



March 20, 2020

Speaker David Ralston  
Speaker of the Georgia House  
332 State Capitol  
Atlanta, GA 30334

Minority Leader Robert Trammell  
Georgia House Minority Leader  
609-F Coverdell Office Building  
Atlanta, GA 30334

Chairman Rick Jasperse  
Education Committee  
218-C State Capitol  
Atlanta, GA 30334

Vice Chairman Mike Cheokas  
Education Committee  
401-C Coverdell Legislative Office Building  
Atlanta, GA 30334

Chairman Brett Harrell  
Ways & Means Committee  
133 State Capitol  
Atlanta, GA 30334

Vice Chairman John Carson  
Ways & Means Committee  
401-E State Capitol  
Atlanta, GA 30334

Dear Speaker Ralston, Minority Leader Trammell, Chairman Jasperse, Vice Chairman Cheokas, Chairman Harrell, and Vice Chairman Carson:

We, the undersigned civil rights and education equity organizations, write to express our serious concerns with SB386 and its proposed expansion of the Georgia Special Needs Scholarship (GSNS) school voucher program. We oppose all school vouchers and other proposals intending to divert taxpayer dollars toward private schools. Relaxing eligibility requirements of the GSNS to include a broadly-defined group of students with 504 plans demonstrates a continued violation of the state’s constitutional mandate to fund public education adequately and with a high level of priority. Article VIII, Section I of the Georgia Constitution states, “The provision of an adequate public education for the citizens shall be a primary obligation of the State of Georgia.”<sup>1</sup> Yet, by positioning the state to lose millions of dollars in tax revenue and districts to lose as much in per-pupil funding for public schools, SB386 perpetuates unequal opportunities for the state’s public school students while supporting a program that has no evidence of bolstering academic achievement. As the Georgia House of Representatives considers passing SB386 to expand the GSNS, please review our listed concerns.

<sup>1</sup> “Constitution of the State of Georgia.” Georgia State Senate.  
<http://www.senate.ga.gov/Documents/gaconstitution.pdf>.

**1. No academic benefits exist for students who use vouchers to attend private schools over students who attend neighborhood public schools.**

A review of the most comprehensive forms of school voucher programs concluded that no clear advantage exists for students attending private schools with vouchers. In fact, in some states, participation in voucher programs had negative effects on student achievement, with students enrolled in the Louisiana Scholarship Program increasing their chances of failing math by 50 percent<sup>2</sup> and students in Indiana using vouchers to attend private schools consistently scoring lower on reading and math tests than their public school peers.<sup>3</sup> In their short lifespan to date, private school voucher programs have failed to produce results and, in many cases, widened long-standing opportunity and achievement gaps between different groups of students.

In Georgia, the state's annual report on the GSNS does not include any information about whether participating students with IEPs or 504 plans actually receive their required accommodations at their chosen private school.<sup>4</sup> Little information exists regarding academic outcomes at private schools for current recipients of the GSNS. As such, we believe that fully funding public education and targeting resources to student subgroups, including those with IEPs and 504s, will improve educational outcomes and be a more effective and efficient use of taxpayer dollars.

**2. The proposed legislation is redundant and funnels taxpayer dollars to unaccountable and unregulated private schools.**

Expanding the GSNS to allow students with 504s to receive school vouchers, in addition to maintaining eligibility for students with IEPs, will have a sizeable fiscal impact on the state. The GSNS already costs over \$33 million, and 10 percent of students statewide are eligible to receive scholarships.<sup>5</sup> Estimates show that nearly 3 percent of Georgia's students in FY2020 are eligible for a 504 without an IEP, a marked increase from 1.6 percent four years ago.<sup>6</sup> The bill's broad language will allow the State Board of Education to expand the list of medical conditions meeting the school voucher eligibility requirements, making the potential fiscal impact of the bill's passage devastating for the state's public schools. Expanding the program's eligibility to include more students will inevitably result in the diversion of more public funds toward private schools during a time where the state consistently fails to fully fund the needs of students in special education programs. If SB386 becomes law, it is estimated that the scholarship program would cost public school districts \$74 million over the next two years.<sup>7</sup>

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<sup>2</sup> Abdulkadiroğlu, Atila, Parag A. Pathak, and Christopher R. Walters. "Free to Choose: Can School Choice Reduce Student Achievement?" *American Economic Journal: Applied Economics* 10, no. 1 (2018): 175–206. <https://doi.org/10.1257/app.20160634>.

<sup>3</sup> Dynarski, Mark. "On Negative Effects of Vouchers." Brookings.edu. The Brookings Institution, July 12, 2017. <https://www.brookings.edu/research/on-negative-effects-of-vouchers/>.

<sup>4</sup> Georgia Special Needs Scholarship Program End of School Year Report. Georgia Department of Education, 2019. Retrieved from <http://www.ciclt.net/ul/gsba/2019SpecialNeedsVoucherAnnual.pdf>.

<sup>5</sup> "Georgia Special Needs Scholarship Program." EdChoice. <https://www.edchoice.org/schoolchoice/programs/georgia-special-needs-scholarship-program/>.

<sup>6</sup> Owens, Stephen. "Potential Voucher Expansion Leaves Students and Parents at a Loss." Georgia Budget and Policy Institute, February 28, 2020. <https://gbpi.org/2020/potential-voucher-expansion-leaves-students-and-parents-at-a-loss/>.

<sup>7</sup> Ibid.

Additionally, the Individuals with Disabilities Education Act (IDEA) already includes a provision that allows students with disabilities to a free and appropriate education at a private school with the full cost of tuition covered.<sup>8</sup> Any scholarship operated by the GSNS and the proposed SB386 bill that does not pay the full cost of tuition would force families to pay the difference in tuition, placing exponentially more financial burden on low-income families. For example, the average annual cost of tuition at the schools where GSNS recipients attended is \$12,400 but the state only awarded a \$6,300 school voucher, leaving a tuition gap of \$6,100.<sup>9</sup> As demonstrated, passage of SB386 would not only force participating children with disabilities to forgo a free private education for a subsidized one, but it would also require participating families to choose between federally-guaranteed civil rights protections and protections not mandated in private schools.

Furthermore, private schools do not face the same requirements as public schools related to state-approved academic accountability, publicly reported budgets or performance outcomes required of public schools, and do not adhere to the same requirements for transparency of open meetings and records laws as public schools. The only publicly-available information about the program comes from an annual report from the Georgia Department of Education, but the report does not include any information beyond demographics of students receiving vouchers, tuition costs at participating private schools, and vague assessment-related data displayed in an un-descriptive pie chart.<sup>10</sup> In fact, state law specifically allows private schools who enroll GSNS recipients to select their own assessment and self-report student progress<sup>11</sup>, effectively barring the state from appropriately evaluating academic achievement of private schools receiving GSNS school voucher. We believe that strong and transparent accountability and evaluation should be a requirement, rather than an option, for a group of schools accepting taxpayer dollars.

### **3. The troubling history of educational choice in Georgia makes vouchers an inherently inequitable means for improving the education system.**

As desegregation became federally codified in 1954 following *Brown v. Board of Education*, the rise in private school enrollment by white students in the state signified a strong desire to maintain a segregated school system. From the mid-1960s to 1980, in the peak of the era of court-ordered school desegregation, private school enrollment in the South grew by more than 200,000 students, with Georgia part of a group of six states that accounted for two-thirds of that growth.<sup>12</sup> Over a longer period of time, from 1950 to 1975, private school enrollment in Georgia grew by 18,674 students, or 181 percent.<sup>13</sup> Private schools in Georgia during this time enrolled almost no

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<sup>8</sup> Individuals with Disabilities Act Statute: 20 U.S.C. 1412(a)(10)(B).

<https://www.law.cornell.edu/uscode/text/20/1412>.

<sup>9</sup> Georgia Special Needs Scholarship Program End of School Year Report. Georgia Department of Education, 2019.

Retrieved from <http://www.ciclt.net/ul/gsba/2019SpecialNeedsVoucherAnnual.pdf>.

<sup>10</sup> Georgia Special Needs Scholarship Program End of School Year Report. Georgia Department of Education, 2019.

Retrieved from <http://www.ciclt.net/ul/gsba/2019SpecialNeedsVoucherAnnual.pdf>.

<sup>11</sup> "Georgia Special Needs Scholarship Act." Georgia General Assembly, 2007.

<http://www.legis.ga.gov/Legislation/20072008/75438.pdf>.

<sup>12</sup> "A History of Private Schools & Race in the American South." Southern Education Foundation.

<https://www.southerneducation.org/publications/historyofprivateschools/>.

<sup>13</sup> Robson, Kelly, Jennifer O'Neal Schiess, and Justin Trinidad. "Education in the American South: Historical Context, Current State, and Future Possibilities." Bellwether Education Partners, June 11, 2019.

<https://bellwethereducation.org/publication/education-american-south-historical-context-current-state-and-future-possibilities>.

black students and, due to their discriminatory enrollment practices, helped perpetuate a system of de facto segregation that still exists to this day.

The origin of educational choice in Georgia can also be traced back to the 1960s and, in many ways, was the chief catalyst of the preservation of school segregation. In 1961, legislators enacted the first school voucher law in the state, which provided grants for students to attend private schools. In 1962, as battles to adhere to federal desegregation court orders engulfed the South, Georgia responded by spending over \$218,000 to finance the scholarships of more than 1,500 students in private schools – nearly 100 percent of whom were white.<sup>14</sup> One consequence of this trend manifested in data showing that in 2014, Georgia was one of three states nationwide with more than 45 districts with open desegregation orders.<sup>15</sup> During this period, the state also provided grants for white teachers willing to teach in private schools while simultaneously making the teaching profession inaccessible to people of color, leaving many public schools without experienced or qualified educators. While offering the illusion of educational choice, school vouchers in Georgia over the last 59 years contributed heavily to the development of a segregated and inequitable education system.

We appreciate the opportunity to offer feedback on SB386 as you consider the bill in the House. We once again urge you to be mindful of the harmful effects passage of this bill will have for Georgia's public schools, and we implore you to consider pathways rooted in investments in traditional public education as you consider improvements to the state's education system. If you have any questions or would like to schedule a meeting regarding the contents of this letter, please do not hesitate to reach out to Fred Jones, the Director of Government Affairs and Public Policy at Southern Education Foundation, at (404) 991-6777 or [fjones@southerneducation.org](mailto:fjones@southerneducation.org). Thank you, and we look forward to hearing from you soon.

Sincerely,

Fred Jones  
Director of Government Affairs and Public Policy  
Southern Education Foundation

Taifa S. Butler  
President & CEO  
Georgia Budget & Policy Institute

Charlotte Booker  
President  
Georgia Association of Educators

Helen Butler and Janet Kishbaugh  
Co-Chairs  
Georgia Coalition for Public Education

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<sup>14</sup> "Tradition of Segregation & Resistance in the Deep South States." Southern Education Foundation. <https://www.southerneducation.org/publications/traditionofsegregation/>.

<sup>15</sup> Qiu, Yue, and Nikole Hannah-Jones. "School Desegregation Orders." A National Survey of School Desegregation Orders. ProPublica, December 23, 2014. <https://projects.propublica.org/graphics/desegregation-orders>.

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cc: Governor Brian P. Kemp and Representative Karen Bennett