April 18, 2022

Honorable Aaron Bean, Chair  
House Subcommittee on Early Childhood,  
Elementary, and Secondary Education

Honorable Suzanne Bonamici, Ranking Member  
House Subcommittee on Early Childhood,  
Elementary, and Secondary Education

Re: School Choice: Expanding Educational Freedom for All

On behalf of the National Association of School Psychologists (NASP), I appreciate this opportunity to provide expert testimony for the record to the House Subcommittee on Early Childhood, Elementary, and Secondary Education. NASP represents over 25,000 school psychologists who work with students, families, educators, administrators, and communities to support student success in school and in life. NASP is committed to advocating for the rights, education, mental health, and behavioral needs of all students and believes all students are entitled to a free and appropriate public education in a positive and inclusive educational environment.

NASP strongly supports efforts that facilitate a robust public school system in which the civil rights, well-being, and educational and mental health needs of all students are affirmed and supported. As such, we oppose any effort to divert public dollars to private and/or religious pre-K–12 schools that lack public accountability, require the loss or declination of rights afforded to students or families, or enable discriminatory practices. Our public school system, which continues to be woefully underfunded, serves more than 90% of students in this country. Importantly, public schools serve all students regardless of race, ethnicity, religion, disability status, sexual orientation, gender identity or any other distinguishing characteristic. The federal government should be investing public financial and human resources in improving public schools, not siphoning off critical federal dollars for private education. Such diversion of funds is tantamount to taxpayer funded discrimination that ultimately harms our students.

Private school vouchers and other private choice programs do not improve students’ academic achievement. In fact, they often result in the opposite. Recent studies of the Louisiana, Indiana, Ohio, and Washington, DC programs show that students who participated in a private school voucher program experienced significant declines in their academic performance. The impact of accepting a voucher on academic achievement in these programs is on par with or worse than the learning loss caused by Hurricane Katrina and the COVID-19 pandemic.

In addition, private school choice programs often lack even the most basic accountability standards and oversight requirements to ensure that taxpayer money is not being wasted. They frequently do not require participating schools to meet any baseline standard for teacher qualification, student testing, financial accountability, or even safe facilities. Maintaining a high-quality public education system that supports the whole child is one of the greatest responsibilities of the United States and one of the wisest investments in our nation’s future. We should be investing in efforts that improve student learning, not those that harm it. NASP supports additional research into what forms of public school choice genuinely improve outcomes for students, but not at the expense of effective public education as an inalienable right for all children.

Proponents of these funding mechanisms, often referred to as ‘school vouchers’ or ‘school choice’, believe that parents should be able to choose a school that best meets their child’s needs. NASP acknowledges the value of having a variety of educational options to choose from based on student interest, need, or specific talent. In fact, many public school districts maintain a robust system of public school choice options that include magnet schools, public charters, and other options that are available to all students. Although promoted as “school choice,” private school vouchers do not genuinely allow students and parents to choose their school. Rather, it is the private and/or religious schools...
who are able to choose which students to accept and which to turn away for any reason, which often includes
disability status, sexual orientation and gender identity, religion, academic achievement, and economic status.

In contrast, public schools are open to all and are accountable to federal education and civil rights law including Title
VI and Title IX of the Civil Rights Act, the Individuals with Disabilities Education Act (IDEA), Title II of the
Americans with Disabilities Act, and the Every Student Succeeds Act (ESSA). Private schools that accept vouchers or
participate in other ‘school choice’ initiatives are not required to abide by these laws despite receiving public funds.
Students who attend private schools with vouchers are also often stripped of protections for their civil rights and
liberties, including First Amendment, due process, and other constitutional and statutory rights.

Students with disabilities are especially underserved by vouchers. Congress enacted the IDEA, Section 504 of the
Rehabilitation Act, and the Americans with Disabilities Act to stop schools from discriminating against students with
disabilities. Voucher and other private school choice programs, however, do not require participating private schools
to offer equal access and other protections outlined in law including the right to a free appropriate public education;
the right to be educated in the least restrictive environment, and safeguards against disability-based discipline. This
results in the routine exclusion of students with disabilities; failure to provide an adequate education, or honor their
Individualized Education Program (IEP), to those who enroll; and excessive and inappropriate use of suspension and
expulsion to manage behavior. In essence, students are subjected to the same discriminatory treatment that these laws
sought to end. Even worse, parents are rarely told—and seldom are otherwise aware—that their children with
disabilities will lose these core protections if they leave public schools and use vouchers to attend private schools.

Further, due to the lack of civil rights protection laws for LGBTQ+ people in this country, it is legal in many states
for private schools to discriminate against LGBTQ+ students and educators. Some even promote the dangerous and
harmful practice of “conversion therapy.” This type of treatment could have a profoundly negative effect on school
achievement, self-efficacy, and social–emotional growth. This discrimination should not be supported with taxpayer
funds, especially when those funds are being taken away from public schools that guarantee a Free and Appropriate
Education for students with disabilities.

Choosing to divert funding to private schools undermines civil rights and is a blow to the principle that education is a
public good. We ask that any efforts to use public money to fund private schools are rejected.

We appreciate the Subcommittee’s consideration of this testimony, and we welcome opportunities to work with
Congress to advance policies that support increased availability of high-quality public schools that support all
students. If you have any questions, please contact NASP Director of Policy and Advocacy Dr. Kelly Vaillancourt
Strobach (kvaillancourt@naspweb.org).

Sincerely,

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Executive Director
National Association of School Psychologists