



March 9, 2011

Dear Committee Member:

RE: ACLU Opposes H.R. 471, the Scholarships for Opportunity Results (SOAR) Act

On behalf of the American Civil Liberties Union (ACLU), a non-partisan organization with more than a half million members and 53 affiliates nationwide, we urge you to oppose the Scholarships for Opportunity Results (SOAR) Act (H.R. 471), legislation to restart and expand Washington, D.C.'s failed private and religious school voucher pilot program.

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 or expanded. Under the federal voucher pilot program, funds were provided to schools even though they infuse their curricular materials with specific religious content and even though they are not covered by many of the nation's civil rights statutes that would otherwise protect students against discrimination. Additionally, each of the congressionally mandated Department of Education studies to explore the pilot program concluded that the voucher program had no significant effect on the academic achievement of students who used vouchers, including targeted students from "schools in need of improvement" (SINI).

Use of Religious Curriculum Materials

The Senate should not authorize sending taxpayer dollars to fund – directly or indirectly – the religious education of children. The principal recipients of 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.

Purposeful Discrimination Based on Sex or Religious Belief

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 laws, including the Individuals with Disabilities in Education Act (IDEA) and

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Title IX of the Education Amendments of 1972. In fact, the SOAR Act 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.

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.

Failure to Improve Education

The federally-funded private and religious school voucher program in D.C. failed to improve education for students and failed to provide D.C. students with better educational opportunities. In fact, all five of the federal studies that have analyzed the program concluded that the program is ineffective. The final Department of Education report¹, issued in 2010, concluded that the use of a voucher had no statistically significant impact on overall student achievement in math or reading. 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 SOAR Act (H.R. 471) that would reauthorize the federally-funded private and religious school voucher program in D.C.

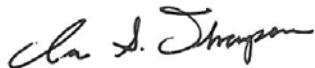
Sincerely,



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