

May 5, 2023

The Honorable Joseph Rafferty
Chair
Education and Cultural Affairs Committee
Maine Senate
3 State House Station
Augusta, ME 04333

The Honorable Michael Brennan
Chair
Education and Cultural Affairs Committee
Maine House of Representatives
2 State House Station
Augusta, ME 04333

Re: Private School Vouchers Are Bad Education Policy

Dear Chair Rafferty and Chair Brennan:

On behalf of the Maine members and supporters of Americans United for Separation of Church and State, I write to urge you to oppose LD 338, LD 1741, LD 1798, LD 1838, LD 1841, and LD 1860, each of which would create a private school voucher program that funds private school education. These bills should be rejected because vouchers don't work, lack important accountability measures, fail to serve rural students, fund discrimination, and violate religious freedom. Public dollars should fund public schools, which serve nearly 90% of American schoolchildren.

Voucher Programs Don't Work

Private school vouchers do not improve educational outcomes. Studies of the Indiana,¹ Louisiana,² and Ohio³ voucher programs revealed that students who used vouchers actually performed *worse* on standardized tests than their peers not in voucher programs. In fact, the learning losses in Louisiana and Ohio are worse than those caused by the COVID-19 pandemic.⁴ And studies of long-standing voucher programs in

¹ Megan Austin, R. Joseph Waddington, and Mark Berends, [Voucher Pathways and Student Achievement in Indiana's Choice Scholarship Program](#), 22, Russell Sage Found., 2019.

² Parag A. Pathak & Christopher R. Walters, [Free to Choose: Can School Choice Reduce Student Achievement?](#), 10, Am. Econ. Journal: Applied Econ., Jan. 2018.

³ David Figlio and Krzysztof Karbownik, [Evaluation of Ohio's EdChoice Scholarship Program: Selection, Competition, and Performance Effects](#), 32, Fordham Inst., Jul. 2016.

⁴ Math scores dropped by 0.4 standard deviations in Louisiana and 0.5 standard deviations in Ohio, while the pandemic lowered scores by 0.2-0.27 standard deviations. 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).

Milwaukee,⁵ Cleveland,⁶ and Washington, DC⁷ found that students offered vouchers showed no improvement in reading or math over those not in the program. With a record proving they don't work, there is no justification for funneling money into vouchers.

Voucher Programs Invite Fraud and Abuse

These bills fail to provide proper oversight and accountability measures for the private schools that take government money. For example, only LD 1798 requires that students take an assessment test, but they are not required to take the same tests as public school students. This would make it difficult to determine if using a voucher has a positive—or negative—impact on student achievement.

The bills also lack sufficient provisions to ensure that funds are being spent appropriately. Only two bills require that the program be audited. This is particularly problematic considering that vouchers have a history of fraud and abuse. In Arizona, for example, parents made more than 900 purchases at unapproved merchants totaling more than \$700,000 in just one year.⁸ And in Milwaukee, a principal at a voucher school cashed checks made out to students who didn't attend the school and used voucher funds to buy two cars.⁹

Voucher Programs Don't Serve Rural Students

Nearly seventy percent of Maine's public schools are located in rural districts,¹⁰ but vouchers don't provide an actual choice for students in rural districts. Rural communities have few, if any, private school options. And students aren't guaranteed access to the private schools that do exist because they have limited enrollment and may deny admission for a number of reasons. Students who do use a voucher are generally still required to endure long, costly commutes, which can impact attendance rates and tardiness and could also have a negative effect on student achievement.¹¹

Vouchers are also especially harmful to rural public school systems. Even if only a few students at a rural school use a voucher, the school will likely still take a financial hit. The school's total state funding would decrease while costs for facilities, transportation, administration, and instruction stay constant. In addition, rural districts often rely heavily

⁵ Patrick J. Wolf, [The Comprehensive Longitudinal Evaluation of the Milwaukee Parental Choice Program: Summary of Final Reports](#), 7, School Choice Demonstration Project, Univ. of Ark., Apr. 2010.

⁶ Jonathan Plucker et al., [Evaluation of the Cleveland Scholarship and Tutoring Program, Technical Report 1998-2004](#), 166, Ctr. for Evaluation & Educ. Policy, Univ. of Ind., Feb. 2006.

⁷ Ann Webber et al., [Evaluation of the DC Opportunity Scholarship Program: Impacts Three Years After Students Applied](#), 4, U.S. Dep't of Educ., May 2019.

⁸ Ariz. Auditor Gen. Rep. 16-107, [24-Month Follow-Up Report](#), 3, Oct. 2018.

⁹ Lindsay Wagner, [School Vouchers: A Pathway Toward Fraud and Abuse of Taxpayer Dollars](#), *NC Policy Watch*, Apr. 24, 2013.

¹⁰ Daniel Showalter et al., [Why Rural Matters 2018-2019](#), 112, Rural School and Community Trust, Nov. 2019.

¹¹ Andrew D. Catt, [Commuting Concerns: A Survey of U.S. Parents on K-12 Transportation Before & During the COVID-19 Pandemic](#), *EdChoice* (Nov. 2020).

on state funding. When voucher programs are implemented, state funding will drop as it is siphoned away from rural districts to pay for voucher students in cities and suburbs.

These Bills Fail to Protect Students from Discrimination

Public schools are open to and must serve all students. Private schools, however, don't abide by federal civil rights laws that apply to public schools and often deny students admission or expel them for a number of reasons, including based on their religion, sexual orientation, gender identity, academic abilities, or disability status. Taxpayer funded vouchers should not fund such discrimination at private schools; yet these bills nothing to protect Maine's students. They include no nondiscrimination provisions.

This puts many students at risk. For example, students with disabilities who use a voucher would forfeit many of the protections provided to students under the Individuals with Disabilities Education Act (IDEA) because they are considered parentally placed in private schools and lose the quality and quantity of services available to students in public schools.

LGBTQ students also often face discrimination. In Florida, for example, a 2019 investigation uncovered 156 private schools with anti-LGBTQ views that educated more than 20,800 students with state-funded vouchers.¹² Of these schools, 83 had policies that allowed the schools to deny admission or expel LGBTQ students, and 73 called being gay or transgender a "biblical sin."¹³ Students who are secular or religious minorities are also often discriminated against because many schools impose a religious litmus test on students and their families. Some schools discriminate against students based on their or their families' religious beliefs,¹⁴ and some condition admissions on adherence to certain religious principles and church attendance.¹⁵

These Bills Would Violate Religious Freedom

Voucher programs around the country primarily fund religious schools,¹⁶ and there is no reason to believe these vouchers would be different. Yet, one of the most fundamental principles of religious liberty is that government should not compel any citizen to pay for someone else's religious education. Passing these bills would send money to religious schools in violation of this core religious freedom protection.

¹² Leslie Postal & Annie Martin, [Anti-LGBT Florida Schools Getting School Vouchers](#), *Orlando Sentinel* (Jan. 23, 2020).

¹³ *Id.*

¹⁴ Kimberly Quick, Century Found., [Second Class Students: When Vouchers Exclude](#) (Jan. 11, 2017) ("For example, according to its written policy, a North Carolina private school accepting vouchers denies admission to 'those in cults, i.e. Mormons, Jehovah Witness, Christian Science, Unification Church, Zen Buddhism, Unitarianism, and United Pentecostal.'").

¹⁵ See, e.g., GAO-16-712, [Private School Choice Programs Are Growing](#) at 27 (voucher school that required all students in fourth grade and above to follow a list of religious principles); Leslie Postal, [Florida's New Voucher Program Could Prompt Lawsuit](#), *Orlando Sentinel*, May 28, 2019 (private school that "enrolls about 300 voucher students...demands parents abide by a 'lifestyle policy' that forbids 'homosexual and transgender orientation'").

¹⁶ For example, 81% of students using a voucher in Washington, DC attend private religious schools. Jill Feldman et al., [Evaluation of the DC Scholarship Program: An Early Look at Applicants and Participating Schools Under the SOAR Act](#), U.S. Dep't of Educ., 29, Oct. 2014.

Conclusion

For all the above reasons, Americans United opposes LD 338, LD 1741, LD 1798, LD 1838, LD 1841, and LD 1860. Thank you for your consideration on this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Nikolas Nartowicz". The signature is fluid and cursive, with a long horizontal stroke at the end.

Nikolas Nartowicz
State Policy Counsel

cc: Members of the Education and Cultural Affairs Committee