. Twenty percent of students in the U.S. attend rural schools, and in rural communities, schools are frequently the largest employer and a community hub for resources and programs. Because the margins for operating a public school in rural communities are incredibly small, the departure of a few students can leave rural schools with fewer resources to provide education and community needs. Learn more here.

It is for these reasons that our association opposes any private school choice proposal and/or voucher system that diverts public funds to private or sectarian schools. This includes proposals like the Educational Choice for Children Act (H.R. 833, S. 292) which would hurt our nation's public schools and the millions of families served by them. Although marketed as "choice" for parents, the bill would be an unprecedented federal overreach in creating the first ever nationalized voucher system, redirecting billions of taxpayer dollars away from our public schools towards private and religious institutions and homeschooling. Today, the vast majority (over 80%) of children and families are served by public schools, and this proposal would dramatically undercut their education and academic success by diverting funding away from already under-resourced public schools. The reality is that even well-intentioned voucher programs have proven ineffective in improving students' academic achievement. Such systems usually lack accountability, they deprive students of the rights and protections they would receive in public schools, and they fail in providing adequate services for students most in need, including students with disabilities, low-income students, and students who are English learners. Moreover, the "choice" inherent in such systems lies not with the families but rather with the institutions themselves who often deny enrollment and reject students for reasons including religion, disability, sexual orientation, and academic performance. And in some communities, especially in rural areas, there is no "choice" at all when non-public options are hundreds of miles away.

National PTA recognizes that changes must be made within the public schools to provide an equitable and excellent educational opportunity for every child. However, vouchers, tax credits,

deductions and other such funding sources do not provide the means for bringing about improvements in our schools.

We urge the Subcommittee and all members of Congress to reject efforts, like the Educational Choice for Children Act (H.R. 833, S. 292), that would undermine our public schools and the millions of families served by them. It is during this challenging time that our nation's public education system must be strengthened, and public dollars must remain invested in public schools for the benefit of all students and for the future of our nation.

We appreciate the opportunity to provide this letter for the record in response to the hearing on Tuesday, March 11, 2025 "Education Without Limits: Exploring the Benefits of School Choice" within the House Subcommittee on Early Childhood, Elementary, and Secondary Education, and we look forward to working with your offices and members of the Subcommittee to improve public education for all children in our nation. If you have any questions or would like additional information, please feel free to contact Kate Clabaugh, National PTA Director of Government Affairs, at kclabaugh@pta.org.

Sincerely,

Yvonne Johnson
President
National PTA

Nathan R. Monell, CAE
Executive Director
National PTA

National Center for Learning Disabilities

March 10, 2025

Chairman Kevin Kiley
U.S. House of Representatives
2445 Rayburn House Office Building
Washington, DC 20515

Ranking Member Suzanne Bonamici
U.S. House of Representatives
2231 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Kiley and Ranking Member Bonamici:

The National Center for Learning Disabilities (NCLD) partners with educators, students, families, and young adults to advance innovative research and advocate for equitable policies that address systemic barriers in schools, workplaces, and communities. We appreciate your attention to present issues that impact our nation's students and for holding this hearing, as well as the opportunity to submit this letter for the record.

Learning disabilities (LD) are brain-based disorders that impact an individual's ability to read, write, and perform mathematical tasks. Common examples include dyslexia, dysgraphia, and dyscalculia. Research shows that with appropriate support and instruction, students with LD can perform at the same level as their non-disabled peers. However, without these supports, they face barriers that extend into adulthood, potentially affecting their future education, employment prospects, well-being, and overall quality of life.

NCLD has previously engaged with national charter school networks and strongly supports high-quality public school choice options for families including charter schools and magnet schools. For example, in 2018-2019, we engaged five charter school networks to examine unique and innovative ways in which they were engaging students with disabilities in developing 21st century learning skills. We are also supportive of the right for families to choose to attend a private school or homeschool their student, however, we strongly believe that Congress should not divert taxpayer funds into any private school choice proposal and/or voucher system, including the District of Columbia private school voucher program.

Voucher, education savings accounts, and tax incentive programs allow families to use public money to pay for private school tuition. While school voucher programs theoretically expand choices for parents and students, any federally funded voucher program would undermine the ability for children with disabilities to receive a free appropriate education. According to the Individuals with Disabilities Education Act (IDEA) data, about 1.7% of all students with disabilities are parentally placed in private schools. Private school teachers are not required to be certified in special education. Because of this, teachers and staff in schools that participate in voucher programs may not be appropriately trained to teach students with disabilities. There is no federal requirement that students with disabilities who are educated in private schools under voucher programs meet the same academic standards as their peers without disabilities.

School choice, in reality, is not the families' choice but the school's. Private schools make their own admissions decisions and determine their academic and support offerings, often resulting in discrimination against students with disabilities. This may ultimately result in the exclusion of many students with disabilities or signaling to families that the private school is not equipped to serve students with a specific type of disability or learning need. Finally, private school vouchers are not an appropriate policy solution to improve academic achievement. Studies of voucher and voucher-like programs in Louisiana, Indiana, Ohio, and Washington DC show that participating students experienced declines in academic performance. For these reasons, NCLD urges the Committee not to advance any legislation that drives public funding to private schools.

Investing in our public education systems is of utmost importance to NCLD. A robust education generates worthwhile economic benefits for individuals, communities, and society. IDEA was enacted 50 years ago, marking an important milestone this year for a key civil rights law. Over the last decade, the number of children served under IDEA has grown by 16%. Yet, the federal share of the average per pupil expenditure for IDEA is 10.2% – a historic low. Vouchers rarely cover full private school tuition costs for families. The current federal funding per child with a disability is about $1800, on average, so proposals to block grant or voucherize IDEA are fully insufficient when that amount is compared to average private school tuition (over $12,000 on average across the nation, and much more for schools that specialize in educating students with learning disabilities). The federal government should focus on providing more resources to our public schools and fulfilling its promise to invest in IDEA.

Our team at NCLD thanks you for your leadership and for taking the opportunity to address school choice and to discuss the implications of programs and proposals on the education of students with disabilities. We look forward to working with you to improve educational outcomes for students with learning disabilities in the 119th Congress.

Sincerely,

Jacqueline A. Rodriguez

Dr. Jacqueline Rodriguez
Chief Executive Officer
National Center for Learning Disabilities

[Additional submissions from Rep. Scott follows:]

https://www.the74million.org/article/could-more-school-vouchers-counter-naep-slump-3-reasons-why-not/

OPINION

Could More School Vouchers Counter NAEP Slump? 3 Reasons Why Not

Barone: Tutoring, personalized instruction, extra learning time, data & better leadership could help — if public schools provided them



U.S. President Donald Trump holds up an executive order after signing it during an indoor inauguration parade on Jan. 20. (Christopher Furlong/Getty Images)

By Charles Barone

February 3, 2025
The views expressed here are those of the author.

A version of this essay first appeared on the National Parents Union blog.

Two significant events occurred on the national education landscape last week: the highly anticipated and widely commented-upon release of 2024 results of the National Assessment of Educational Progress (NAEP) and the issuance of executive orders on school choice by President Donald Trump.

The NAEP results are about as bad as they were expected to be. Across the nation, on average, reading scores in fourth and eighth grade were down and math scores were stagnant. Students who were the furthest behind showed the sharpest declines relative to their higher-achieving peers, while their more advantaged peers showed slight upticks.

It's hard to say whether Trump's executive orders on school choice were timed to coincide with the NAEP release or if the White House has so many edicts they're trying to get out the door that it was a coincidence. Either way, at least one advocate is trying to use the NAEP scores as a rationale for expanded private school choice. Whether you're a voucher proponent or a skeptic, you have to admit there are some flaws in this logic. Here are three key ones:

Private school choice won't improve state NAEP scores. There are no state-level NAEP results for private schools. NAEP does assess private schools, but that data is available only on a nationwide level. One could argue that the competition exerted by private schools against public schools could improve outcomes in the latter, but the data at the very best are mixed. Big private school choice states like Arizona and Florida actually saw some of the most precipitous drops in NAEP fourth grade reading as compared with 2022, while states with newer choice programs such as Indiana and, in particular, Louisiana showed gains.

Both those states also, though, have embarked on other reform efforts with regard to public schools.

With the continued expansion of choice programs and states like Texas on the verge, maybe this is a good time for a discussion of whether NAEP should expand to include state-level private school results. You would think anyone using the NAEP results as a rationale for expanded private school choice would be on board with that. But I'm not so sure. Which brings me to point No. 2.

School choice advocates are split on whether students attending publicly subsidized private schools should take any tests at all. Some contend that choice is the ultimate type of accountability and that other forms, such as formal assessments, are unnecessary. One argument, for example, is that the public school system is a monopoly and thus needs to be regulated while, in contrast, open-market education systems are more dynamic and need a lighter touch.

Certainly test scores and other outcome data are not the only considerations parents could or should make in choosing a school for their child. But wouldn't it be helpful for families to have achievement data in making this decision? In a Natonal Parents Union poll released in early January, 86% of parents supported requiring schools to provide data on student achievement, discipline and enrollment so families and policymakers can make informed decisions. Shouldn't voters and taxpayers also have some of this same information in determining the return on investment that taxpayers are getting from private school operators? Even red states like Indiana and Louisiana (both of which — coincidentally? — are among the few showing NAEP gains) have taken this approach, as has the solidly blue District of Columbia. Which brings us to point 3.

If you're looking for test score gains, private school choice should probably not be at the top of your list of options. The most rigorous recent research shows that, on standardized assessments, private school students, including those receiving vouchers, fare no better — and in some instances fare worse — than their peers in public schools. Some studies do show that expanded private school choice improves performance for public school students, presumably as a result of competition, but the effect is said to be very modest. Also, vouchers may increase the likelihood that students will enroll in and complete college.

But if it's test scores you're worried about, be it NAEP or state tests or school-chosen assessments, vouchers would not seem to be your best first choice for improvement. Fortunately, there is a wide body of evidence (check out, for example, the What Works Clearinghouse or the Evidence for ESSA project at Johns Hopkins) on what does work to improve student achievement, especially in the public schools where 90% of students continue to be enrolled. And many of those policies and practices — like high-impact tutoring, personalized instruction, expanded learning time, improved school leadership and data-driven decisionmaking — are exactly what parents are asking for and, candidly, still aren't getting in high enough doses from the public education system.

In the coming months, with any luck and a good deal of effort, the NAEP results will propel policymakers to dramatically change that state of affairs.

Charles Barone is senior director of the Center for Innovation at the National Parents Union.

contributors@the74million.org

https://www.idsnews.com/article/2025/02/indiana-is-nearing-universal-school-choice-critics-decry-slow-bleed-on-public-education

Indiana Daily Student

Student-led journalism since 1867

Indiana is nearing universal school choice. Critics decry 'slow bleed' on public education



The Indiana Statehouse is pictured Jan. 4, 2021, in Indianapolis. Lawmakers included a line in the current budget proposal that would make school choice vouchers available to all Indiana students.
Photo by Tribune News Service / The Indiana Daily Student

By Marissa Meador
Feb 18, 2025 1:50 pm · Updated Feb 18, 2025 2:45 pm

If all goes well for school choice advocates this legislative session, every single child in Indiana will be able to attend a private school on the taxpayers' dime.

This year's **budget bill**, which contains a line that makes voucher eligibility universal, is the "final step" for the Indiana Non-Public Education Association, a 50-year-old nonprofit that has advocated for the gradual expansion of a program that initially only provided funds to low-and-middle-income kids.

But critics of school choice believe the program is stifling the state's most vulnerable public schools, routing taxpayer dollars to private schools concentrated in urban areas while rural areas suffer economically. They argue more investment in public education could revitalize a budget that hasn't kept up with inflation.

Shopping for schools

The logic of Indiana's voucher program is to give parents maximum choice when determining a place to educate their children, whether it's faith-based or simply promotes a specialized style of education, by allowing families to use public funds to offset private school tuition.

"We value options in everything else that we do," Chris Brunson, associate executive director of INPEA, said. "You go to the grocery store and there are 40 types of yogurt, right?"

When it was passed in 2011, it only applied to those making a certain amount — less than **$60,000 for a family of four.** But in 2023, the state **expanded eligibility** to 400% of the free and reduced lunch income limit – meaning a family of four making up to **$230,880** could qualify..

Now vouchers are more available, some students already enrolled in private schools have begun taking advantage of the funds, sparking criticism that the program is subsidizing wealthy families.

Another sticking point for voucher program opponents is a lack of financial transparency. Private schools, unlike public schools, aren't required to make their records public or hold public meetings.

Brunson, however, doesn't see it that way.

"While public schools are directly accountable to a board that is elected by the public, non-public schools are directly accountable to the parents, who control those dollars," he said.

Private schools still have to be transparent about student outcomes to receive voucher funds, Brunson said, reporting metrics like enrollment, attendance and test scores to **Indiana's Graduates Prepared to Succeed dashboard**.

Cost-effective, or shorting public education?

Choice advocates also claim the voucher program saves money because per-student amounts for voucher students are 90% of the public school amount, meaning fewer funds are appropriated per private student than they are for public students. Private schools don't receive property tax dollars, either, Brunson said.

But property taxes have been going up in districts across the state as public schools issue referendums. The Monroe County Community School Corporation, for instance, has asked for property tax increases twice since 2022. Phil Downs, former superintendent of Southwest Allen County Schools, said the referendums are a direct response to an inadequate budget.

Downs became obsessed with understanding how schools are funded after he struggled to find straight answers as a superintendent.

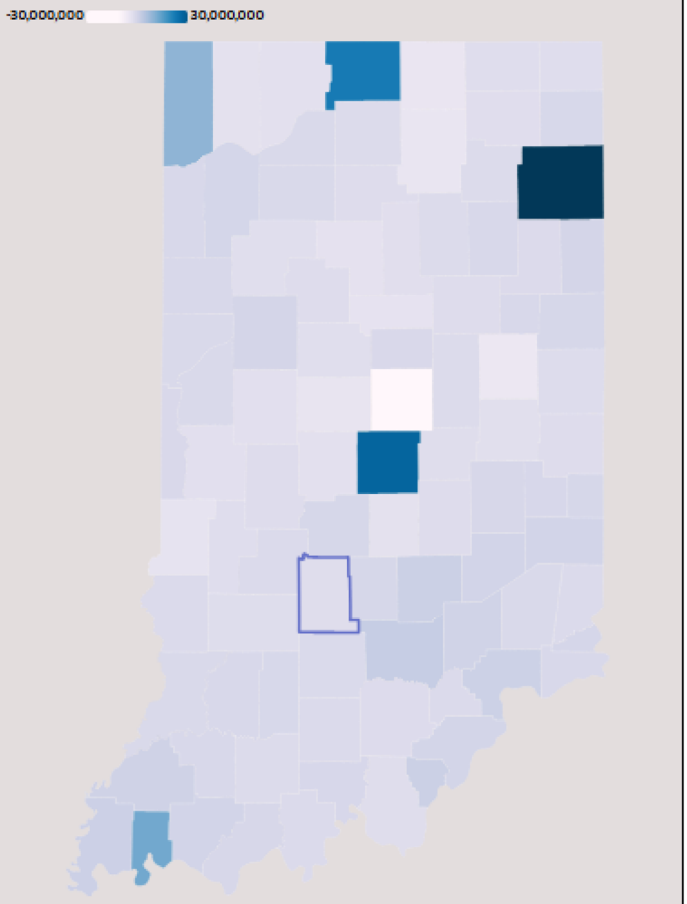
For nearly a decade, Downs has pulled data from Indiana Department of Education reports and the U.S. Census to determine how much money public schools are losing out on. While the voucher program doesn't take money directly from public schools, it comes from the same budget as public school funds — the Tuition Support Budget, which represents per-student funding of every public student and 90% of the per-student funding for voucher students. Each district's share of the money depends on its percent of the entire state's enrollment.

Downs' work calculates the amount each district would receive if the voucher program did not exist and the funds were instead used to increase per-student funding for public students. That discrepancy is then used to determine what counties are winning or losing economically from the program.

Though public education funds aren't typically associated with a county's economy, schools are often engines of growth in their communities, **providing jobs** and contracting with local businesses. Downs' calculations show a stark separation between rural and urban communities when it comes to the economic advantages of the voucher program. While urban areas like Marion or Allen County saw millions of public funds flow into their communities as a result of the program, rural and suburban areas would benefit if voucher funds were instead appropriated for public schools or if the county had more voucher students bringing in money.

Voucher program sees public funds flow to urban economies while the rest of the state loses out

Counties with a negative economic impact would benefit if voucher funds were added to the per-student public school funds, or if the county increased the number of students participating in the voucher program.



Source: Data analysis was conducted by former superintendent of Southwest Allen County Schools Dr. Phil Downs using Indiana Department of Education data for 2024-2025. The economic impact was calculated by multiplying the per-student amount for the voucher program times the number of voucher students in each county, minus the basic grant loss from the portion of the Tuition Support Budget that goes to private schools. This data was visualized and verified by Marissa Meador

A Flourish map

"So if you're a small rural legislator from, say, Northwest Indiana, Plymouth area or like maybe Huntington County or some places like that, voting for the voucher program pulls money out of your community," Downs said. "And they do it anyway."

The discrepancy likely comes from the fact private schools with an enrollment greater than 500 are concentrated in urban areas, according to the IGPS dashboard.

Both MCCSC and Richland-Bean Blossom Community School Corporation are losing out because of the voucher program according to Downs' data, with an economic impact of $1,403,408 and $628,640, respectively. That means Monroe County is missing out on $2 million in public funds that would otherwise be flowing to its economy.

Coupled with the fact the budget is falling short of what it would have been had it kept up with inflation, every student is working with less, he said. In 2010, the budget was $6.42 billion; this current year's budget is $9.03 billion. It's an increase, but it hasn't kept up with rising costs — what a dollar could buy you in 2010 will now cost you $1.46, making $9.37 billion a more inflation-adjusted budget.

"The pie is shrinking, and there are a lot more kids eating that shrinking pie, so everybody's slice is smaller," Downs said.

A 'slow bleed'

Fourth grade Shelbyville teacher Teresa Meredith began her more than three-decade career at a Catholic school, and she firmly believes faith-based education has a place in Indiana.

"What I'm opposed to is taxpayer dollars being how that religious education is funded," Meredith said.

A former Indiana State Teachers Association president, Meredith has been suspicious of the voucher program since its inception.

When it was initially passed as a House Bill **co-authored** by Indianapolis Republicans Rep. Bob Behning and Brian Bosma, the program was presented as a way to help children stuck in overwhelmed inner city schools by giving them another option, Meredith said. At the time, she and other advocates felt there was an ulterior motive beyond simply giving low-income kids a choice.

"We felt like this was opening Pandora's box and that once you go down this path, Representative (Bob) Behning and his groups intended truly for this to be for anyone and everyone," she said. "And that's what it's turned into."

When enrollment decreases for public schools, whether it's for the voucher program or otherwise, the district loses money. But losing just a few students doesn't justify closing a classroom or firing a teacher, Meredith said, forcing schools to make do with less.

The result, Meredith said, is a "slow bleed" of money for public schools.

Methodology
Data referenced in this story was drawn from Phil Downs, whose work can be viewed on his **website**. The Indiana Daily Student verified Downs' data with its source material, which spanned from Indiana Department of Education reports to the U.S. Bureau of Labor Statistics CPI calculator.

https://www.washingtonpost.com/education/2025/03/07/school-voucher-programs-funding-new-federal-tax-credit/

Democracy Dies in Darkness

GOP voucher plan would divert billions in taxes to private schools

Donations to scholarship programs would be fully reimbursed through a new tax credit, creating the largest federal tax incentive for charitable giving.

March 7, 2025

10 min 1112



By Laura Meckler

The school voucher movement has scored victories in conservative states in a quest to send public dollars to private schools, with tax money following the child. Now backers see their best chance yet to go national.

Congressional Republicans, backed by the White House, are pushing for a new tax credit that would direct billions of dollars a year to school voucher programs — and not just in conservative states.

The program would be fueled by a powerful, never-before-tried incentive: Taxpayers who donate to voucher programs would get 100 percent of their money back when they file their taxes. That means the tax break for giving to voucher programs would dwarf tax incentives for giving to churches, hospitals, food banks and every other charity.

Taxpayers who donate to other charities might qualify for a tax deduction — meaning they would not pay taxes on the dollars they contribute. But donors to voucher programs would get a dollar-for-dollar tax credit, meaning they could subtract the full value of the donation from their bottom line tax liability.

The goal is to give more families more options for their children's education. Too many children, supporters say, are stuck in public schools that do not serve them well but cannot afford other options. A federal program would give more children in more states the opportunity to make a different choice for their education. The tax credit, they say, would encourage and allow taxpayers who want to help to do so.

One version of the plan would cost the federal government $5 billion a year in lost revenue; another version, $10 billion. At $10,000 per student, $5 billion would be enough to pay for about 500,000 vouchers, which families could use to send their children to private schools or to pay for home schooling expenses. Under a version of the bill approved by the House Ways and Means Committee last fall and a new version introduced this year, all but the wealthiest families would be eligible to receive vouchers.

"It would be transformational," said Jim Blew, co-founder of the Defense of Freedom Institute, which advocates for school choice programs. "Although the numbers are very small in the federal context, in the context of the school choice movement, these are huge numbers."

About 46 million American children — nearly nine in 10 — attend public schools; about 5 million are enrolled in private schools, according to federal data.

Blew and others argue that public schools have failed many students, and families deserve the opportunity to choose alternatives with taxpayer support, just like public school students get taxpayer support. Backers often point to poor test scores and schools that were kept closed for long periods during the pandemic as reasons more choice is needed. They call the movement "education freedom" and sometimes deride public education as "government schools."

"Giving students a brighter future, no matter their background or address, is critical to move American K-12 education forward," said Rep. Adrian Smith (R-Nebraska), co-sponsor of legislation to create the tax credits.

But opposition is fierce from those who say these plans drain resources from public schools, which are required by law to take all children. Public school advocates are mobilizing publicly and privately against the plan, lobbying Republicans who might oppose it based on the merits or the cost.

"We're making sure the public understands this is the greatest threat to public education we've ever had at the federal level," said Sasha Pudelski, director of advocacy for AASA, the School Superintendents Association, who helps lead a coalition of more than 60 groups opposed to the voucher plan.

Pudelski noted that unlike public schools, private schools can reject students based on their religion, test scores, disability or ability to pay tuition. The vast majority of vouchers in existing state programs go to religious schools.

"It would be the first time the federal government is choosing to subsidize a secondary private system of education that can pick and choose the students it educates over the one that welcomes all," she said.

Voters, too, have opposed these plans. In November, ballot measures to allow vouchers in Kentucky and Colorado failed, while voters in Nebraska voted to repeal a voucher program put into place by the legislature.

But the federal plan enjoys robust support from the most powerful people in today's Republican Party. President Donald Trump has repeatedly vowed to create a federal school choice program. House Speaker Mike Johnson (R-Louisiana) and Senate Majority Leader John Thune (R-South Dakota) have both co-sponsored versions of the voucher legislation.

Supporters hope the tax credit will be included in the massive budget reconciliation bill that is moving through Congress using a procedure that allows passage in the Senate with a simple majority. It's not a given. The budget bill's primary purpose is to extend trillions of dollars in tax cuts set to expire, and lawmakers are searching for savings to fill that hole. The tax credit would make the hole deeper.

Victory in Congress would mark the biggest, but not the only, advance for the school choice movement this year.

Last month, the governors of Tennessee and Idaho signed legislation creating new voucher programs, bringing the total number of states with voucher programs available to all or nearly all families to 16, according to EdChoice, an advocacy group that tracks state policy.

In Texas, where voucher plans have been blocked for years, lawmakers appear poised to enact a program after Gov. Greg Abbott intervened in GOP primaries to replace Republicans who opposed vouchers with Republicans who support them.

And in January, Trump signed an executive order directing the Education Department to look for ways to divert existing federal spending into voucher programs.

"Parents want and deserve the best education for their children," the order said. "But too many children do not thrive in their assigned, government-run K-12 school."

No longer just for poor families

The first voucher programs date to the 1990s, and they were initially touted as a way to help families who cannot afford private school and were stuck in low-performing public districts. The early programs limited participants based on income, location or both. Some were targeted to children with disabilities.

Later, backers overcame opposition by creating tax credit programs — a way to offer vouchers without directly allocating money from the state budget. Instead, states offered generous tax credits to corporations and individuals who donated to nonprofit "scholarship granting organizations." The organizations, called SGOs, then used the donations to give scholarships, or vouchers, to pay for private school.

Twenty-one states have tax credit scholarship programs in place, according to EdChoice.

Congress based the tax credit plan it is now considering on these models. In states that don't have these programs — typically those run by Democrats — scholarship-granting organizations could be created to participate in the federal plan without any state action.

In the meantime, conservative states have become more willing to create direct voucher programs, and they have made them available to families of all incomes, arguing government should support any school that a parent chooses. They typically also offer families money to pay expenses associated with home schooling.

In many states that keep track, most of the families receiving the subsidies were already sending their children to private schools. In some cases, private schools have raised their tuition, now that families have access to additional funding.

Under the proposed federal plan, families earning up to three times their area median income would qualify for vouchers. That's more than $450,000 per year in D.C., or more than $270,000 in Morgantown, West Virginia.

This bill marks the second big push for this idea in Congress. In 2017, at the start of Trump's first term, a similar budget reconciliation bill was being negotiated. Betsy DeVos, the education secretary at the time, lobbied hard for the tax credit plan to be included, but it was left out.

At the time, some conservatives opposed it, including the influential Heritage Foundation, which argued that the tax credit would complicate the tax code, allow for future regulations on private schools, improperly broaden the federal role in education and require "massive new spending."

"A new federal tax-credit scholarship program would make private schools increasingly dependent on federal funds ... greatly expanding Washington's reach into K-12 education generally, and private school education, specifically," wrote Lindsey Burke, who directs education policy at Heritage.

But Burke changed her position. In Project 2025, the conservative blueprint for a new president, she wrote that Congress "should consider" a school choice tax credit.

Burke declined an interview request to discuss why she changed her view.

'Not normal tax policy'

The plan under consideration would be a first for federal policy. No other donations qualify for a 100 percent federal tax credit, tax experts say.

Under the plan, both individuals and corporations could qualify for the tax credit. For individuals, the credit applies for donations up to $5,000 or 10 percent of adjusted gross income, whichever is higher. For corporations, it's up to 5 percent of taxable income.

"There is nothing like this at the federal level," said Carl Davis, research director at the Institute on Taxation and Economic Policy. "This is not normal tax policy."

For other charitable donations, a tax deduction functions as an incentive or a match — the government is paying part and the taxpayer is paying part. In this case, the government is paying all of it.

But Davis's bigger concern is with another element of the bill. Taxpayers would be allowed to claim a tax credit for donations of stock, as well as cash. When people donate stocks, they would not have to pay capital gains taxes on accumulated earnings. That means that taxpayers who donate stock to a scholarship granting organization would first avoid the capital gains tax and then receive the value of the stock back in the form of a tax credit.

For instance, imagine someone buys $1,000 in stock and, five years later, wants to sell. The stock is now worth $5,000. Normally, a sale would trigger capital gains taxes on the $4,000 of earnings. But using this maneuver, a taxpayer could avoid those taxes by donating the stock to a scholarship organization, and then get the full value — $5,000 — back as a tax credit.

A report his group plans to release next week calculates that a $10 billion annual tax credit will cost the federal government $134 billion over 10 years, including the lost revenue from capital gains taxes.

Davis predicted wealthy people with no particular interest in vouchers will be advised to donate stock to voucher programs to get the combined power of these two tax incentives.

"That is the quintessential definition of a tax shelter," he said.

Dan Hungerman, an economics professor and expert on charitable giving at the University of Notre Dame, agreed that this would offer a powerful incentive not seen elsewhere in the tax code.

"You're kind of double dipping," he said, "avoiding the tax and getting a benefit for the donation."

[Additional submissions from Rep. Walberg follows:]

AFC
AMERICAN FEDERATION for CHILDREN

Invest in Education Coalition

February 3, 2025

The Honorable Mike Johnson
Speaker of the House
568 Cannon House Office Building
Washington, DC 20515

The Honorable Hakeem Jeffries
House Minority Leader
2433 Rayburn House Office Building
Washington, DC 20515

The Honorable Leader John Thune
Senate Majority Leader
322 Hart Senate Office Building
Washington, DC 20510

The Honorable Chuck Schumer
Senate Minority Leader
317 Russell Senate Office Building
Washington, DC 20510

Dear Speaker Johnson, Leader Jeffries, Majority Leader Thune, and Leader Schumer:

We the undersigned represent the largest coalition ever assembled in support of a federal scholarship tax credit that would directly empower K-12 parents of up to two million students to choose the best school or education service for their own children.

We strongly support and urge Congress to include the Educational Choice for Children Act (ECCA) – S.292/H.R.833 -- in any 2025 budget reconciliation bill.

The ECCA had 186 co-sponsors in the House and Senate in the 118th Congress – more support than any previous school choice bill at the federal level. Importantly, the ECCA is a tax bill that does not require any new federal money and does not reduce any current appropriations for K-12 education. In other words, the ECCA adds money for K-12 education in America through voluntary contributions. Up to $10 billion in annual credits would be available to fund scholarships for students in lower- to middle-income families.

Under the ECCA, taxpayers would contribute to non-profit scholarship granting organizations across the country and would receive a 100 percent, non-refundable tax credit. Taxpayers cannot profit from these voluntary contributions and their net income does not change, as they are merely directing part of their tax liability to help families choose the best school fit for their children. As a result of these contributions, students in lower- to middle-income families would receive scholarships that can be used for tuition, tutoring to address learning loss, special needs services, education technology, on-line courses, or curriculum materials. The scholarships could benefit students in any type of K-12 educational setting chosen by parents.

Education freedom – that is, empowering K-12 families and teachers to choose the best educational environment for themselves—is sweeping the nation. Since 2020, more than half the states have created or expanded education freedom programs, including tax credit scholarships, education savings accounts, and directly funded scholarships. More than one million students are benefiting from such school choice laws in 32 states and Washington, D.C.

Congress now has the opportunity – indeed, the responsibility – to complement these states and facilitate educational opportunity and freedom in all states. More than 20 years of research into private school choice programs proves that students who are fortunate enough to participate are benefiting tremendously. Students enjoy high school graduation and college enrollment rates higher than their public school peers; students are less likely to commit crimes; students are more likely to be civic-minded; and the existence of school choice programs improves the performance of surrounding public schools. https://www.edchoice.org/wp-content/uploads/2024/07/2024-EdChoice-Study-Guide.pdf

ECCA's core purpose is to ensure that every child has access to a great education and a productive life. It empowers families and teachers to find the best educational option based on their unique needs. It will cost-effectively help reverse the long decline in the performance of our school system. What matters most is ensuring that every child has access to a great education, that every child can be in a school or education setting that best meets their unique needs.

We urge Congress to include the ECCA, with $10 billion in annual credits funded by individual and corporate donors, in any 2025 budget reconciliation bill.

Sincerely,

American Federation for Children
Invest in Education Coalition
Agudath Israel of America
National Catholic Education Association (NCEA)
Catholic Education Partners
Association of Christian Schools International
ACE Scholarships
CatholicVote
Center for Education Reform (CER)
Concerned Women for America
Children's Scholarship Fund
Defense of Freedom Institute
Family Policy Alliance
Foundation for Excellence in Education (ExcelinEd)
Heartland Institute
Heartland Impact
Natl. Assoc. of Private Catholic & Independent Schools (NAPCIS)
Parents Defending Education Action
Council for American Private Education (CAPE)
ACSI Children's Education Fund
Alabama Policy Institute
Alabama Opportunity Scholarship Fund (AOSF)
Scholarships for Kids – Alabama
Arizona Leadership Foundation
Arkansas Reform Alliance
Arkansas Parents for School Choice
California Association of Private School Organizations (CAPSO)
BASIC Fund – California
California Policy Center
Colorado Parent Advocacy Network
Parents Challenge – Colorado
The Schuck Initiatives – Colorado
Ready Colorado
Kids' Scholarship Fund – Connecticut
Caesar Rodney Institute - Delaware
Florida State Hispanic Chamber of Commerce
Center Academy Schools – Florida
Georgia Center for Opportunity
Georgia Leadership Foundation
GeorgiaCAN
Idaho Family Policy Center
The Urban Center – Illinois
Illinois Coalition for Nonpublic Schools
Empower Illinois
Illinois Policy
Unique Learners Unite – Illinois
Iowa Alliance for Choice in Education
Hispanics Aligned for Choice in Education Reform (HACER) – Iowa
Kansas Family Voice
Commonwealth Educational Opportunities – Kentucky
EdChoice Kentucky
Commonwealth Policy Center – Kentucky
Louisiana Family Forum
LA Kids Matter – Louisiana
Maryland Council for American Private Education
Maryland Family Institute
Great Lakes Education Project (GLEP) Education Fund – Michigan
Parents Advocating for Choice in Education (PACE) – Michigan
Michigan Association of Nonpublic Schools (MANS) – Michigan
Aim Higher Foundation – Minnesota
Opportunity for All Kids (OAK) – Minnesota
Empower Mississippi
Herzog Tomorrow Foundation – Missouri
Agudath Israel of Missouri
Montana Leadership Foundation
Opportunity Scholarships of Nebraska (OSN)
Student Choice Fund of Nevada
Children's Scholarship Fund New Hampshire
Excellent Education for Everyone (E3) – New Jersey
Families for New York
Parents for Educational Freedom North Carolina (PEFNC)
CarolinaCAN- North Carolina
School Choice Ohio
Oklahoma Parents for Student Achievement
Cascade Policy Institute – Oregon
Education Freedom for Oregon
Commonwealth Foundation – Pennsylvania
Pennsylvania Families for Education Choice
Palmetto Promise Institute – South Carolina
South Dakota Leadership Foundation
Latinos for Tennessee
TennesseeCAN
Texas Public Policy Foundation (TPPF)
Children First Education Fund – Utah
Middle Resolution Policy Foundation – Virginia
American Center for Transforming Education – Washington
School Choice Wisconsin
Hispanics for School Choice – Wisconsin

[Questions and responses submitted for the record by Ms. Jessica Levin follows:]

Questions for the Record from
REPRESENTATIVE SCOTT

Committee on Education and the Workforce
Early Childhood, Elementary, and Secondary Education Subcommittee hearing entitled
"Education Without Limits: Exploring the Benefits of School Choice"

Tuesday, March 11, 2025
10:15 A.M.

Robert C. "Bobby" Scott (D-VA)
Question(s) for Witness Jessica Levin

1. Can you elaborate on the difference between public charter schools run by non-profit management organizations and public charter schools run by for-profit management organizations, and why there are concerns about for-profit management organizations? What has the evidence shown about public charter schools run by for-profit management organizations?

2. Private schools are often not required to follow civil rights laws. Will accepting federal funding through a voucher scheme change that?

ELC EDUCATION LAW CENTER

Committee on Education and the Workforce
Early Childhood, Elementary, and Secondary Education Subcommittee hearing entitled
"Education Without Limits: Exploring the Benefits of School Choice," Tuesday, March 11, 2025

Questions for the Record
Robert C. "Bobby" Scott (D-VA)
Question(s) for Witness Jessica Levin

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Thank you for the opportunity to testify at the hearing on March 11, 2025, and to respond to these additional questions from Congressman Scott.[1]

1. **Can you elaborate on the difference between public charter schools run by non-profit management organizations and public charter schools run by for-profit management organizations, and why there are concerns about for-profit management organizations? What has the evidence shown about public charter schools run by for-profit management organizations?**

As noted in my original testimony, there are numerous public school options available to families in addition to a student's neighborhood school, including charter schools. As I previously emphasized, it is crucial that all such programs are carefully designed and implemented to promote equal access, high-quality educational opportunities, and effective use of public funds. For charter schools, one part of fulfilling those goals is making sure these schools are run by non-profit rather than for-profit management organizations.

[1] As Education Law Center's primary mission is to advocate for the rights of students, my answers focus on relevant research and laws as they pertain to students, and do not address the rights of school employees.

Two of the central concerns with charter schools run for profit are: 1) their near-total lack of transparency on for-profit spending of taxpayer funds, including regarding costs and profit margins; and 2) the implications of for-profit status for student achievement. (Notably, the vast majority of charter schools run by for-profit providers, about 80%, are concentrated in four states: Arizona, Florida, Michigan, and Ohio.[2])

Although it is possible to think of "for-profit" on a sliding scale—authorizers contracting with for-profit vendors for some but not all of their services—the data we have indicates that many charter schools contract out services to for-profit vendors via "sweeps contracts," which "give for-profits the authority to run all school services in exchange for all or nearly all of the school's revenue."[3] The problem is that neither general taxpayers nor parents have much idea of how that money is spent. Only Ohio publicly posts charter schools' management contracts, enabling meaningful comparisons between spending by for-profit and non-profit management companies.[4] There is no principled reason that public oversight requirements should not be attached to the public dollars spent on these charter schools.

This general lack of transparency, in turn, creates a problem when it comes to studying the impacts of for-profit practices on student outcomes—but the data we have suggests negative effects.[5] For example, while some research has shown that non-profit charter schools can be part

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[2] Carol Burris & Darci Cimarusti, *Chartered for Profit: The Hidden World of Charter Schools Operated for Financial Gain* 37, Network for Public Education (2001).
[3] *Id.* at 5.
[4] *Id.* at 12.
[5] *See, e.g.,* James L. Woodworth, et al., *Charter Management Organizations* 35, Center for Research on Education Outcomes (2017) (concluding that for-profit charter schools "have a significant negative effect size in math"); Know Your Charter, *For Profit Charter Schools: More Money Outside the Classroom, Less Education for Kids* (2019) (noting that for-profit charter school operators in Ohio do not produce better academic results but "have been at the forefront of Ohio's array of charter school scandals").

of an effective suite of reforms, the data are much less encouraging for their for-profit counterparts. Using data from Ohio, researchers affiliated with the pro-charter Fordham Institute[6] found that for-profit providers in that state underperformed their non-profit counterparts as a direct result of their for-profit status.[7] On the one hand, for-profit charter schools located near under-resourced school districts appeared to have comparable or even slightly higher test scores than those nearby under-resourced districts.[8] On the other hand, lower student outcomes in terms of both achievement and attendance appeared in for-profit charters relative to non-profit charters in the same district with similar spending levels, leading the researchers to conclude that it was precisely the for-profit status—not the act of contracting out services, per se—that led to those results.[9] Expenditures on staff were lower in for-profit charter schools and class sizes were larger, leading the researchers to conclude that chasing a profit margin with a fixed pool of incoming public revenue may have caused the decline in student outcomes relative to similar schools organized as non-profit providers.[10] Moreover, charter schools run for profit serve proportionately fewer disadvantaged students, such as those eligible for special education or free or reduced-price lunch—who are generally more costly to educate.[11]

Thus, the for-profit status of some charter schools leads to far less transparency for taxpayers and parents on how public resources are spent, and what little data is available suggests that for-profit providers may cut student services in pursuit of higher profit margins.

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[6] Stéphane Lavertu & Long Tran, *For-Profit Charter Schools: An evaluation of their spending and outcomes*, Thomas B. Fordham Institute (2022).
[7] Stéphane Lavertu & Long Tran, *For-profit milk in nonprofit cartons? The case of nonprofit charter schools subcontracting with for-profit education management organizations*, Annenberg, ED Working Paper No. 23-785 (June 2023).
[8] *Id.* at 5-6.
[9] *Id.* at 5.
[10] *Id.*
[11] Burris & Cimarusti, *supra* note 2, at 5.

2. Private schools are often not required to follow civil rights laws. Will accepting federal funding through a voucher scheme change that?

The answer to this question may depend on how a federal voucher law was written and structured. If a tax credit used to fund a federal voucher program were deemed federal financial assistance for the purposes of federal civil rights laws, those laws may apply to prohibit discrimination in the voucher program based on characteristics including race, sex, and disability. Nonetheless, even if a federal tax credit voucher program were deemed federal financial assistance such that some antidiscrimination and disability rights laws applied, students' civil rights would still be endangered by vouchers in numerous ways, as explained below.

Pursuant to the U.S. Constitution's Spending Clause, the federal government can attach conditions to the aid it provides.[12] An important illustration of this is federal antidiscrimination laws, under which funding recipients agree to prohibit discrimination on the basis of certain protected characteristics in exchange for federal financial assistance. For example, Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and Section 504 of the Rehabilitation Act of 1973 prohibit discrimination by recipients of federal financial assistance on the basis of race, sex,[13] and disability, respectively.

The most prominent proposal for a federal voucher program is the Educational Choice for Children Act, which would provide tax credits for contributions to organizations that distribute vouchers. Thus, a threshold question in determining whether federal civil rights laws would apply to such a program is whether a federal tax credit constitutes federal financial assistance

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[12] *See Pennhurst State Sch. & Hosp. v. Halderman*, 451 U.S. 1, 17 (1981); Shariful Khan, *An Expansive View of "Federal Financial Assistance,"* 133 Yale L.J. 691, 691–92 (2024).
[13] In *Bostock v. Clayton County*, 590 U.S. 644, 649-52 (2020), the Supreme Court interpreted the prohibition on sex discrimination in Title VII to prohibit discrimination based on sexual orientation and gender identity.

under relevant civil rights statutes. State courts have taken varied approaches to whether state tax credit voucher schemes constitute state funding of private education under state constitutions and laws.[14] In a similar vein, federal courts have reached different conclusions about whether federal tax benefits constitute federal financial assistance.[15] If a federal tax credit is deemed federal financial assistance, federal civil rights laws such as those listed above may apply to a voucher program funded in that way.[16]

However, *even if* a federal tax credit voucher program were deemed federal financial assistance such that relevant civil rights laws would attach, thus prohibiting some forms of discrimination by private schools receiving the voucher funds, students' rights would still be at serious risk in several ways. First, private schools may employ policies that "appear racially neutral but still have the effect of targeting specific groups of students."[17] For example, a school dress code or hairstyle policy may have the effect of excluding certain groups of students or making them feel unwelcome.[18] Using a student's disciplinary history as part of admissions

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[14] *Compare Gaddy v. Ga. Dep't of Revenue*, 802 S.E.2d 225 (Ga. 2017), *with Commonwealth of Kentucky ex rel. Cameron v. Johnson*, 658 S.W.3d 25, 29 (Ky. 2022).
[15] *Compare, e.g., Paralyzed Veterans of Am. v. Civil Aeronautics Bd.*, 752 F.2d 694, 708–09 (D.C. Cir. 1985) *with McGlotten v. Connally*, 338 F. Supp. 448, 462 (D.D.C. 1972) (provision of a tax deduction for charitable contributions is a grant of federal financial assistance within the scope of the 1964 Civil Rights Act). Also note that many cases have considered federal tax benefits in the form of tax *exemptions*, rather than the tax *credits* that would be used to fund a federal voucher program.
[16] If such laws do apply, they may conflict with provisions of federal voucher legislation that purport to prohibit governmental control of private school policies (as well as the policies of voucher-granting organizations), which are often discriminatory. *See, e.g.*, S.292, Educational Choice for Children Act of 2025, §§ 5(a)(1)-(2).
[17] Bayliss Fiddiman & Jessica Yin, *The Danger Private School Voucher Programs Pose to Civil Rights* 4, Center for American Progress (May 13, 2019).
[18] *Id.*

criteria could also negatively impact students of color, who are disproportionately likely to have experienced discriminatory school discipline.[19]

Second, there is a very significant statutory exemption from Title IX for those private schools that are religious. Religious schools are exempt from Title IX requirements if compliance "would not be consistent with the religious tenets of such organization." 20 U.S.C. § 1681(a)(3). Religious schools claiming this exemption could thereby discriminate against students on the basis of sex, gender identity, or sexual orientation.[20] Because the majority of private schools across the country are religious,[21] this constitutes a major carveout from Title IX's protections, even if a school is receiving federal funds.

Third, although Section 504 might apply to private schools participating in a federal voucher program, other critical protections for students with disabilities—namely the Individuals with Disabilities Education Act ("IDEA") and the Americans with Disabilities Act ("ADA")—would still likely not apply or apply only in limited ways. Under the IDEA, voucher students are considered "parentally placed private school children" and thus forego most of the rights that would be guaranteed to them in public schools.[22] These students lose the right to an individualized education that meets their specific needs, as well as protection against unfair discipline and segregation from their non-disabled peers, *see* 20 U.S.C. §§ 1412(a)(10), 1415(k)(1)(E)–(F); 29

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[19] *See, e.g.*, Melanie Leung-Gagné, et al., *Pushed Out: Trends and Disparities in Out-of-School Suspension*, Learning Policy Institute (Sept. 30, 2022).
[20] *See* Fiddiman & Yin, *supra note* 17, at 6-7.
[21] *See* Stephen P. Broughman, et al., *Characteristics of Private Schools in the United States: Results from the 2015–16 Private School Universe Survey* 2, U.S. Department of Education, Institute of Education Sciences (Aug. 2017).
[22] *See* Fiddiman & Yin, *supra note* 17, at 5.

U.S.C. § 794(b)(1),[23] and parents typically give up their IDEA rights to be notified, provide input, and seek judicial remedies regarding changes to their children's education and services.[24] Additionally, ADA protections are limited for private school students. Title II of the ADA does not apply to private schools. 42 U.S.C. § 12132. Disability accommodations under Title III of the ADA are required in private schools only if they would not change the fundamental nature of the program or result in difficulty or expense constituting an "undue burden," 42 U.S.C. §§ 12182(b)(2)(A)(ii)-(iii), *and* religious private schools are exempt, *id.* § 12187.

Finally, it may be instructive to look to the Washington, D.C. Opportunity Scholarship voucher program, created by the Scholarships for Opportunity and Results Act ("SOAR Act"), D.C. Code Ann. § 38-1853.01 *et seq.*, which is currently the only federally created and funded voucher program. The SOAR Act includes language prohibiting discrimination against voucher program participants or applicants on the basis of race, color, national origin, religion, or sex. D.C. Code Ann. § 38-1853.08. However, there have long been serious concerns about enforcement of this antidiscrimination provision, on both legal and practical levels.[25] Additionally, the SOAR Act leaves private schools able to discriminate in areas like admissions and discipline on other bases, such as disability.[26] *Id.; see also id.* § 38-1853.08(c) (stating that

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[23] *See also* U.S. Government Accountability Office, *Private School Choice: Federal Actions Needed to Ensure Parents Are Notified About Changes in Rights for Students with Disabilities* 8-9, Tbl.2 (Nov. 2017); Claire Raj, *Coerced Choice: School Vouchers and Students with Disabilities*, 68 Emory L.J. 1037, 1059 (2019).

[24] *See* Raj, *supra* note 23, at 1058–59; U.S. Department of Education, *Questions and Answers on Serving Children with Disabilities Placed by Their Parents in Private Schools* 30 (Apr. 2011).

[25] Moreover, the predecessor to the SOAR Act had language purposefully exempting D.C. voucher students from antidiscrimination laws including Title VI and Title IX. *See* U.S. Department of Education, *Statement by U.S. Secretary of Education Richard W. Riley* (Oct. 10, 1997).

[26] Furthermore, numerous amendments have been proposed (unsuccessfully) to apply broader civil rights protections to the Opportunity Scholarship voucher program, indicating a current lack

nothing in the statute changes the provisions of the IDEA, which has far fewer protections for private school students).

As highlighted in my initial testimony, public dollars should not be used to fund discriminatory programs. For this and many other reasons discussed in my testimony, state and federal voucher programs must be rejected, and we should focus on funding our public schools, which welcome and serve all students.

Thank you again for the opportunity to provide these additional responses. If the subcommittee would like further information, I would be happy to provide it.

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of sufficient anti-discrimination protections for D.C. voucher students. *See, e.g.*, National Coalition for Public Education, *Previous DC Voucher Amendments* (listing legislation proposing amendments to the D.C. voucher program that would have required compliance with civil rights laws including Title IV, Title VI, Title IX, the Equal Educational Opportunities Act, the IDEA, Section 504, and/or Titles II and III of the ADA).

