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 VI and IX of the Civil Rights Act, 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 LGBTQ students and students with LGBTQ parents. In addition, many 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.”

In Indiana, a 2017 report found that one in ten voucher schools—totaling $16 million in public funds—maintained anti-LGBTQ admission policies. Likewise, North Carolina’s state voucher program has funded schools that have explicit anti-LGBTQ policies. For example, one school’s handbook stated that it would refuse to admit and would expel students that are “living in, condoning, or supporting any form of sexual immorality; practicing or promoting a homosexual lifestyle or alternative gender identity.”

Students of Color

Studies from across the country find that racial segregation is higher in private schools that accept vouchers than in the public schools. In Milwaukee in 2013-2014, more than 77% of African American students in the public schools attended “intensely segregated” schools, but for African American students in the voucher program, that number rose to more than 85%. 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, within the program at private schools, this rose dramatically to 53%. Furthermore, in Cleveland’s voucher program, minority students were much more likely than their peers to have never entered a voucher program or to have left their voucher program and returned to public schools.

3 Chris Fitzsimon, More Taxpayer Funding for Voucher Schools that Openly Discriminate Against LGBT Students and Parents, NC Policy Watch (July 27, 2016).
Religion
Private school vouchers violate the religious freedom of taxpayers who are forced to foot the bill for religious education. They also threaten the autonomy of private religious schools by opening them up to government audits, control, and interference.

Furthermore, many state voucher programs allow private schools to discriminate against students based on their or their families’ religious beliefs. 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 United Pentecostal.” 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.

Lack of Statutory Civil Rights Protections
A 2019 survey 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.

Of the voucher programs:
- Only 3% protected all categories of sex, race, disability, religion, sexual orientation, and gender identity;
- 42% provide nondiscrimination protections for race;
- 24% provide nondiscrimination protections for religion;
- 18% provide nondiscrimination protections for sex;
- 11% provide nondiscrimination protections for sexual orientation;
- and 5% provide nondiscrimination protections for gender identity.

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11 Bayliss Fiddiman & Jessika Yin, The Danger Private School Voucher Programs Pose to Civil Rights, Center for American Progress (May 13, 2019).