

Lawyers' Committee Urges You to Oppose H.R. 471, the DC Voucher Bill

March 30, 2011

Dear Representative:

On behalf of the Lawyers' Committee for Civil Rights Under Law (Lawyers' Committee), we urge to you oppose H.R. 471, the Scholarships for Opportunities and Results Act (SOAR), introduced by Speaker John Boehner (R-OH), which would restart and expand the DC voucher pilot program. The Civil Rights community has long fought to ensure equal access to education for all students. Since the days of the *Brown v. Board*, many advocates have rightfully proclaimed that separate is inherently unequal. Private school vouchers do not further the legacy of *Brown v. Board*, but instead undermine its true goals of ensuring equal protection for all of our public school children. Let us not reverse efforts in progress by reinstating ineffective, costly and indeed segregationist policies of the past. It is often ignored that private school vouchers were used, precisely, as a way to circumvent integration and protect the interests of private academies and their discriminatory policies, while diverting resources from public schools and the civil rights protections therein.

Established in 1963 at the request of President John F. Kennedy, the Lawyers' Committee engages the private bar in providing legal services to protect the rights of individuals affected by racial discrimination. Furthermore, we stand at the forefront of the effort to establish equal access to education as a civil right and to guarantee that all students, but particularly students of color, have equal access to quality educational opportunities in diverse learning environments. We believe the DC Voucher Program falls far short of meeting this basic standard.

Principally, private school vouchers, including the DC Voucher program, threaten the course of civil rights progress itself. Private and religious schools are not required to follow federal anti-discrimination and civil rights laws such as Title VI of the Civil Rights Act of 1964, which protects all students that may attend those schools in the ways that public schools are required. Public schools must accept all children, while private and religious schools can reject students based upon their religious beliefs, disability, behavioral problems, language deficiencies, poor academic skills, and more. Sadly, experience informs us that many of these characteristics are often a proxy for race. Moreover, private schools that participate in the voucher program are exempt from complying with additional laws like the Individuals with Disabilities in

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Education Act (IDEA), Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973; and the Age Discrimination Act. Simply put, private school vouchers reverse the course of history and the principles of *Brown*, by investing in the education of only a few children while leaving many students to suffer in under-resourced, segregated and unequal learning environments.

Private school vouchers do not provide a collective public benefit, which is the primary responsibility of the federal government. Instead, such systems not only divert the necessary attention and focus away from immediately and effectively addressing the problems of public schools, but they undermine the entire public school system, itself, by taking critical resources away from those schools and investing them in unaccountable private schools. While this is disconcerting on multiple levels, it is particularly problematic because 95-97% of African Americans attend public schools, yet private school vouchers could **never** assist all students. In fact, private school vouchers, as they were historically constituted, were only set to invest in a few, while leaving the large majority left in public schools to fend for themselves. At a time when President Obama has called for the United States to reinvest in education, legislation such as H.R. 471 thwarts such efforts to invest in universal educational reform to the benefit of every student.

Indeed the money the DC Voucher program diverts to private schools has shown little to no effect on student achievement, particularly in the communities of color. Consider, that despite an emphasis on students from “schools in need of improvement,” a report by the Department of Education, issued in 2010, concluded that the use of vouchers had no statistically significant impact on overall student achievement in math or reading.¹ Students in the voucher program are less likely to have access to services such as ESL, Special needs programs and counselors – all of which are resources from which students of color might uniquely benefit. Rather than cutting funds from public schools and investing in a program that does not work, the Lawyers’ Committee proposes strategic reform that equitably invests in public schools to meet higher standards in education, teacher quality, diversity and parental/community involvement.

Furthermore, the imposition of the DC Voucher program upon the citizens of Washington D.C. highly disrespectful and unwanted. The residents of the District do not support this program, including its representatives, Mayor

¹ US Dep’t of Educ., *Evaluation of the DC Opportunity Scholarship Program: Final Report at xv, xix, 34* (June 2010) (*Final US Dep’t of Educ. Report*).

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Vincent Gray, numerous members of the DC Council and Delegate Eleanor Holmes Norton. To impose an ideologically, not results driven, initiative upon District residents presumes that District residents are not capable of making their own decisions. This is not only disrespectful but undermines the rights of the District residents to govern their own city, as do other residents across the country.

The question is not simply whether some private schools help some students, but whether the federal government should expend taxpayer dollars, in violation of civil rights laws, to help a few students attend non-public schools. The answer is no. Open and non-discriminatory in their acceptance of all students, American public schools are a unifying factor among the diverse range of ethnic, economic and religious communities within this country. Public schools meet the needs of all students: including those with physical, emotional, and mental disabilities, those that are academically gifted, along with those academically challenged. The objective evidence does not support restarting and expanding the federally funded DC school voucher program, which directs resources away from those very students. At a time when we are cutting spending, we should be investing responsibly in programs that make a difference, not funding ideologically driven, ineffective programs that fail to equitably serve all of our nation's public school students. For these reasons and more, we strongly urge you to oppose the Scholarships for Opportunity Results Act.

Thank you for your consideration of this important issue.

Sincerely,



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Public Policy Director
Lawyers' Committee for Civil Rights Under Law

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