



March 4, 2010

**RE: Vote "NO" on Federally-Funded Private and Religious School Vouchers – Senate Amendment No. 3381**

Dear Senator:

On behalf of the American Civil Liberties Union (ACLU), a non-partisan organization with more than a half million activists and members and 53 affiliates nationwide, we urge you to oppose the amendment offered by Senator Lieberman that would reauthorize a federally-funded private and religious school voucher program in the District of Columbia. The Senate should not reauthorize any program in the District of Columbia that would funnel scarce federal taxpayer funds to unaccountable private and religious schools.

Originally started as a five-year pilot program in 2004, making it the nation's first and only federally-funded private and religious school voucher program, the D.C. voucher program should not be reauthorized. Under the pilot federal voucher program, funds were provided to schools that do the following: (1) infuse their school curriculum with specific religious content, (2) are not covered by many of the nation's civil rights statutes that would otherwise protect students against discrimination, and (3) have shown no improvement in academic achievement between students receiving vouchers and similar students in public schools.

The Senate should not send taxpayer dollars to fund--directly or indirectly--the religious education of children. The principal recipients of these federal voucher funds under the pilot program were private religious schools that brought specific religious content into the curriculum. Private religious schools have a clear and undisputed right to include religious content in their school curriculum - when those schools are privately funded. Once taxpayer dollars enter the equation, it is impossible for the government to avoid funding religious activity or favoring one religious program over another or over non-religious programming. We urge the Senate to oppose reauthorizing this federally-funded voucher program.

Federal funds should not be used to subsidize private and religious schools that do not have to comply with many federal, state and local civil rights laws. Private schools are exempt from many important civil rights

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laws, including the Individuals with Disabilities in Education Act (IDEA) and Title IX of the Education Amendments of 1972. In fact, the Lieberman Amendment would explicitly authorize sex discrimination against students and religious discrimination against teachers and staff in schools receiving these federal funds, as long as the discrimination is motivated by the school's religious beliefs. In addition, the Lieberman Amendment would explicitly reiterate that the Individuals with Disabilities in Education Act does not apply to recipient schools.

Without holding private and religious schools to the same standards as we hold public schools, voucher programs could expose students to otherwise illegal discrimination, particularly on the basis of disability, sex, or religion. The federally-funded private and religious school voucher program in D.C. violated the long-standing principle of equal treatment for all students. To now reauthorize this program would undermine important civil rights protections.

Finally, the federally-funded private and religious school voucher program in D.C. failed to improve education for students. The federal voucher program demonstrably failed to provide D.C. students with better educational opportunities. In fact, two congressionally-mandated federal evaluations in 2007 and 2008 both found no significant differences in overall academic achievement between voucher students and their peers in Washington, D.C. public schools.<sup>1</sup> It is clear from the government's own studies that the funding provided to the private and religious schools under the program could have been spent in far more useful ways that would serve all students in Washington, D.C.

For all of these reasons, we urge you to oppose the Lieberman Amendment that would reauthorize the federally-funded private and religious school voucher program in D.C. If you have any questions, please contact Chris Anders at (202) 675-2308 or [canders@dcacul.org](mailto:canders@dcacul.org).

Sincerely,



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<sup>1</sup> "Evaluation of the DC Opportunity Scholarship Program: Impacts After Two Years," Institute of Education Sciences, U.S. Department of Education, June 2008.