Federal and State School Vouchers: Impacts on Student Civil Rights

Talking Points for Education Advocates

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Vouchers open the door to discrimination against students and hurt the public schools that serve the majority of children in this country. The talking points below were drafted by civil rights and educational justice organizations and focus on the threats vouchers pose to students' civil rights and access to equal educational opportunity.

Federal and State Vouchers 101

The July 2025 budget reconciliation bill (aka the "Big Beautiful Bill Act") included a federal private school voucher program that provides a dollar-for-dollar tax credit to individuals who donate to scholarship-granting organizations (SGOs). These organizations then provide vouchers to families to send their children to private schools and/or cover other educational expenses. This voucher expansion could divert billions in federal taxpayer dollars away from public services.

For more information about the federal voucher program, see this advocacy tool and this FAQ sheet from Public Funds Public Schools, and this voucher program explainer by the National Coalition for Public Education.

Thirty states and Washington, D.C., have also adopted voucher programs using a range of mechanisms for eligibility tracking and fund distribution. It is still unclear exactly how state

programs will work with the new federal voucher scheme. Both states and the U.S. Department of the Treasury may release regulations in the coming months.

Why Vouchers are a Civil Rights Issue

Every child deserves to learn in a safe environment where they are valued and set up to succeed, no matter where they live or who they are. Our civil rights laws are crucial to achieving that promise by protecting children who are most vulnerable to educational inequities and discrimination, including students of color, students with disabilities, poor and working-class students, LGBTQ+ students, and English learners in public schools. Federal education laws can ensure all students have access to equal educational opportunity in public schools that prepare them to succeed and thrive.

- Vouchers threaten the fundamental promises we've made to children in this country and the core protections that ensure those promises are kept. Vouchers divert much-needed funds from our public schools that serve the vast majority, about 90%, of children in the United States.
- Voucher programs result in fewer public tax dollars for public programs, including programs that support our nation's public schools.
    - For the federal voucher, the tax credit individual donors receive will deny the public tax dollars that support public programs.
    - In many states, public funds are diverted to voucher programs, and public schools lose per-pupil funding as students leave their school district, even as many costs remain the same. This leads to a two-tiered education system, with money concentrated in private schools and fewer resources for public schools to meet students' needs.
- Voucher schemes rob all of us of the benefit of the public funds that should be used to support public education, while threatening civil rights protections for students and families.
- **Those who want to hoard wealth and opportunity are trying to undermine federal civil rights law by diverting funds away from public schools that serve all children and into private school voucher programs that do not.** Private schools often discriminate against students from protected classes, both in their admissions processes and in their treatment and discipline.
- **School vouchers do not provide "parent choice" or "student choice" for families. In most cases, the only person exercising "choice" is a private school official.** Private schools have exclusionary admissions practices and limited capacity to enroll and adequately support students, especially those with special needs and those from underserved communities. **As a result, they often reinforce a segregated, two-tiered education system.**
- **Voucher programs often provide little oversight, accountability, or transparency** regarding where and how funds are used and whether students, including students from protected classes, are receiving a quality education.

- Denying public schools much-needed public funds harms children of every race, of every background, in every type of community across our country. And, in particular, vouchers compromise opportunities for our most vulnerable students, like those with disabilities, and for the children who make up the majority of public school students: Black, Latino and Indigenous children, children from families with limited means, and children in rural communities.
- **Vouchers don't advance civil rights. Instead, they segregate students and threaten opportunities for the very children our civil rights laws are meant to protect.**

Students of Color

Because public schools receive federal funds, they are legally required to uphold federal civil rights laws, including Title VI of the *Civil Rights Act of 1964*, which prohibits discrimination based on race, color or national origin. Private schools that receive voucher funds may not be held to the same standards, putting students of color who use a voucher at greater risk of unequal treatment, without meaningful systems to have potential discrimination investigated and addressed.

- Black, Latino and Indigenous students already face challenges getting access to an excellent and equitable education. Federal laws are designed to protect these students and families, but **families risk giving up these rights when they accept a voucher.**
    - For example, students and families can face hurdles when they have to challenge school policies that harm their children. Such policies impact how the school is addressing identity-based bullying and harassment, providing services to English learners and their families, and the disproportionate discipline and policing of students of color.
- Because **many voucher programs intentionally block transparency requirements**, it will likely be difficult to collect data and information about how children, including children of color, are being treated in their schools. Private schools often receive public funds without the same accountability as public schools, including:
    - How students are performing on assessments and accessing advanced coursework;
    - How funds are being spent; and
    - How students of color are being disciplined.
- **Vouchers accelerate school segregation.** In several states, voucher programs have been shown to contribute to racial and economic segregation, pulling white students out of diverse public schools and concentrating them in private schools that are less inclusive and more racially homogenous and that deny enrollment to families based on personal characteristics.
    - This segregative effect keeps vouchers true to their roots. Vouchers were originally conceived to allow white families to use public funds to send their children to "segregation academies," and avoid court-ordered integration following the *Brown v. Board* decision in 1954.
    - Private schools set their own admission requirements, which means they often exclude students who have historically been shut out of educational

opportunities. For example, private schools often have stringent criteria regarding students' academic records. But, due to chronic underfunding of public schools serving Black, Latino and low-income communities, students who attend these public schools often need resources or other support to achieve the test scores to meet private schools' stringent criteria. Private schools also often admit or expel students based on ability to pay (which impacts students from poor and working-class families), discipline record (which impacts Black and Native American students, as well as students with disabilities who are disproportionately punished in school for normal, age-appropriate behavior), or for no reason at all.

- **Vouchers drain resources from the public schools that serve the vast majority of students of color.** This weakens the public schools and interconnected systems that these students, their families and their communities rely on.
    - Vouchers decrease available public dollars for federal and state programs, including programs that support the public schools that educate the vast majority of Black, Latino, Indigenous and other students of color in this country.
    - Vouchers further enrich individual donors, at the expense of a high-quality education for all children.

Students with Disabilities

Vouchers threaten important protections for students with disabilities. Often, when families try to use vouchers to send their child with disabilities to a private school, they lose many of the rights guaranteed under federal statutes like the *Individuals with Disabilities Education Act* (IDEA). Parents may not even know this could happen.

- Children with disabilities who attend private schools with a voucher could lose important IDEA protections like:
    - Protections that ensure students with disabilities are educated in the least restrictive environment (LRE), alongside their non-disabled peers, to the maximum extent appropriate. These protections ensure schools do not unnecessarily segregate children with disabilities from their peers.
    - School discipline protections. There are various legal protections that protect students with disabilities from being disciplined for behaviors that stem from their disability, from being disciplined for extended periods of time without review, and from experiencing unfair discipline disparities.
    - Requirements that students with disabilities be served by qualified special education teachers.
- **Vouchers compromise parents' rights to protect their children with disabilities.** In many cases, parents with children in private schools lose their right to use administrative and other legal processes to protect their kids. These processes ensure parents are able to participate fully in how their child is being educated, engage in the creation and implementation of special education plans, and express grievances and challenge the

school when their child is not receiving services. Vouchers directly threaten valuable due process protections for caregivers and kids.

- **The real "choice" here is the choice private schools have to discriminate against children with disabilities.** Vouchers do not guarantee that private schools have to take every child.
    - Many private schools deny admission to students with disabilities, saying they are unable to serve them.
    - Some private schools that claim to accept students with disabilities may only enroll those with certain types of disabilities, often excluding children with physical disabilities or more complex needs.
    - Some private schools may use their discipline codes to expel students based on behavior that is a manifestation of their disability.
- **Our public schools are designed to serve every child.** When we give public schools the resources and support they need, they can be wonderful, diverse places where students with disabilities and non-disabled children can learn with each other and from each other, preparing them for real life. Funneling public funds to private schools segregates our children and threatens the rights of our students with disabilities. Instead, Congress should fully fund IDEA and protect other grant programs for students with disabilities and the public schools and teachers who support them.

Working- and Middle-Class Families

Our public schools have long dealt with the impact of systemic underfunding. In many states, funding formulas allow for state divestment from schools while requiring local communities to take on larger shares of public education costs. Federal investment is a critical source of supplemental funding for schools. Still, it is now under attack, with billions in proposed cuts to U.S. Department of Education programs that serve children from working- and middle-class families.

- **Instead of fighting for much-needed funding for our public schools, proponents of school voucher programs are pushing policies that pour public dollars into a second, separate system of private schooling.**
    - The federal private voucher program will give billions of dollars in tax breaks to the wealthiest individuals to largely subsidize private school tuition for other wealthy families.
- Voucher programs prioritize benefits for the wealthy, at the expense of quality education for the children of our country's working and middle-class families.
- Studies have found that, in Arizona, 70% of the families that received vouchers already had their children in private school, and in Arkansas, 95% of voucher recipients did not previously attend one of the state's public schools. In many cases, vouchers are essentially a coupon for the wealthy, allowing a select few students to continue to attend private schools at the expense of public schools and the majority of students across the state.

- Many vouchers do not cover the full tuition of private schools, let alone the additional costs of uniforms, transportation, extracurricular programs and other expenses. **Many working and middle-class families struggle to bridge the gap between the value of a voucher and the true costs of a private school education** and simply are not able to participate in the voucher program. This further increases socioeconomic segregation in our schools and communities, with the federal government subsidizing efforts of the wealthy to segregate their children in private schools.
- Not all private schools are created equal. The private schools that accept vouchers are often financially distressed and offer low-quality education, such as teacherless classrooms and mid-year closures. School voucher programs, therefore, exacerbate existing patterns of segregation within the school system. The most prestigious and elite private schools, which may be least likely to accept vouchers, come with a higher price tag. If they do accept vouchers, higher-income families can use vouchers to subsidize the enrollment costs, which remain out of reach for low-income families.

English Learner Students

All students benefit from diverse classrooms where they can interact with peers who are different from them. This is the beauty of our nation's public schools. English learner students add much value to classrooms, including in schools with dual language instruction and other programs that foster academic and cultural learning between English learners and non-English learners.

- **Vouchers threaten these important relationships and interactions that improve outcomes for all children by encouraging the segregation of students, including separating English learners and their peers**. In several states, voucher programs have been shown to contribute to racial and economic segregation because private schools that accept vouchers often deny enrollment to families based on personal characteristics, like when the student is an English learner.
- Public schools are required by federal law, including Title VI of the *Civil Rights Act* and the *Equal Educational Opportunities Act*, to support English learners. This includes ensuring English learners can access education through specialized instruction and services, quality language programs, materials in students' home languages, and support for meaningful family involvement.
- **Private schools that accept vouchers often do not follow these laws, meaning English learner students and families may not have access to language programs and supports.** They also may be unaware of how their rights are compromised if the private school chooses to allow them to enroll at all.
- **Vouchers are about the private school's choice, not the choice of English learners and their families**. Private schools that accept a voucher can decide which students to enroll, potentially discriminating against and denying access to English learners.
- Even as public funds are lost to private school voucher programs, we are seeing attempts to gut the federal infrastructure that is in place to help public schools serve English learner students. Nearly every expert in the Office of English Language

Acquisition (OELA) was fired earlier this year, and the President's and U.S. House of Representatives' proposed budgets would completely eliminate funding for Title III, which helps public schools serve the English learners who make up one in 10 K-12 students in this country.
- Most English learners are elementary-aged children, so depriving them of high-quality schooling is a direct blow to young learners, as language skills and early academic content are critical.

The federal voucher does not currently include a provision that excludes undocumented students and families, though we will watch for such limitations during the regulation process.

Students of Diverse Faiths

Almost all students using a state voucher attend a religiously-affiliated school. These schools often have curricula that integrate faith-based teachings, and they may require students to participate in religious activities.

- In Ohio, 91% of students using a voucher in 2024 attended a religious school. In Indiana, 98% of students did so.
- There is concern that the federal voucher program could allow all funds to stay within a single religious institution. For example, a diocese that operates a private Catholic school receiving vouchers could also act as a scholarship-granting organization (SGO). Its own parishioners could donate to the diocese and thereby receive the tax credit. The diocese would use the money to fund its own schools and would be eligible for the 10% administrative funds for scholarship-granting organizations the law allows. All money in the voucher scheme would then stay in that single religious organization, to the detriment of the public and the public schools that serve the majority of children.
- The most common religious schools participating in voucher programs are Catholic or Christian Protestant denominations. This means students of other faiths may be denied admission or forced to adhere to religious customs they do not practice in order to attend.
- Some private schools that accept vouchers may deny admission to students and their families based on "fit," a pretext for any number of reasons, including discrimination based on perceived violations of religious teachings, which could correlate to protected traits (*e.g.,* sex or national origin).

LGBTQ+ and Gender Non-Conforming Students

Every child deserves to learn in a safe environment where they are valued, affirmed, and set up to succeed, no matter who they are or who they love.

- **Students who identify or who have family members who identify as LGBTQ+ may be discriminated against in private schools that accept federal vouchers.** There have already been reports of faith-based schools expelling or refusing to admit students

from these communities, and many require students to sign declarations of faith that explicitly reject homosexuality.

- **Private religious schools are often where LGBTQ+ students face the most significant challenges.** GLSEN's National School Climate Survey found that LGBTQ+ students who attend private religious schools experience more discrimination than LGBTQ+ students in any other school setting, and they have the least support for their well-being and academic achievement. This means that many of the private schools that would exploit the federal voucher program are often the very places where LGBTQ+ students are the least able to learn and thrive.
- Additional studies and reports have found further evidence of discrimination against LGBTQ+ students at private schools**:**
    - An investigative report found that private religious schools that receive millions in taxpayer dollars openly operate so-called counseling programs for LGBTQ+ students that establish damaging conversion therapy practices in these schools.
    - One national study found that at least 14% of surveyed religious schools actively discriminate against LGBTQ+ students and staff. At least 5% of these schools had policies against hiring or retaining LGBTQ+ staff.
    - A study of Florida schools found that at least 10% had zero-tolerance policies for LGBTQ+ students, and more than 30% of schools implemented curricula that disparage LGBTQ+ people.
- Students should be able to attend school in the manner that they feel most comfortable. However, religious private schools have removed students who do not conform to gender-based stereotypes in their appearance. For example, in one case, a student using a publicly funded voucher was denied admission to a private religious school because his locs fell below his chin. Another student was threatened with removal from a private religious school because the school alleged that she "looked like a boy."