

Vouchers Undermine Civil Rights

Private voucher schools do not provide the same rights and protections to students as public schools, such as those in Titles IV and VI of the Civil Rights Act, Title IX of the Education Amendments Act of 1972, the Individuals with Disabilities Education Act, Title II of the Americans with Disabilities Act, and the Every Student Succeeds Act. And, students who attend private schools using vouchers are stripped of the First Amendment, due process, and other constitutional and statutory rights guaranteed to them in public schools.

LGBTQ STUDENTS & PARENTS:

Private schools that accept taxpayer-funded vouchers often deny admission to, or expel, LGBTQ students and students with LGBTQ family members.¹ Many private voucher schools also teach anti-LGBTQ curriculum. A 2013 study of a Georgia tuition tax credit program found that “at least 115 private schools [participating in the program] have explicit anti-gay policies or belong to associations that condemn homosexuality.”²

In North Carolina, voucher programs also fund schools that have explicit anti-LGBT policies. For example, one school's handbook states that it will refuse to admit and will expel students that are “living in, condoning, or supporting any form of sexual immorality; practicing or promoting a homosexual lifestyle or alternative gender identity.”³

In Indiana, a 2017 investigation found that one in ten schools — totaling \$16 million in public funds — maintained anti-LGBTQ policies.⁴

In Florida, an investigation in 2019 uncovered 156 private schools with anti-LGBTQ views that educated more than 20,800 students with state-funded vouchers. 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.”⁵ A separate investigation in Florida found that several

¹ E.g., Chris Fitzsimon, NC Policy Watch, [More Taxpayer Funding for Voucher Schools that Openly Discriminate Against LGBTQ Students and Parents](#) (July 27, 2016) (voucher school's handbook stated that it would refuse to admit and will expel students that are “living in, condoning, or supporting any form of sexual immorality; practicing or promoting a homosexual lifestyle or alternative gender identity”).

² E.g., Southern Educ. Found., [Issue Brief: Georgia's Tax Dollars Help Finance Private Schools with Severe Anti-Gay Policies, Practices, & Teachings](#) (Jan. 2013) (“at least 115 private schools [participating in the tax-credit voucher program] have explicit anti-gay policies or belong to associations that condemn homosexuality”).

³ Chris Fitzsimon, [More Taxpayer Funding for Voucher Schools that Openly Discriminate against LGBTQ Students and Parents](#), NC Policy Watch (July 27, 2016).

⁴ Julia Donheiser, [Choice for Most: In Nation's Largest Voucher Program \\$16 Million Went to Schools with Anti-LGBT Policies](#), Chalkbeat (Aug. 10, 2017).

⁵ Leslie Postal & Annie Martin, [Anti-LGBT Florida Schools Getting School Vouchers](#), Orlando Sentinel (Jan. 23, 2020).



The **National Coalition for Public Education** comprises more than 50 education, civic, civil rights, and religious organizations devoted to the support of public schools. Founded in 1978, NCPE opposes the funnelling of public money to private and religious schools through such mechanisms as tuition tax credits and vouchers.

private schools accepting millions in taxpayer-funded vouchers promote conversion therapy for LGBTQ students.⁶

STUDENTS OF COLOR:

Private voucher schools, voucher programs also have a sordid history rooted in racism. Voucher programs in the South were first created to allow white students to evade integration orders in the wake of *Brown v. Board of Education* and to fund segregation academies designed to keep black and white students apart.⁷ Even today, national data 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.⁸ In fact, as of 2012, 43% of private school students across the country attended virtually segregated schools, meaning schools where white students comprise 90% or more of the school's enrollment.⁹

In some state voucher programs, segregation rates are even higher. For example, a 2016 study found that Louisiana's voucher program had a negative impact on integration in private schools.¹⁰ Similarly, in Milwaukee a study found that 85% of African American students in the voucher program attended "intensely segregated" schools, as opposed to around 77% of those in public schools.¹¹ A 2010 study of Georgia's tuition tax credit program revealed that while only 10% of white students in public schools attended "virtually segregated" schools, in private voucher schools the percentage rose to 53%.¹² And, a study of Cleveland's voucher program found that minority students were much more likely¹³ than their peers to have never entered a voucher program or left their voucher program and returned to public schools.¹⁴

RELIGION:

Many private voucher schools impose a religious litmus test on students and their families. Some state voucher programs allow private schools to discriminate against students based on their or their families' religious beliefs.¹⁵ 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

⁶ 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).

⁷ Chris Ford, et al., Ctr. for Am. Progress, [The Racist Origins of Private School Vouchers](#) (July 12, 2017).

⁸ Nat'l Center for Educ. Statistics, [School Choice in the United States: 2019](#), 22 (Sept. 2019).

⁹ Steve Suits, *Overturning Brown: The Segregationist Legacy of the Modern School Choice Movement*, 77 (2020).

¹⁰ Jonathan N. Mills, et al., Educ. Research Alliance, [How Has the Louisiana Scholarship Program Affected Students? A Comprehensive Summary of Effects after Two Years](#) (Feb. 2016).

¹¹ Lisa Kaiser, [Still Separate, Still Unequal](#), *Shepherd Express* (May 14, 2014).

¹² Alex Morris, [The Hidden War Against Gay Teens](#), *Rolling Stone* (Oct. 10, 2013).

¹³ Jonathan Plucker et al., Center for Evaluation & Education Policy, Univ. of Ind., [Evaluation of the Cleveland Scholarship and Tutoring Program, Technical Report 1998-2004](#) 31, 38, 45-46, 165 (Feb. 9, 2006); Kim K. Metcalf et al., Center for Evaluation & Education Policy, Univ. of Ind., [Evaluation of the Cleveland Scholarship and Tutoring Program, Technical Report 1998-2001](#) 52-53 (Mar. 2003).

¹⁴ William G. Howell, [Dynamic Selection Effects in Means-Tested, Urban School Voucher Programs](#), 236, *J. of Policy Analysis & Mgmt.* (Spring 2004); Kim K. Metcalf et al., Center for Evaluation & Education Policy, Univ. of Ind., [Evaluation of the Cleveland Scholarship and Tutoring Program, Technical Report 1998-2001](#) 126 (Mar. 2003).

¹⁵ U.S. Gov't Accountability Office, GAO-16-712, [Private School Choice Programs Are Growing and Can Complicate Providing Certain Federally Funded Services to Eligible Students](#) 27 (2016).

United Pentecostal.”¹⁶ Some schools also condition admission on adhering to certain religious tenets. One voucher school identified in the US Government Accountability Office’s 2016 report required that all students in fourth grade and above to follow a list of religious principles.¹⁷

STUDENTS WITH DISABILITIES:

The Individuals with Disabilities Education Act (IDEA) ensures that students with disabilities are provided with a Free Appropriate Public Education (FAPE) tailored to their individual needs. Students who leave the public schools with a voucher forfeit many of the protections provided to students under IDEA because they are considered parentally placed in private schools. Students accepting vouchers would not necessarily receive all the services listed on the IEP that they currently receive in their public school. Also, when members of the IEP team, which includes parents, cannot agree on the services that a child should receive, the parents have the right to raise their concerns with a hearing officer and ultimately to take the school district to court if necessary. Students who are parentally placed in a private school through a voucher do not have these due process protections.

LACK OF STATUTORY CIVIL RIGHTS PROTECTIONS:

A 2019 survey¹⁸ of all 62 voucher programs across the country found that the majority of state voucher programs lack sufficient statutory civil rights protections for students. Although 42% of voucher programs incorporated federal nondiscrimination language, this language is inadequate to protect voucher students’ civil rights because it is conditioned on the private school’s receipt of federal funding. State-specific statutory protections are stronger, but only 42% of programs have statutory protections—and they do not cover all categories of discrimination. In 16% of voucher programs, there are no civil rights protections at all.

¹⁶ Lynn Bonner, [Judge Puts NC School Voucher Program on Hold](#), Raleigh News & Observer (Feb. 21, 2014).

¹⁷ U.S. Gov’t Accountability Office, GAO-16-712, [Private School Choice Programs Are Growing and Can Complicate Providing Certain Federally Funded Services to Eligible Students](#) 27 (2016).

¹⁸ Bayliss Fiddiman & Jessica Yin, Ctr. for Am. Progress, [The Danger Private School Voucher Programs Pose to Civil Rights](#), 3 (May 2019).