Private School Vouchers Are Not Comparable to Pell Grants

Pell Grants and private school vouchers serve very different purposes: Pell Grants are for students to attend colleges and universities and vouchers are for students to use in K-12 schools. But that is just the beginning. There are many other differences between Pell Grants and vouchers:

HIGHER EDUCATION IS VOLUNTARY BUT K-12 EDUCATION IS COMPULSORY

Attending colleges and universities is voluntary. Pell Grants serve to help students from low-income families attend college through financial assistance, because this country recognizes the benefit of providing incentives to attend college. Elementary and secondary education, in contrast, is compulsory and there is no need to fund a program to provide incentives for children to attend school.

HIGHER EDUCATION IS COSTLY BUT K-12 EDUCATION IS FREE

Whether at a public or private institution, higher education is expensive and Pell Grants provide a means for students to afford tuition. Our nation’s public elementary and secondary schools, on the other hand, are free for all students. For that reason, there is no need to provide financial assistance for K-12 students.

PELL GRANTS ARE AID TO THE INSTITUTION BUT VOUCHERS ARE AID TO THE PARENT

A Pell Grant is legally considered aid to the institution of higher education. This means that federal civil rights laws, such as Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Title II of the Americans with Disabilities Act of 1990, and the Individuals with Disabilities Education Act apply to the colleges that accept students using Pell Grants. To the contrary, private school vouchers are structured as aid to the parent. Because of this, many private schools that accept voucher students fail to provide those students with many of the rights and protections they would otherwise have under federal law, and the schools are not subject to the same oversight and enforcement mechanisms that public schools and colleges accepting Pell Grants are.

PELL GRANTS REQUIRE ACCREDITATION BUT VOUCHER PROGRAMS DO NOT

In order to receive federal financial aid, the federal Department of Education requires institutions of higher education to be (1) accredited by an agency recognized for that purpose by the Secretary of Education, (2) authorized to provide postsecondary education by the state in which the institution is located, and (3) deemed eligible and certified to participate in student aid programs by the Department of Education. K-12 voucher programs usually do not impose similar accountability standards. They do not even usually impose the same public accountability requirements that exist for public K-12 schools, such as accreditation, curriculum standards, and teacher credentials.
RELIGIOUS TEACHINGS PLAY A DIFFERENT ROLE IN K-12 SCHOOLS THAN IN HIGHER EDUCATION

Both Pell Grants and vouchers for K-12 students provide public funds to religious schools. However, the courts have recognized that there is a difference in the way higher education and K-12 religious schools integrate religion into the curriculum. As the Supreme Court in Tilton v. Richardson stated, “there is less likelihood [in higher education] than in primary and secondary schools that religion will permeate the area of secular education.” This reduces the risk that government aid will in fact serve to support religious teachings and activities in violation of the religious freedom protections provided by the U.S. Constitution. In contrast, religious elementary and secondary schools integrate religion throughout their curriculum, so it is impossible to prevent a publicly funded voucher from funding religious activities and education.

In addition, policy makers and the courts have recognized the distinction between college students, who are adults, and K-12 students, who are children. As explained in Tilton, “college students are less impressionable and less susceptible to religious indoctrination.” In contrast, courts have consistently held that younger students in the public school setting are especially susceptible to religious indoctrination. Elementary school students, in particular, are “young” and “impressionable.” Thus, it imperative that the government remain particularly vigilant in preventing government sponsorship of religious education for students in K-12 schools.

1. Indeed religious colleges and universities acknowledge that their students’ receipt of Pell Grants requires them to abide by civil rights laws, and in response, some have refused to allow students to accept Pell Grants. Ibby Caputo and Jon Marcus, The Controversial Reason Some Religious Colleges Forgo Federal Funding, The Atlantic (July 7, 2016).
2. 34 CFR § 600.4
3. 403 U.S. 672, 687 (1971) (finding that financial aid to colleges and universities affiliated with religious bodies provided through the Higher Education Facilities Act was constitutional).
5. Tilton, 403 U.S. at 686.