



**K-12 Education Spotlight Forum
“Raising the Alarm:
How the National School Voucher Program Will Be Harmful to Students”
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Thank you for inviting me to testify today. My name is Jessica Levin, and I am the Litigation Director at Education Law Center, a non-profit organization that has advocated for the rights of public school students for over half a century. I am also the Director of Public Funds Public Schools, a national project that works to ensure public funds support public education.

The focus of this forum is the correct one: raising the alarm about the many ways the federal voucher program will harm this country’s children, no matter where they attend school. Based on decades of experience with state voucher programs (at least, those that haven’t been struck down by courts as unconstitutional), we have vast empirical evidence of their numerous devastating effects. They divert public funds away from the public schools that welcome all students to private entities that don’t produce better educational outcomes and frequently have worse results, have very little, if any, accountability to the public, and often blatantly discriminate against students and families.

I want to focus on two common myths and misconceptions about the national voucher program and its effects on public education: 1) the idea that this is “free money” without cost to public schools, and 2) the contention that this program will result in greater resources for public schools.

First, tax credit voucher programs are funded with public dollars because the money sent to scholarship granting organizations (SGOs) is money that would otherwise have been paid in state or federal taxes and gone into the state or federal treasury. The Institute on Taxation and Economic Policy estimates that the federal voucher program could cost over \$50 billion annually—more than Title I and IDEA funding combined. That is money that should be supporting the essential public goods the vast majority of Americans rely on, including public education. And federal vouchers are not free money for states or their public schools because they mean the federal government has less money to support public education in the states. Moreover, even though states themselves aren't funding these vouchers, their public schools lose money when voucher programs are implemented because enrollment loss causes funding loss without a proportional drop in schools' fixed costs—more on that in a minute.

The second major misconception is that currently underfunded public schools will benefit from the voucher program, namely, that states should opt in because SGOs can pay public schools to provide programs and services to public school students. This is wrong legally, practically, and morally. The federal voucher statute says that qualified expenses are those of an eligible student and that SGOs are organizations that give vouchers to students. There is no mechanism in the statute for an SGO to give funds directly to a public school. They cannot, for example, fill a budget hole to fix the roof or pay a librarian.

Even the vouchers that go to public school students will mostly be used for individualized benefits purchased from private companies, for example: private tutoring services, tech purchases, and private therapies for students with disabilities. Public schools do not charge for the vast majority of what they provide—that's the whole point of public education.

Some people are urging public schools to start charging for many things, such as courses or counseling. First the legal side: classes, student supports, and so many other programs and services are required parts of an adequate public education, guaranteed by every state's constitution, which the state has to make available *for free* to all children. Second, many states have strict laws allowing public schools to charge only for very limited things. It's also unlikely that states will be permitted to limit the federal program to a subset of SGOs that provide vouchers only to public school students; all indications are that, in states that opt in, any SGO meeting the minimal requirements in the federal statute must be allowed to participate.

On the practical side, we know the vast majority of voucher funds will go to private schools and providers. Private school-focused SGOs have much more money and an existing infrastructure. In Arizona, which has vouchers that can go to public or private school students, multiple times more money goes to private education. Even if SGOs are formed to focus on public school students, wealthier communities will be the ones that raise significant funds for such SGOs, not disadvantaged communities, thus exacerbating inequality. And if public schools start unbundling services and charging for them, it isn't functionally possible that every student unable to pay for those services themselves will get a voucher.

Finally, encouraging public schools to charge for as many services as possible simply does not comport with this country's values regarding public education, equal opportunity, and democracy. It's the wrong thing to do, and public schools and their students should not be pressured to accept the crumbs of a federal program that is primarily aimed at education privatization.

One more argument people make is that states must opt in, or else their citizens'

contributions to SGOs will benefit students in other states, and their own state's public schools will miss out. First of all, no one has to give money to SGOs. Second, the math doesn't add up. Public schools may be able to make some money from charging their students for a small slice of expenses, but they will experience a net negative effect when students use vouchers to switch to private school, resulting in significant lost funds while fixed costs like facilities maintenance remain unchanged. The effect on public schools of opting into this program is akin to spending five thousand dollars to earn five hundred. And the students remaining in public school will now have fewer resources but also higher needs on average, because private schools often won't admit students who need extra supports.

For all these reasons, states should not opt in to the federal voucher program, and Congress should repeal it. Like all vouchers, the federal program is part of a broader assault on public education. State and federal efforts must instead focus on supporting and adequately resourcing our public schools, which serve the vast majority of America's students and are a keystone common good underpinning American democracy.

Thank you, and I welcome your questions.