

School Vouchers in North Carolina

2014-2020



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SCHOOL VOUCHERS IN NORTH CAROLINA

The Children's Law Clinic issued an initial report on the North Carolina school voucher program in 2017. This report updates that earlier one, adding new data and other information now available about the program.

EXECUTIVE SUMMARY

- ❖ North Carolina is in its sixth year of implementation of the Opportunity Scholarship Grant Program, which makes taxpayer-funded scholarships, or vouchers, available to low and moderate-income students to assist with payment of tuition at private schools. More than 12,000 children are currently receiving vouchers.
- ❖ To date, the state has spent \$158.5 million on the voucher program: \$153 million on vouchers, and another \$5.5 million to administer the program. The Reserve Fund currently contains \$12 million.
- ❖ The overarching assessment of the initial review of the voucher program from our previous report remains true: The North Carolina voucher program is well designed to promote parental choice, especially for parents who prefer religious education for their children. It is poorly designed, however, to promote better academic outcomes for children and is unlikely to do so over time.
- ❖ The public has no information on whether the students with vouchers have made academic progress or have fallen behind. No data about the academic achievement of voucher students are available to the public, not even the data that are identified as a public record in the law. The State Education Assistance Authority (SEAA), which administers the program, concluded that the reporting of tests scores in aggregated form, as required by the legislature, produces no meaningful information. Therefore, the SEAA has discontinued requiring schools to produce the data and it no longer publishes any reports on test scores.
- ❖ The number of children receiving vouchers has increased ten-fold since it began: from approximately 1,200 in the first year to 12,300 in 2019-20. Although the program has attracted additional students each year, the rate of growth has been less than the General Assembly anticipated and not all of the appropriation has been spent.

- ❖ The General Assembly has authorized an additional 2,000 vouchers for each year until 2027, topping out at 25,000. If new applications to the program continue to grow at the current rate of 5% per year, only 18,000 of those available vouchers would be used.
- ❖ Approximately 92% of the vouchers have been used to pay tuition at religious schools. More than three-quarters of those schools use a biblically-based curriculum presenting concepts that directly contradict the state's educational standards.
- ❖ The law requires the SEAA to contract with an independent research organization to evaluate the "learning gains or losses" of voucher students, as well as the "competitive effects" of the voucher program on public school performance. With an appointed task force, the SEAA studied what would be needed to have an effective, reliable, and valid study. It determined that current program features -- such as the lack of a true control group against which to measure voucher students and the lack of comparable testing -- prevent the development of a study that could produce acceptably valid and reliable results. Therefore, the SEAA has declined to engage a research organization for this purpose. The General Assembly has been unresponsive to the SEAA's task force report; the law requiring the evaluation is not being implemented.
- ❖ With private money, a research team at North Carolina State University studied the voucher program and issued a number of reports in 2017 and 2018. Using volunteer test-takers that may or may not have been representative of the typical voucher student, the researchers found some small positive academic impacts in some subjects, but no impacts in others, among the voucher students. Echoing the SEAA task force report, the researchers identified the many structural limitations on conducting a high-quality evaluation of the program's academic impact.
- ❖ Other potential accountability measures for North Carolina private schools receiving vouchers do not exist. Unlike private schools in most states with similar voucher programs, North Carolina private schools accepting voucher money need not be accredited, adhere to state curricular or graduation standards, employ licensed teachers, or administer state End-of-Grade tests.
- ❖ With only five percent of schools receiving vouchers subject to financial review, both students and public school communities are at risk if a private school fails. At least one private school, almost entirely supported by voucher payments, closed down mid-year, leaving nearly 150 students to be unexpectedly absorbed by surrounding public schools.

SUMMARY OF RECOMMENDATIONS

In order to protect both the public and the students who are participating in the Opportunity Scholarship Program, the General Assembly should make the following changes:

- ❖ Require all participating schools to offer a curriculum that is at least equivalent to the curriculum used in the North Carolina public schools, or create an accreditation system that holds schools to strong academic standards.
- ❖ Require students receiving vouchers to participate in the state End-of-Grade testing program, and require schools receiving voucher support to publicly report data in the same manner as is required of public schools.
- ❖ Require all participating schools to set reasonable qualifications for teachers.
- ❖ Require all participating schools to offer at least the same number of hours and days of education as are required of the public schools.
- ❖ Prohibit all forms of discrimination in schools accepting voucher support.
- ❖ Require limited financial reviews of all schools, with more extensive reviews for schools receiving more than \$50,000 in voucher support.
- ❖ Give stronger oversight of the program to the SEAA and/or the Division of Non-Public Education; create a mechanism to prevent schools that consistently fail to provide an adequate education from continuing to receive voucher payments.

INTRODUCTION

In 2013, the North Carolina General Assembly created the Opportunity Scholarship Program, joining ten other states or cities with similar programs. (Maryland has since adopted a program, bringing the number of similar programs to eleven.) The program provides an opportunity for certain North Carolina families to choose private education for their children and get a scholarship from the state to assist with the payment of tuition.¹ These scholarships, also known as vouchers, were first available in the 2014-15 school year and have continued to be available since then. The program is administered by the North Carolina State Education Assistance Authority (SEAA).²

The General Assembly appropriated \$10 million for the program for the initial year. The appropriation has continued and expanded for following years. The General Assembly has now authorized the SEAA to make at least 2,000 additional scholarships available every year. \$75 million is appropriated for use in 2020-21; by 2027, the annual appropriation is slated to be \$145 million a year.³

Voucher programs are part of the educational reform movement that favors giving parents more choice in their children's education. The idea is that parents, especially low and moderate-income parents, should have the opportunity that wealthier parents have to reject local public schools and find a more desirable alternative in the private school market.

This report gathers current and historical data about the students and schools that have participated in the program.⁴ Because of the design of the system, the public has no access to data that reveals anything about the academic performance of the students who have vouchers and are enrolled in private schools. Based on the conclusions of a task force study, the SEAA has discontinued publishing the academic data it had previously published, concluding that what is available is meaningless.

VOUCHER PROGRAM DESIGN

Opportunity scholarships are taxpayer-supported vouchers of up to \$4,200 a year that may be used by a student to pay the tuition at a private school. The maximum voucher has remained the same since the program's inception. Scholarships are available for students in families with limited income. Currently, the income limit for a family of four is approximately \$64,465 per year,⁵ which includes about 44% of the families with school-age children in the state.⁶ Priority is given to students from families with lower incomes.⁷ If the tuition at the selected private school is higher than the voucher, the parent is responsible for the additional tuition; if it is lower, then the voucher covers only the amount charged. Families with incomes in the top

quarter of the income range are eligible for only 90% of the tuition or \$4,200, whichever is less. The average voucher granted has been about \$4,000 per year. (The average private school tuition in North Carolina in 2016-17 was \$5,483; the range was from a minimum of \$2,025 to a maximum of \$27,500.⁸)

In addition to being in a family that is financially eligible, a child must be in one of several categories. When first applying, students need to have been previously enrolled in public school, or qualify for one of the exceptions. Students entering kindergarten and first grade need not have attended public school; they may enter private school as they start school, and then get priority for every year after that as a renewing student. Children of parents in the military, and children in foster care or who were recently adopted need not have attended public school. For all students in the program, once they obtain a voucher, they may continue to renew through high school graduation, so long as their family remains within the financial guidelines.⁹

TO OBTAIN A VOUCHER, A CHILD MUST BE IN A LOW OR MODERATE-INCOME FAMILY AND BE ACCEPTED AT A PRIVATE SCHOOL. CHILDREN ENTERING KINDERGARTEN OR FIRST GRADE OR IN A MILITARY FAMILY DO NOT HAVE TO TRY PUBLIC SCHOOL BEFORE USING A VOUCHER FOR PRIVATE SCHOOL.

If more students apply than the number of vouchers that are available, a lottery is used to determine which students will be awarded a voucher. To date, this has been needed only with applicants entering kindergarten or first grade. The application process occurs online through the website of the SEAA (www.ncseaa.edu). It begins each year on February 1.

Students may enroll in any private school in North Carolina, whether religious or non-religious, that is registered with the North

Carolina Division of Non-Public Education within the NC Department of Administration¹⁰ and is willing to admit the student and accept a voucher in payment of tuition. The general requirements for private schools in North Carolina are that they keep attendance and immunization records, operate at least nine months of the year, and annually administer nationally-standardized tests to students in third, sixth, ninth, and eleventh grade.¹¹ North Carolina does not regulate the nature of instruction at private schools; each school is free to determine the type of curriculum that will be offered and the credentials of the teachers. Private schools may operate without any type of accreditation. Private schools need not provide special education for children with disabilities. Students in private school waive most of their legal rights with regard to education, including the right to be offered a sound, basic

education¹² and the right to a due process hearing before being suspended or expelled from school.¹³

Private schools that accept Opportunity Scholarships as payment for tuition must adhere to the requirements for all private schools, as well as certain additional requirements. The additional requirements are as follows:

- ❖ Schools must administer a nationally-standardized test to students in all grades, beginning with third grade. While test data must be submitted to the state, the data are not publicly available. If a school has enrolled more than 25 students receiving vouchers in a particular year, the school must report to the SEAA the aggregate test performance of the voucher students; according to the law, such aggregate data is a public record. The law does not require that the data be reported for any particular categories of students; all grade levels may be reported together. (As is reported in a later section, this provision of the law is no longer enforced by the SEAA due to the unavailability of data and the determination that it provides nothing meaningful.)
- ❖ Schools accepting vouchers are required to share each student's test scores with the student's parents. The schools are also required to provide an annual written explanation of the child's progress to parents. This contrasts with public schools, which provide written reports to parents four times per year.
- ❖ Schools must conduct a criminal background check for the staff member with the highest decision-making authority and provide the report to the SEAA; the SEAA is to ensure that the staff person has not been convicted of certain crimes relating to student safety and integrity.
- ❖ Schools must report to the SEAA the graduation rates of the voucher students. Schools are not required to adhere to the graduation standards for North Carolina, but must report the rates "consistent with nationally recognized standards."
- ❖ Schools receiving more than \$300,000 in voucher payments in a year must contract with a certified public accountant to perform a financial review. SEAA rules require that the financial review be provided to the SEAA within 90 days of the end of the school's fiscal year. Although the voucher law does not specify whether that review is to be made public, the state's general law requires any non-profit corporation receiving more than \$5,000 in public money to make its latest financial statements available upon demand.¹⁴

- ❖ Schools must report to the SEAA the amount of tuition and fees charged to enrolled students.
- ❖ Schools participating in the program may not discriminate on the basis of race, color, or national origin; they may, however, discriminate on other grounds, such as religion, disability, sexual orientation, or other characteristics.

If the SEAA determines that a school has failed to meet the requirements of the law, it may bar the school from receiving future scholarship payments.

LEGAL CHALLENGE TO THE PROGRAM

The Opportunity Scholarship Program was the subject of a legal challenge just after the law was passed. The program was initially halted by a state Superior Court Judge, but was eventually approved by the North Carolina Supreme Court. In upholding the program, the North Carolina Supreme Court rejected arguments that the design and funding of the program violated the North Carolina Constitution.¹⁵

COSTS OF THE PROGRAM

The Opportunity Scholarship Grant Program is funded from general appropriations. While the original law required that each school district's per pupil allocation be reduced by the number of students leaving the district to attend private school with a voucher, this provision was repealed in 2014.

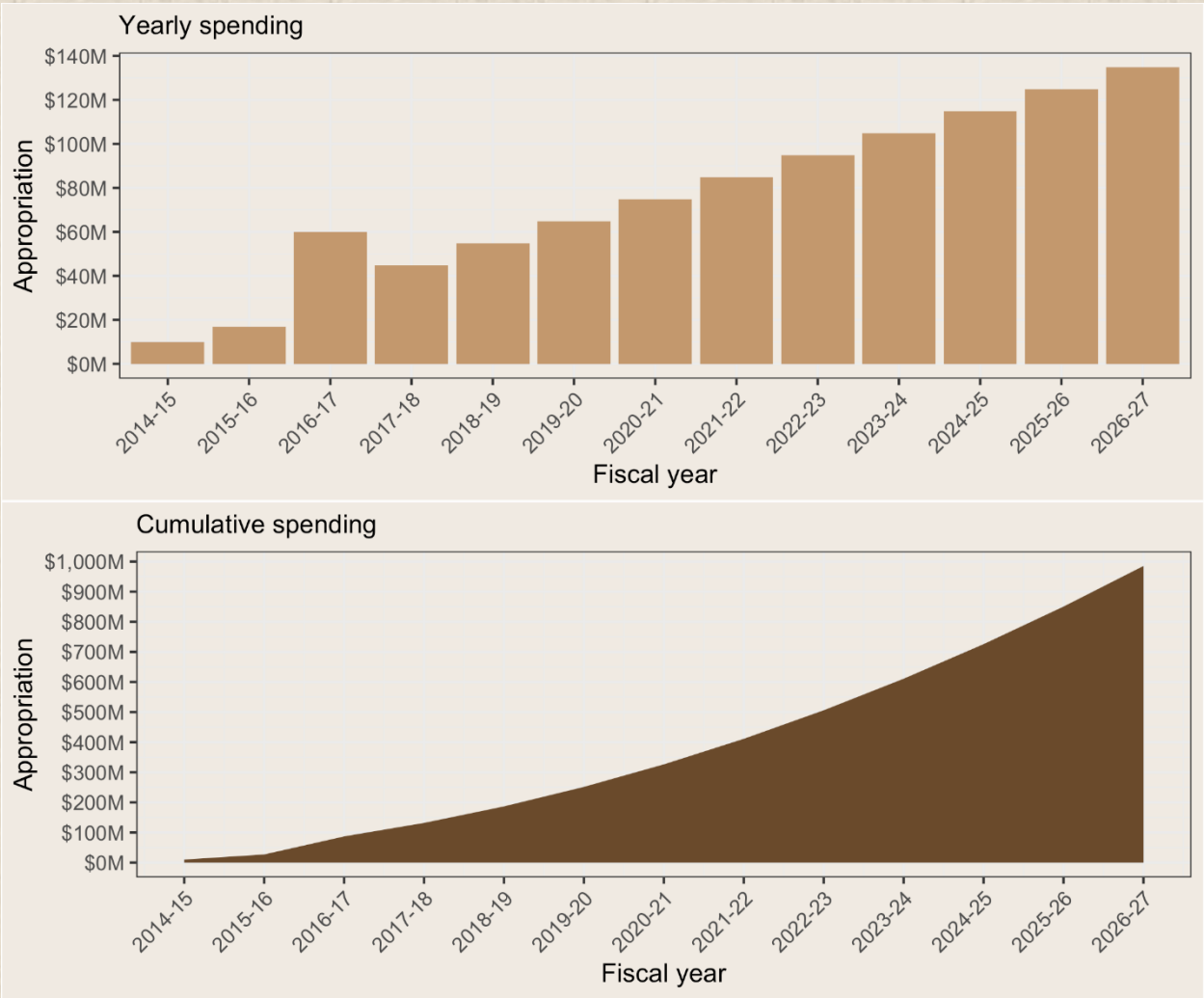
The General Assembly's appropriation for the program is shown here. The large increase in 2016-17 was to fund the Opportunity Scholarship Grant Fund Reserve, a fund that allows money to roll over for a year if it is not expended in the year of its appropriation.¹⁶

Table 1: GENERAL ASSEMBLY APPROPRIATIONS FOR VOUCHERS

Fiscal Year	Appropriation
2014-15	\$10,000,000
2015-16	\$17,000,000
2016-17	\$60,000,000
2017-18	\$ 44,840,000
2018-19	\$ 54,840,000

2019-20	\$ 64,840,000
2020-21	\$ 74,840,000
2021-22	\$ 84,840,000
2022-23	\$ 94,840,000
2023-24	\$ 104,840,000
2024-25	\$ 114,840,000
2025-26	\$ 124,840,000
2026-27	\$ 134,840,000
10-YEAR TOTAL	\$ 898,400,000

Figure 1: GENERAL ASSEMBLY APPROPRIATIONS FOR VOUCHERS



Despite these planned increases in appropriations, the program has not spent all that it was authorized to spend. In 2019, Dr. Kathryn Marker, director of the division at SEAA that manages the program, told the Charlotte Observer that from 2014-15 to 2017-18, \$17.7 million of the allocated money was not spent.¹⁷ Dr. Marker noted that the rate of enrollment has been lower than projected.¹⁸ For example, for the 2018-19 school year, 11,935 new applications were received. Of those, just 3,970 ultimately used a voucher. When 5,681 renewing students were added, a total of 9,651 students were issued vouchers at a cost of \$38 million. At least another 3,000 vouchers could have been funded based on the year's appropriation; because unspent money rolls over from one year to the next, the number of potential additional vouchers was likely quite a bit more than 3,000. As of February 2020, \$12 million remains in the reserve fund and is available for vouchers in 2019-20.

TO DATE, THE OPPORTUNITY SCHOLARSHIP PROGRAM HAS NOT USED ALL THE APPROPRIATED FUNDS, AS THE RATE OF ENROLLMENT HAS BEEN LOWER THAN EXPECTED.

Another contributing factor to the smaller actual expenditures is the amount of each voucher. While the maximum voucher is \$4,200 per year, the average voucher has been closer to \$3,900 during the duration of the program. In 2019-20, it is likely to be about \$4,000. The average could be less than \$4,200 because the tuition at the chosen school is less than the voucher amount, the student attended for less than a full year, or the family was not eligible for the entire amount as a combination of the amount of tuition and the amount of their income. (Eligible families whose income is between 100% and 133% of eligibility for the federal school lunch program receive not more than 90% of the school's tuition and fees.)

The legislature originally authorized \$400,000 per year for administrative costs, but later raised that cap to \$1.5 million. The proposed 2019-20 budget included \$2 million annually for administrative costs, but that amount was not appropriated due to the budget impasse between the legislature and Governor Roy Cooper. Since the program's inception, the SEAA has added technological capacity and employees to handle the call volume. The proposed but unpassed budget also included authority for the SEAA to spend up to \$500,000 to contract with a non-profit organization working with parents to market the voucher program and assist parents in applying.

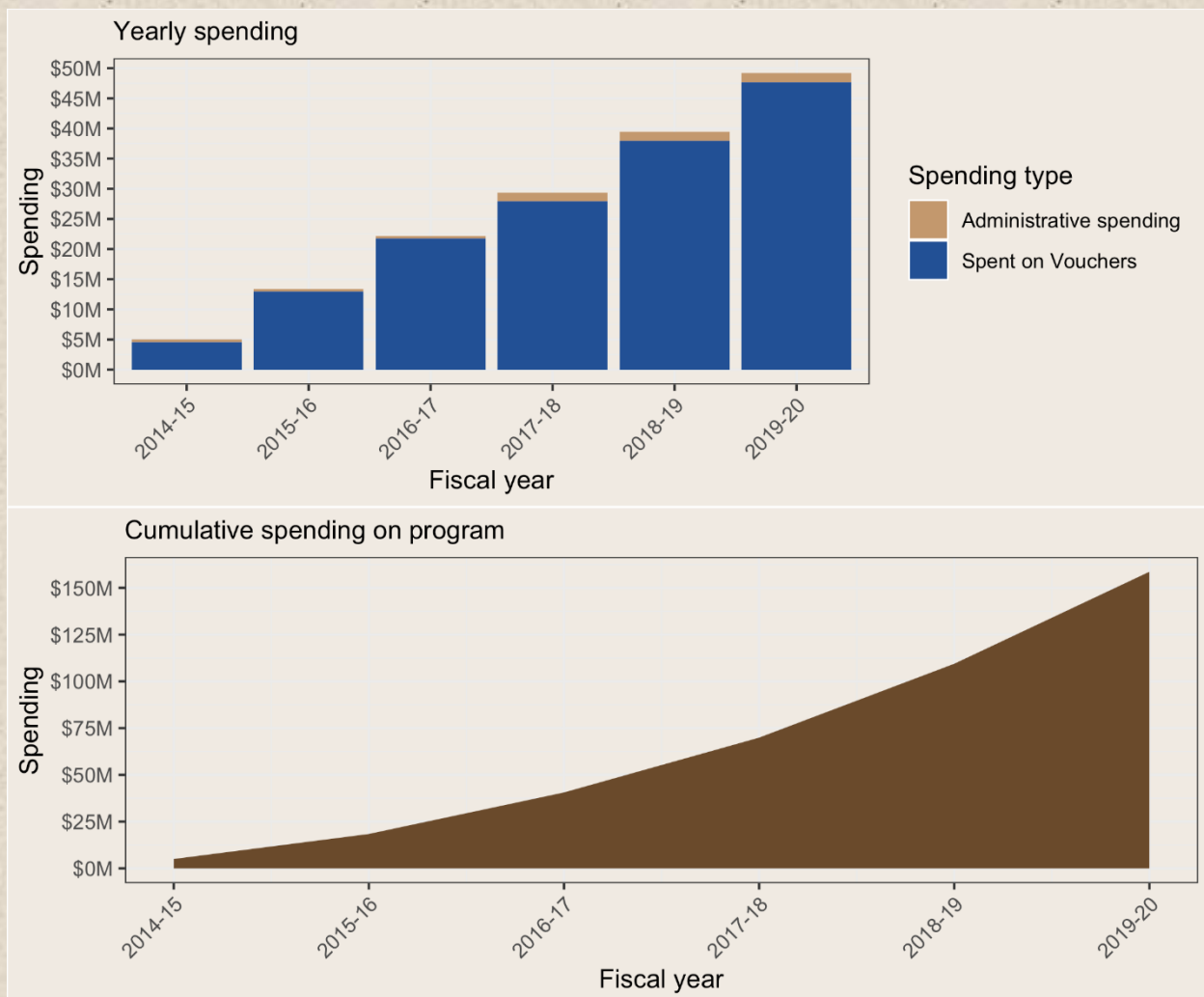
Table 2: ACTUAL SPENDING ON VOUCHER PROGRAM

Fiscal year	Spent on vouchers	Administrative spending	Total program spending
2019-20	\$47,700,000*	\$1,500,000	\$49,000,000*

2018-19	\$38,000,000	\$1,500,000	\$39,500,000
2017-18	\$28,000,000	\$1,321,600	\$29,321,600
2016-17	\$21,800,000	\$400,000	\$22,200,000
2015-16	\$13,000,000	\$400,000	\$13,400,000
2014-15	\$4,600,000	\$400,000	\$5,000,000
TOTAL	\$153,100,000	\$5,521,600	\$158,421,600

*As of March 2020

Figure 2: ACTUAL SPENDING ON VOUCHER PROGRAM



STUDENT PARTICIPATION IN THE PROGRAM

The Opportunity Scholarship Program has been in effect since the second half of the 2014-2015 school year. The SEAA is required to report each year to the Legislative Joint Education Oversight Committee on the demographics of the participants. The following information is taken from those reports as well as from other data published on the SEAA website and the website of the NC Division of Non-Public Education.¹⁹

OVERALL PARTICIPATION

The state has issued nearly 40,000 vouchers since 2014.²⁰ The number of students applying to participate and the number who eventually obtained a voucher has increased each year since the program's inception, although not at the levels that were anticipated. Over the years of program operation, between 75% and 80% of the recipients of vouchers have renewed their voucher for the following year.

Only about half of new applicants have tried public school before choosing to apply for a voucher. If they are kindergarteners or first graders, children of active duty military parents, in foster care, or recently adopted, they are eligible for a voucher without first having gone to public school. Otherwise, to be eligible, applicants must have attended public school in the spring semester prior to the school year for which they are applying. For the 2019-20 voucher recipients, the breakdown is as follows:

Table 3: CHARACTERISTICS OF NEW APPLICANTS

FIRST-TIME VOUCHER RECIPIENTS – 2019-20	NUMBER
Kindergarteners/first graders*	2,045
Students of parents on active military duty	179
Students in foster care	3
Students adopted in last year	3
Students previously enrolled in public school	2,371
Total new recipients	4,601

*Some first graders may have been in public kindergarten; this would not show up in their application.

The law sets a cap on the funds available for new entrants at the kindergarten and first grade level ;²¹ because this limit was reached, some otherwise eligible applicants for kindergarten or first grade were not awarded a voucher in each year of the program. Otherwise, however, renewing students and students applying for the higher grades have not been turned down because of insufficient funding.

Each year, after the applications are submitted – for both new and renewing students -- the SEAA determines eligibility and notifies families of their status. Students may be denied eligibility because their family’s income is too high, because they did not previously attend public school and don’t fit an exception, or because they otherwise do not fit an eligibility category. Eligible applicants may ultimately decline a voucher because they cannot find an acceptable school in which to enroll, they cannot otherwise afford the private school costs, or for other personal reasons.

Table 4: APPLICATIONS AND ENROLLMENT OF NEW AND RENEWING STUDENTS

Year	Number of New Applicants	Percentage Increase in New Applicants Over Previous Year	Number of New Applicants Enrolled	Number of Renewals Enrolled	Total Number of Voucher Recipients	Percentage Increase in Total Program Participation Over Previous Year
2019-20*	12,553	5%	4,601	7,682	12,283	27%
2018-19	11,935	13%	3,970	5,681	9,651	31%
2017-18	10,577	13%	2,931	4,440	7,371	31%
2016-17	9,395	8%	2,870	2,754	5,624	53%
2015-16	8,675	56%	2,774	908	3,682	302%
2014-15	5,558	-----	1,261	-----	1,216	----

*As of March 2020.

GRADE LEVEL DISTRIBUTION

As this chart shows, two-thirds of the program's participants are in elementary school. Two factors likely account for this distribution: 1) nearly half of the first-time voucher recipients apply when they are entering kindergarten or first grade, and 2) those students receive priority when they seek to renew in succeeding years. The breakdown for 2019-20 year²² is as follows:

Table 5: 2019-20 GRADE LEVEL DISTRIBUTION OF STUDENTS

Grade Level	Number of Recipients	Percentage of All Recipients
Kindergarten	1,548	13%
1st Grade	1,556	13%
2nd Grade	1,461	12%
3rd Grade	1,239	10%
4th Grade	1,094	9%
5th Grade	1,057	9%
Elementary grades – Total	7,995	65%*
6th Grade	1,030	8%
7th Grade	922	7%
8th Grade	793	6%
Middle School grades - Total	2,745	22%*
9th Grade	544	4%
10th Grade	411	3%
11th Grade	363	3%
12th Grade	252	2%
High School grades - Total	1,570	13%
All recipients	12,270	100%

*addition not exact due to rounding

DISTRIBUTION BY SCHOOL DISTRICT

Not surprisingly, the largest number of students using vouchers are from the largest school districts in the state. Nevertheless, a disproportionately larger number of participants have enrolled from the Cumberland County Schools and the Onslow County Schools. This is likely related to the program rules that do not require students of parents in the military to attend public school in the spring semester before applying for a voucher. The location of large military bases in Cumberland (Fort Bragg) and Onslow (Camp Lejeune) counties results in a disproportionately larger number of potential eligible applicants. In addition, three large Christian schools in Cumberland County lead the state in enrolling students with vouchers; one large Christian school in Onslow County also enrolls a large number of students with vouchers. (See School Participation section below.)

The school districts with the largest number of voucher participants in 2019-20 were as follows:

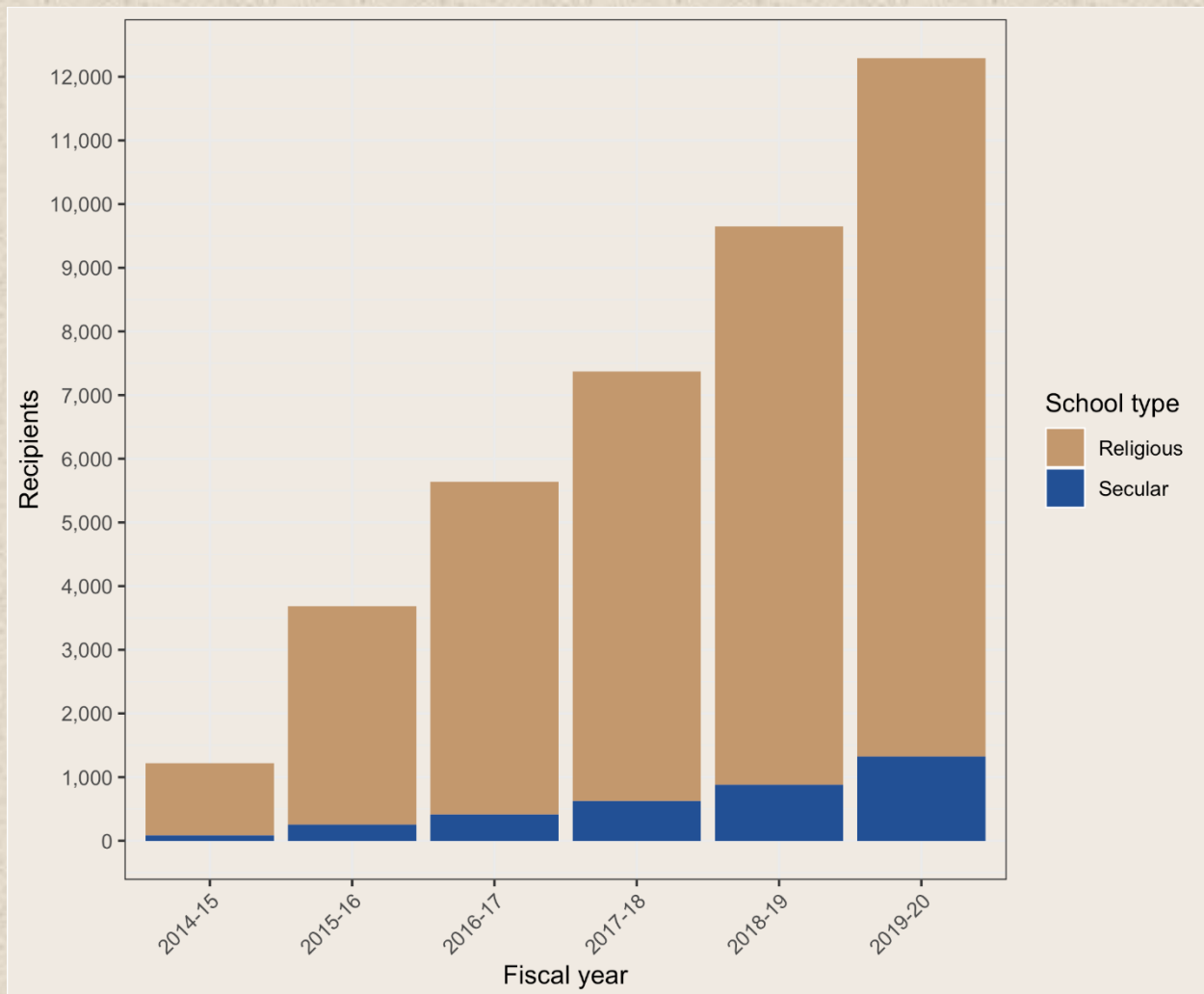
Table 6: SCHOOL DISTRICTS WITH LARGEST VOUCHER USE

Public school district	Students enrolled in public school district	Number of voucher users	Percentage of students using vouchers
Cumberland	51,000	1,373	2.7 %
Wake	160,500	962	.6 %
Charlotte-Mecklenburg	148,000	953	.6 %
Guilford	72,000	714	1.0 %
Forsyth	42,600	541	1.3 %
Onslow	26,300	532	2.0 %
Statewide	1,470,000	12,283	.8 %

DISTRIBUTION BETWEEN RELIGIOUS AND SECULAR SCHOOLS

The voucher program has been most popular with families who prefer religious education, although there has been a small uptick in voucher usage at secular schools. Over all six years, about 92% of the vouchers were used at religious schools. The following graph shows the distribution of vouchers at religious and secular schools during the first six years. The overall ratio of secular schools to religious schools in North Carolina is 35% secular and 65% religious. Thus, religious schools are disproportionately chosen by families using vouchers.²³

Figure 3: VOUCHER USE AT SECULAR AND RELIGIOUS SCHOOLS

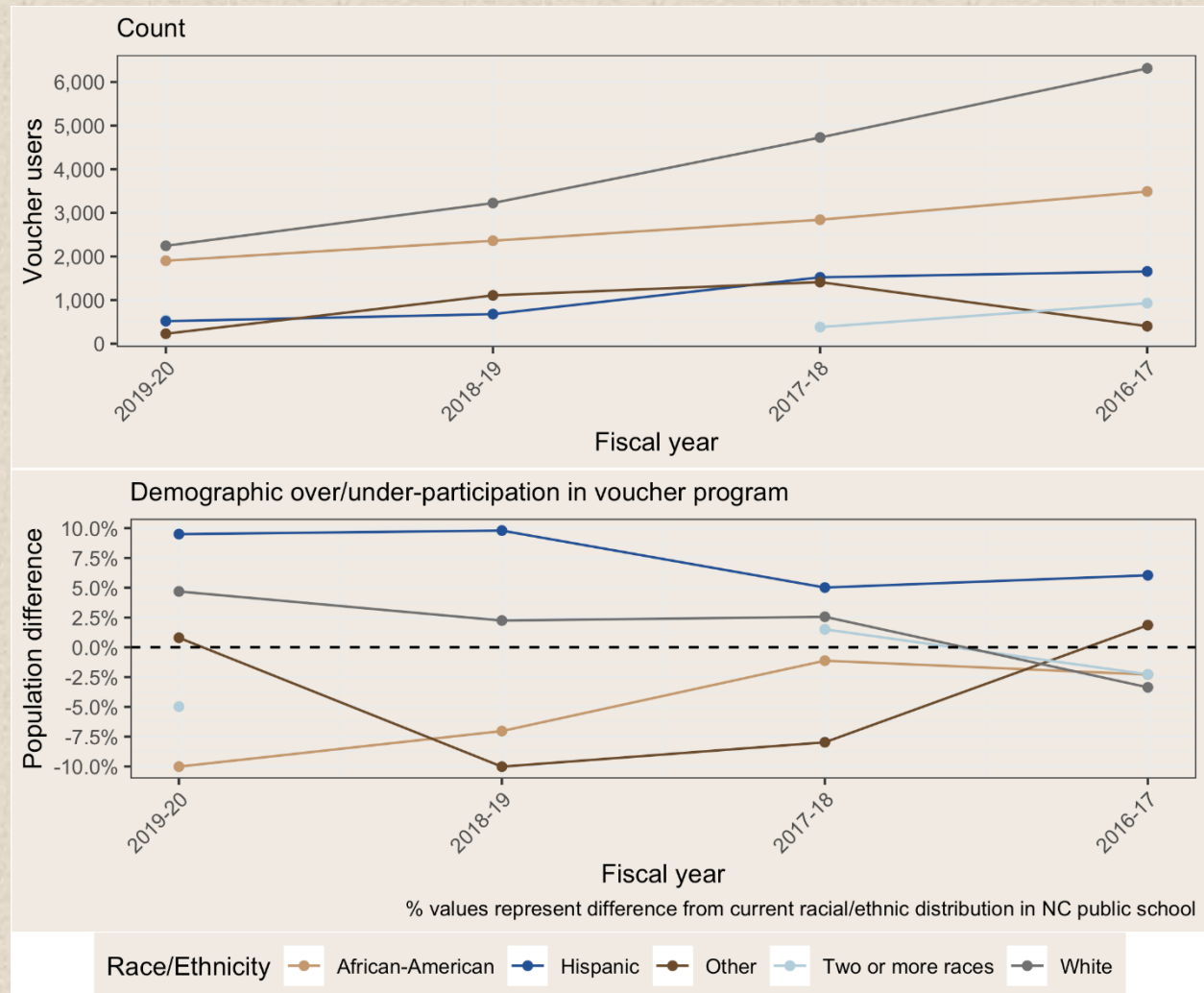


RACIAL AND ETHNIC DISTRIBUTION

While students from all racial and ethnic groups have applied for and received scholarships, the program has been somewhat more popular with African-American students. African-American students have applied in higher numbers relative to their representation in the public school population since the beginning, though the percentages are closer to proportional now. White students initially applied in numbers lower than their proportion in public schools, but the percentage has increased every year. At this point, they are applying at rates that approximate their population in the public schools.

SEAA now asks a question on the application about ethnicity (Hispanic or Not Hispanic) and a separate one about race (African American, White, Asian, Native American, Hawaiian/Pacific Islander, two or more races). Nearly a third of the respondents did not answer the ethnicity question, but some must have counted themselves in both questions because the combination of the two questions results in more than 100% (for the 2019-20 school year), even with nine percent excluded because they chose not to answer the race question.

Figure 4: RACIAL AND ETHNIC DISTRIBUTION OF VOUCHER USERS



Available data do not reveal racial and ethnic breakdowns within the various schools. Previous research on North Carolina private schools in general showed that more than 30% of private schools in North Carolina are highly segregated (more than 90% of students of one race) and 80% enroll more than half of the same race.²⁴ Without current data on racial enrollments in schools enrolling voucher students, it is not clear whether vouchers contribute to school

segregation. In light of the overall data on private schools, however, the voucher program may well be contributing to increasing school segregation.

SCHOOL PARTICIPATION

North Carolina has 769 private schools; 65% are religious schools and 35% are secular/independent.²⁵ Each school may choose whether to participate in the voucher program. The number of private schools participating in the program has risen each year of the program. Of the participating schools in 2019-20, 78% were religious schools and 22% were secular schools. This does not mirror the percentages of vouchers used at religious schools versus secular schools (89% at religious schools in 2019-20), because a number of religious schools enroll large numbers of students. Private schools that choose not to participate in the voucher program are more likely to be secular. Of the non-participating schools, only 32% have a religious affiliation.²⁶ The number of secular schools that participate has tripled since the program's inception; the number of religious schools that participate has not quite doubled.

Figure 5: DISTRIBUTION BETWEEN RELIGIOUS AND SECULAR SCHOOLS IN PROGRAM

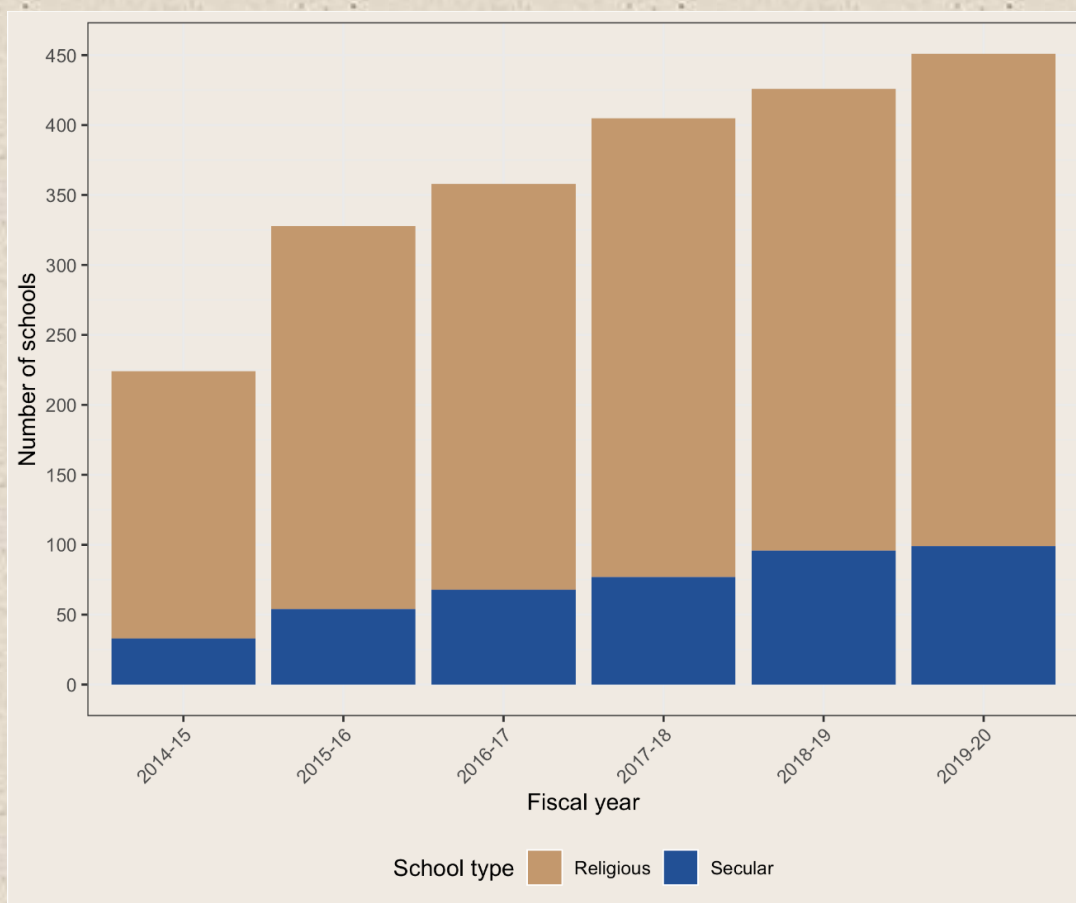
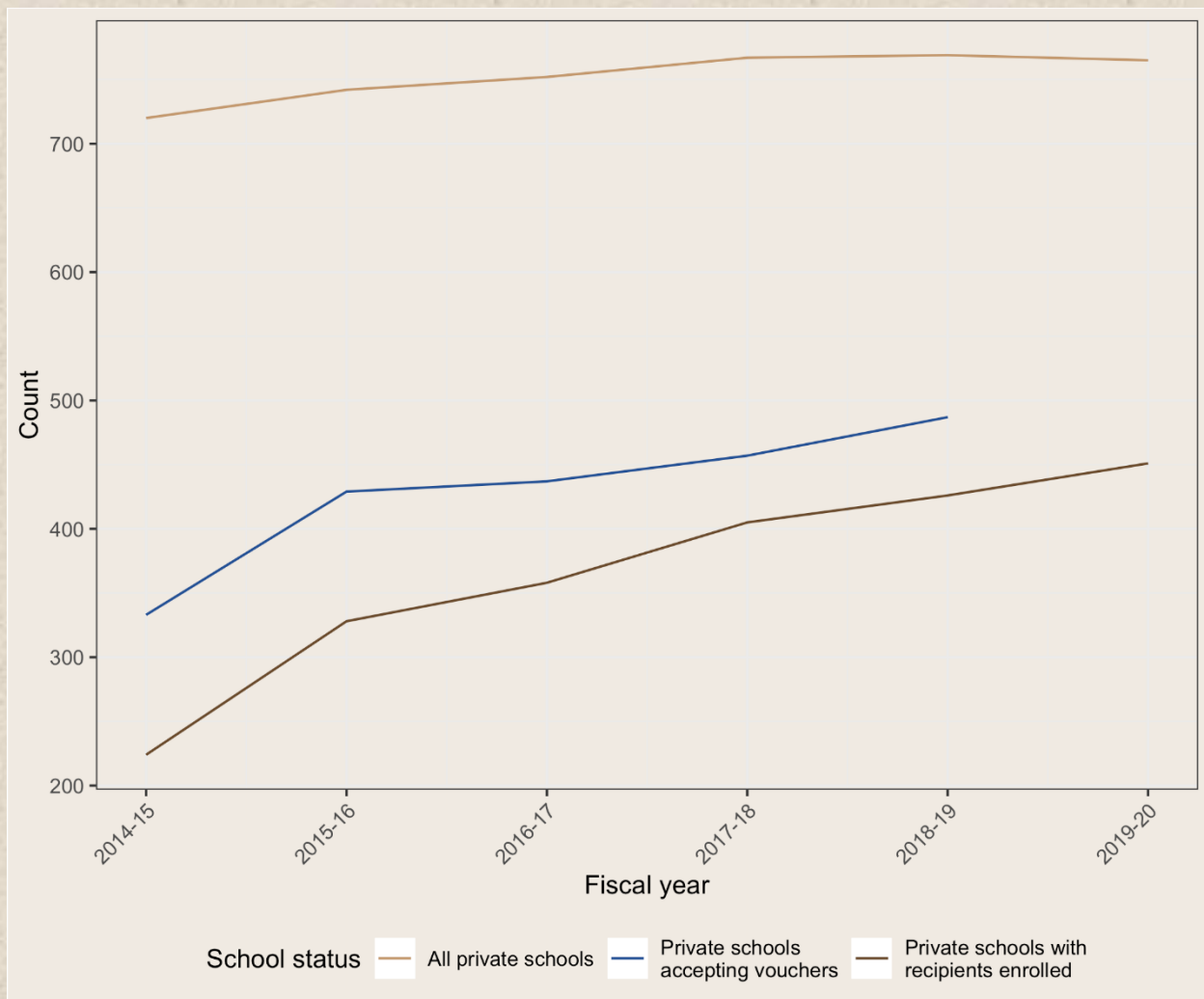


Figure 6: PRIVATE SCHOOLS ACCEPTING AND ENROLLING VOUCHER STUDENTS



SCHOOL SIZE

The participating schools range in size from very small to large. As seen on Figure 7, 50 schools have fewer than twenty students; five of the participating schools enroll more than 1,000 students. Table 7 shows the five schools with the largest enrollment of students using vouchers in each year, together with the aggregate amount received in voucher payments on behalf of the students. Table 8 shows the two secular schools in each year with the largest number of vouchers. The entire list of private schools that get voucher funds is available on the SEAA website.²⁷

Figure 7: 2018-19 SCHOOL ENROLLMENT DATA -- 426 PARTICIPATING SCHOOLS

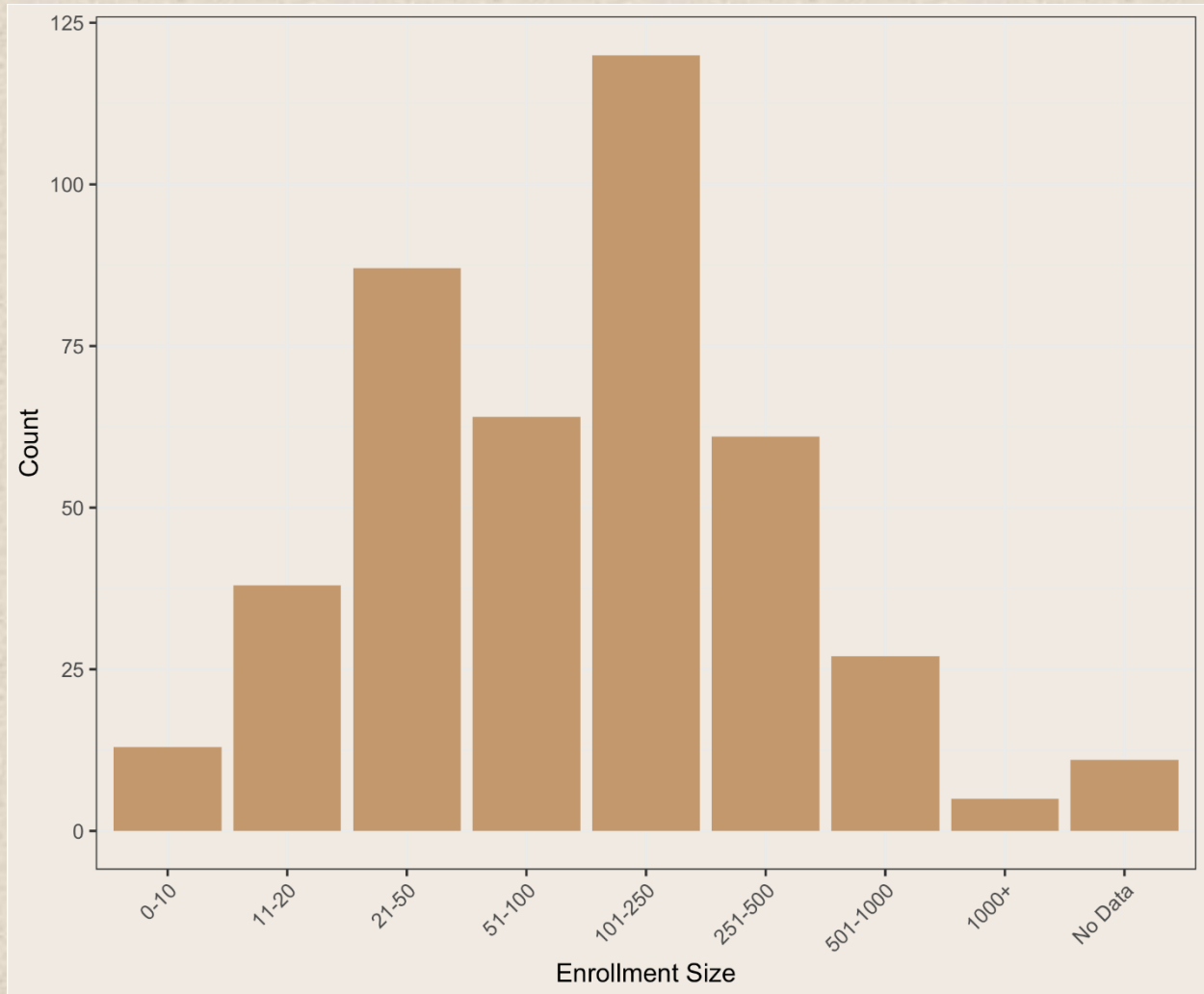


Table 7: PRIVATE SCHOOLS WITH LARGEST ENROLLMENT OF STUDENTS USING VOUCHERS

Year	School and location	Number of students using vouchers	Amount received in voucher payments
2019-20	Trinity Christian School of Fayetteville	309	\$1,262,100
	Berean Baptist Academy- Fayetteville	212	\$855,877
	Liberty Christian Academy - Richlands	156	\$636,941
	Living Water Christian School - Jacksonville	155	\$516,269
	Fayetteville Christian School- Fayetteville	151	\$623,890

2018-19	Trinity Christian School of Fayetteville	272	\$1,121,400
	Berean Baptist Academy- Fayetteville	166	\$674,309
	Fayetteville Christian School- Fayetteville	154	\$618,022
	Liberty Christian Academy- Richlands	150	\$608,033
	Greensboro Islamic Academy -Greensboro	116	\$477,960
2017-18	Trinity Christian School - Fayetteville	217	\$859,530
	Greensboro Islamic Academy - Greensboro	137	\$535,920
	Berean Baptist Academy - Fayetteville	134	\$528,937
	Liberty Christian Academy - Richlands	128	\$515,432
	Fayetteville Christian School - Fayetteville	125	\$503,075
2016-17	Trinity Christian School - Fayetteville	164	\$342,090
	Fayetteville Christian School - Fayetteville	124	\$246,838
	Word of God Christian Academy - Raleigh	124	\$390,074
	Greensboro Islamic Academy - Greensboro	112	\$229,740
	Liberty Christian Academy - Richlands	95	\$349,294
2015-16	Trinity Christian School - Fayetteville	131	\$519,750
	Greensboro Islamic Academy - Greensboro	94	\$373,800
	Word of God Christian Academy - Raleigh	95	\$347,400
	Fayetteville Christian School - Fayetteville	81	\$285,437
	Tabernacle Christian School - Monroe	72	\$272,042
2014-15	Word of God Christian Academy - Raleigh	95	\$347,400
	Fayetteville Christian School - Fayetteville	81	\$285,437
	Tabernacle Christian School - Monroe	72	\$272,042
	Concord First Assembly Academy - Concord	30	\$118,230
	Freedom Christian Academy - Fayetteville	26	\$107,204

Table 8: SECULAR PRIVATE SCHOOLS WITH LARGEST ENROLLMENT OF STUDENTS WITH VOUCHERS

Year	School and location	Number of students using vouchers	Amount received in voucher payments
2019-20	Legacy Preparatory School – Charlotte <i>Note: this school closed abruptly in January 2020 for financial reasons</i>	135	\$283,500
	First Impressions Academy - Fayetteville	74	\$310,170
2018-19	Albermarle School- Elizabeth City	53	\$180,600
	Highlander Academy – Red Springs	43	\$179,340
2017-18	Highlander Academy- Red Springs	44	\$174,000
	Albermarle School- Elizabeth City	35	\$120,360
2016-17	Highlander Academy- Red Springs	31	\$127,510
	Wayne Country Day School - Goldsboro	25	\$105,000
2015-16	Wayne Country Day School- Goldsboro	20	\$40,440
	Vance County Learning Center - Henderson	19	\$65,100
2014-15	Burlington School- Burlington	7	\$ 29,400
	Wayne Country Day School- Goldsboro	7	\$ 27,300

ACADEMIC PERFORMANCE OF VOUCHER STUDENTS

The public has no opportunity to judge the academic performance of voucher students or the overall success of the private schools accepting vouchers. The SEAA currently reports no data on academic performance of students enrolled in the program. The law requires the SEAA to report annually on the learning gains or losses on a statewide basis of students receiving vouchers. The report is supposed to compare the learning gains or losses of the students receiving vouchers with public school students with similar socioeconomic backgrounds. Nevertheless, because data are not available to judge learning gains or losses or make the comparisons, the SEAA cannot make the required report. As described below, the data do not exist due to the lack of comparable testing between public and private school students.

**THE PUBLIC HAS NO
OPPORTUNITY TO JUDGE
THE ACADEMIC
PERFORMANCE OF
VOUCHER STUDENTS
BECAUSE NO DATA ARE
AVAILABLE. THE REPORTS
REQUIRED BY LAW
CANNOT BE COMPILED.**

Additionally, the SEAA is required by law to issue an annual report on the competitive effects on public school performance on standardized tests as a result of the voucher program. The report is designed to analyze the impact of the availability of vouchers on the test scores of the local school districts in the geographic region and between rural and urban school districts. Again, because there is no data from which such a report could be prepared, the SEAA cannot make the required report.

TESTING REQUIREMENTS

All schools with students enrolled in the voucher program must administer, at least once a year, a nationally-standardized test to voucher students in all grades, beginning with third grade. Each school may select the tests to be administered to its students. Voucher students are not eligible to take the state End-of-Grade tests; instead, schools select a test offered by a private vendor. Popular choices are the TerraNova Test and the Iowa Test of Basic Skills. The tests must measure achievement in English grammar, reading, spelling, and math. The schools must share the scores of each student with that student's parents. Each school's "test performance data" must be provided to the SEAA by July 15 of each year. But because the SEAA does not collect demographic data on the test takers specifically, it does not have the ability to see the test results by grade level, race, socioeconomic status, ethnicity, or sex. Likewise, it cannot judge whether individual students are making academic progress. It uses

the data received only to determine that the schools administered the required tests. The law states the data collected are “not a public record.”

Schools enrolling more than 25 voucher students are required to report “aggregate test performance data” to the SEAA each year. Aggregate test performance data that includes no personally identifying information “shall be a public record.” For the first four years of the voucher program, the SEAA reported the “aggregate” test data it collected for schools that enrolled 25 or more voucher recipients. The reports included the test instrument used by each school as well as the number of students tested, the number of students who scored at or above the 50th percentile or below the 50th percentile of the national test takers on the specific test. The data were not broken out by grade level and were not disaggregated in any other way. No valid comparisons could be made to public school students because the tests given were not the same test taken by public school students and because the only data point was so unspecific. Further, because of the aggregation, no conclusions could be reached about the growth of students after they left public school and entered private school.²⁸

**THE SEAA CONCLUDED THAT
AGGREGATED TEST DATA
PROVIDE NO MEANINGFUL
INFORMATION AND THEREFORE
THE AGENCY NO LONGER
COLLECTS OR PUBLISHES IT.**

The SEAA no longer publishes the aggregated test data. According to Dr. Kathryn Marker, Division Director at the SEAA, the testing companies used by the private schools are either unwilling or unable to create a special report with aggregate scores comprised of only voucher students. The SEAA has not required the schools to manually segregate the scores of the voucher students due to concerns that such efforts would result in unreliable and misleading information. Further, the SEAA concluded that the reports it had previously produced were not meaningful

and therefore no longer produces them. Dr. Marker stated in an email in response to a request for the data that “psychometrics experts have indicated to us that aggregating test scores across different grade levels does not provide meaningful information, particularly given that each school is permitted to select the standardized test that it gives its students.”²⁹

As a result of these factors, the public has no access to the aggregate data identified in the law as a “public record.” The SEAA has brought the problem to the attention of the legislature in hopes of a fix, but the General Assembly has not made any changes to the program design to address the issues.³⁰

PROGRAM EVALUATION

The law requires the SEAA to select an independent research organization to conduct a study of the program and report its findings to the SEAA, which in turn is to report the findings to the General Assembly.³¹ The research is to focus on learning gains or losses of students receiving scholarship grants and on the competitive effects on public school performance on standardized tests as a result of the scholarship grant program. Because the SEAA has concluded that any study would be undermined by the program's characteristics and current usage, it has not contracted with a research organization as required by law.

In 2017, SEAA convened a task force to study the evaluation of students receiving vouchers, in response to the General Assembly requirement that it do so. The task force included representatives of public and private schools, independent researchers, organizations supporting school choice, and SEAA staff. The task force met four times to study two topics: 1) "the most effective, valid, and reliable method of evaluating learning gains or losses" of students using vouchers as compared to public school students; and 2) "the most reliable manner of establishing causal relationships to student performance outcomes." ³²

**INDEPENDENT
RESEARCHERS HAVE NOT
BEEN HIRED TO CONDUCT A
STUDY OF THE VOUCHER
PROGRAM DUE TO PROGRAM
FEATURES THAT UNDERMINE
THE RELIABILITY OF ANY
EVALUATION.**

In March 2018, the SEAA issued a report. Essentially, it concluded that the most effective, valid, and reliable method of evaluation cannot be accomplished in North Carolina at this time. The most effective evaluation would require that evaluators select a random group of students using vouchers, and a random group of students who applied for a voucher but did not get one and remained in public school. These two groups would take the same nationally-normed test, once at the time of the application to establish a baseline, and once a year later. To establish trends, repeated testing over time would need to be administered. This type of evaluation is not possible now in North Carolina, however, because there is an insufficient number of students who apply for a voucher and are not awarded one. An evaluation based on a comparison of demographically-matched students, some who use a voucher and some who attend public school, is undermined by the lack of comparable testing between the two groups. Other considerations that mitigate against such an evaluation are opposition to

requiring students to take additional tests, the cost, and a view that test scores are an insufficient measure of a student's experience.

The report concluded that the legislature had established "a high bar" for the evaluation it desired, and noted that less rigorous evaluations could be undertaken, although the results would similarly be "less rigorous."

Acknowledging the limitations on conducting the most reliable evaluation, two organizations have studied various aspects of the voucher program and published their results. The two organizations are N.C. State University's College of Education and the League of Women Voters of the Lower Cape Fear.

N.C. STATE UNIVERSITY COLLEGE OF EDUCATION EVALUATION

Beginning in 2013, a privately-funded research team at the N.C. State College of Education undertook an evaluation of the North Carolina voucher program. The team issued six reports: 1) Private School Leaders' Perspectives; 2) Parents' Perspectives; 3) A Profile of Voucher Applicants; 4) Test Score Impact; 5) Ensuring Opportunity in the voucher program; and 6) An Update to Private School Leaders' Perspectives.³³

SCHOOL LEADERS' PERSPECTIVES

The N.C. State researchers surveyed school leaders at the state's private schools on two occasions, issuing a first report in 2017 and a second in 2018. The online surveys included leaders of schools that participate in the voucher program and those that do not. While the results varied somewhat from year to year, several key findings were relatively consistent. They included the following:

- Religious schools, rather than secular schools, are more likely to participate in the voucher program.
- Participating schools choose to accept vouchers to facilitate the enrollment of students from lower-income families, to offer an alternative to nearby public schools, and to ease the tuition burden on current students.
- School leaders at participating schools are concerned that regulation of the program might increase and that the amount of the individual vouchers will not keep pace with their tuition increases. In other words, their preference is for more money without more regulation.

PARENT PERSPECTIVES

The N.C. State researchers gathered parents together for focus groups and conducted surveys to obtain input on parent perspectives about the voucher program. Key conclusions are as follows:

- For those families who applied and were found eligible to participate, many declined the voucher. Important reasons for declining were financial: even with a voucher, the tuition was unaffordable; private school attendance added additional costs, such as the cost of transportation and school meals.
- Participating families expressed satisfaction with the private school chosen. Strongest levels of expressed satisfaction were in the areas of safety, expectations for student achievement, instruction in character or values, teacher quality, and discipline. The report did not include any parental comments on the quality of the academic curriculum.

PROFILE OF VOUCHER APPLICANTS

Using data about the program applicants for the 2016-17 year, the N.C. researchers developed findings about the pool of families applying for vouchers. Several findings were these:

- Sixty-nine percent of applicants were new applicants (7,957); of those, 2,719 accepted a voucher. The remainder were ineligible, were unresponsive to the offer of a voucher, declined, or were put on a waiting list.
- Thirty-one percent were renewal applicants (3,502); of those 3,020 renewed. The remainder declined, were ineligible, or were unresponsive to the offer. There was no waiting list for renewals.
- The applicants, as well as the recipients, were heavily weighted toward the elementary grades.

TEST SCORE IMPACT

The researchers wished to measure the impact of the voucher program on the academic achievement of the students in the program as compared to public school students. They were hindered in that effort, however, because the students in the voucher program are not required to take the same tests as students in public schools. A study author stated, “[T]he biggest takeaway from this paper is just how many limitations there are to conducting a high-quality evaluation of the program’s academic impact, given current statutes.” A rigorous quantitative evaluation of the program’s impact on student achievement is not possible due to the program’s design.³⁴

Despite the limitations, the researchers designed a study to generate some conclusions about the potential impact of the voucher program. In the spring of 2017, the researchers recruited volunteers from public schools and private schools to take the same test, the Iowa Test of Basic Skills. Attempting to match the volunteers as well as possible using known demographic characteristics, the researchers ultimately had 245 voucher students and 252 public school students in the study. The researchers found a small but statistically significant positive impact on test scores of first-year voucher students in the areas of math and language. They found no statistically significant impact in reading. When looking at second-year voucher students, the positive math impact disappeared, leaving only a positive impact in language.

The researchers acknowledged a number of limitations to their study that could undermine the validity of the results. These limitations include the following:

- Because the students in the study were volunteers, they may not be a truly representative sample of either public school or private school students.
- The number of students studied was quite small.
- Researchers could not rule out that the voucher students in the study came from wealthier families as compared to the public school students.
- The schools attended by the voucher students in the study were not representative of the private schools attended by voucher students. The private schools from which the voucher students were drawn tended to be larger, better resourced, and more likely to be Catholic. Catholic school students generally outscore public school students on the National Assessment of Educational Progress.³⁵
- Some private schools attended by the voucher students use the same test – the Iowa Test of Basic Skills – as was used in the study, creating the possibility that familiarity with the test, or alignment of the curriculum to the test, may have produced higher scores. When those students were removed from the study, all positive impacts disappeared.

**N.C. STATE RESEARCHERS
CONDUCTED A STUDY WITH MATCHED
VOLUNTEERS TO JUDGE THE IMPACT
OF HAVING A VOUCHER. A SMALL
POSITIVE IMPACT WAS SEEN IN TWO
OF THREE SUBJECTS IN THE FIRST
YEAR AND IN ONE OF THREE SUBJECTS
IN THE SECOND YEAR. HOWEVER, DUE
TO STUDY LIMITATIONS, RESULTS MAY
NOT REPRESENT TRUE RESULTS FOR
THE PROGRAM AS A WHOLE.**

LEAGUE OF WOMEN VOTERS STUDY

The League of Women Voters of the Lower Cape Fear (LWV) studied the curricula used at schools that participate in the voucher program.³⁶ Using data from years 2014-15 through 2017-18, the authors found that more than three-quarters of the students who obtained vouchers (77%) were educated at schools that use a curriculum emphasizing a literal biblical world view.

A LEAGUE OF WOMEN VOTERS STUDY FOUND THAT THREE-FOURTHS OF THE SCHOOLS ACCEPTING VOUCHERS USE A BIBLICALLY-BASED CURRICULUM THAT CONTRADICTS NORTH CAROLINA'S ACADEMIC STANDARDS.

The LVW report identifies the A Beka Curriculum, published by Pensacola Christian College, as representative of the biblical curricula used in a majority of the private Christian schools that participate in the voucher program. The A Beka curriculum teaches all subjects from a biblical perspective. According to the LWV report, the A Beka science curriculum is described as follows: "The A Beka science and health program presents the universe as the direct creation of God and refutes the man-made idea of evolution. Further, the books present God as the Great Designer and Lawgiver . . . [and] give a solid foundation in all areas of science—a foundation firmly anchored to Scriptural truth."

The LWV report compares the A Beka curriculum to the North Carolina Standard Course of Study, concluding that the A Beka curriculum fails to meet those standards and would fail to prepare a student for college-level courses or 21st century skills. A neuroscientist who reviewed the high school science book concluded that it would not prepare a student for the modern workplace due to its confusion of science and religion and its misstatement of numerous scientific principles, including those involving cell biology and genetics. A UNC history professor reviewed a history unit on Asia, concluding that the book contained factual errors on every page. The professor concluded, "The summary section is a mix of narrow religious view, ideology and opinion, rather than the results of evidence-based scholarly research."

OVERSIGHT OF ALL PRIVATE SCHOOLS

In comparison to most other states, North Carolina's general system of oversight of private schools is weak. North Carolina's limited oversight reflects a policy decision to leave the quality control function primarily to individual families. Under North Carolina law, private schools are permitted to make their own decisions regarding curriculum, graduation requirements, teacher qualifications, number of hours/days of operation, and, for the most part, testing. No accreditation is required of private schools.

**QUALITY CONTROL AT NORTH
CAROLINA'S PRIVATE SCHOOLS
IS LEFT PRIMARILY TO PARENTS.
THE STATE HAS ONE OF THE
WEAKEST PRIVATE SCHOOL
OVERSIGHT SYSTEMS IN THE
COUNTRY.**

Without any public evaluation of private schools, parents must rely on the schools themselves to provide data on academic outcomes. All private schools must notify the state Division of Non-Public Education, within the Department of Administration, of their intent to operate, providing a name, address and chief administrator. They must obey all state and local health and safety regulations and must keep attendance and immunization records. They must operate nine months of the year, but the length of the school day is left to the administration. Finally, they must administer an annual test to 3rd, 6th, and 9th graders. The test, which must be a "nationally-standardized test or other equivalent measure"³⁷ may be selected by the head of the school. It must measure achievement in the areas of English grammar, reading, spelling, and mathematics. Private high schools must also administer a test to 11th graders "to assure that all high school graduates possess those minimum skills and that knowledge thought necessary to function in society."³⁸ Again, the test may be selected by the head of the school and must be a nationally standardized test or equivalent measure. The school must establish a minimum score in verbal and quantitative skills that must be obtained to be graduated from high school; the state does not judge the adequacy of that score. The required records and test scores must be maintained for one year and made available upon request to a representative of the state. Due to the number of private schools in North Carolina (765 in 2019-20) and the limited staff in the Division of Non-Public Education, most schools are not annually requested to provide their records; many go for years without providing any data. The state has no power to shut down any private school, regardless of how poor its student achievement data are.

OVERSIGHT OF PRIVATE SCHOOLS ACCEPTING VOUCHERS

North Carolina, like several other jurisdictions, operates a two-tiered accountability system, with more requirements placed on schools accepting vouchers. Even with this second tier, however, the requirements are minimal as compared to the other jurisdictions. For North Carolina private schools accepting vouchers, the additional requirements described earlier in this report are added (see Voucher Program Design, page 3).

The chart below compares North Carolina's Opportunity Scholarship Program to the voucher programs in other states or cities that are most similar in overall design to ours. As shown, nearly all comparable programs require schools accepting vouchers to be accredited in some fashion, use the state-approved curriculum or an equivalent, employ only licensed or certified teachers, participate in the state testing program, and operate for as many hours and days of school as public school are operated. Most other programs also require that the schools accepting vouchers make their testing data public, and several have a mechanism that denies future vouchers for schools that cannot demonstrate acceptable educational results over a period of time.

REQUIREMENTS FOR PRIVATE SCHOOLS PARTICIPATING IN SCHOOL VOUCHER PROGRAMS IN OTHER JURISDICTIONS												
	AZ	CLE	D.C.	IN	LA	ME	MD	MIL	OH	VT	WI	NC
Accreditation or State Approval		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Regulated Curriculum	✓ ₁	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Certified Teachers		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
State Testing Program		✓	✓	✓	✓	✓ ₂		✓	✓ ₃	✓	✓	
Regulated hours/days of school	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	

1 Any student with a voucher must be educated in reading, grammar, math, social studies, and science.

2 If 60% of students are publicly funded, school must participate in the state testing program.

3 For all high schools and for any school in which 65% of students are getting vouchers.

The only other oversight mechanisms of North Carolina schools receiving voucher funds are limited criminal background checks and limited financial reviews. The SEAA reviews the

criminal background checks of the person with the highest decision-making authority at each school that participates in the program. During the duration of the program to date, one school has been deemed ineligible to participate due to the criminal background of its leader.

The SEAA likewise receives the financial reviews of the school required to submit them, which are those receiving more than \$300,000 per year in voucher payments. In 2018-19, only five percent of participating schools were required to contract with a Certified Public Accountant to perform a financial review. No school has been removed from the program for failing to meet this requirement, though funds to a few schools have been suspended when the reviews were deficient. Once the deficiency was corrected, however, the funds were released.

ANALYSIS

The Opportunity Scholarship Grant Program has steadily grown since its inception six years ago. It remains a small program, however, with just 12,000 of the 1.6 million school-age children in the state participating. Even with its low numbers and slower-than-expected growth, legislators and policy makers are well-served to review it and consider the value of the program given the amount of the public expenditure.

IS THE PROGRAM SERVING ITS PURPOSES?

Unlike some laws, the law creating the Opportunity Scholarship Grant Program does not set out its purpose. Generally, however, voucher supporters identify “parental choice” as one of the most significant values advanced in support of voucher programs.³⁹ Voucher programs are said to give parents who could not otherwise afford private school the same choice that wealthier parents have: the right to choose the school they believe will provide the best education for their children. Supporters of vouchers believe that parents should be able to remove their children from failing or low-performing schools and enroll them in schools where they will be better educated or to remove them from public school in favor of a religious education.⁴⁰ In addition, supporters suggest that the public schools will improve with the competition from private schools attracting local students.⁴¹

**THE MOST SUCCESSFUL
OUTCOME OF THE
PROGRAM TO DATE IS
THAT IT HAS GIVEN
FAMILIES A GOVERNMENT
SUBSIDY TO OBTAIN
RELIGIOUS EDUCATION
FOR THEIR CHILDREN.**

The program in North Carolina provides some choice to some parents to enroll their children in private schools. Because the size of the voucher is low compared to the tuition at many of the high-end college preparatory private schools,⁴² those schools are not typically accessible to low-income families even with voucher help. Religious schools and small schools tend to have lower tuitions that are more within reach of a family with a \$4,200 voucher. Both family preferences and tuition structures appear to account for the fact that more than 90% of vouchers are used at religious schools. Thus, the most successful outcome of the program to date is that it has given some parents who prefer religious education for their children a government subsidy to obtain that type of education.

**TO THE EXTENT THE PROGRAM
WAS DESIGNED TO PROVIDE
OPTIONS FOR BETTER ACADEMIC
OUTCOMES FOR CHILDREN,
NOTHING IN THE PROGRAM'S
DESIGN ASSURES OR EVEN
PROMOTES THAT OUTCOME.**

The program in North Carolina is not limited to families whose children were enrolled at low-performing public schools. Indeed, nearly half the children in the program were not previously enrolled in public school at all, with many kindergartners or first graders starting at private schools as they enter school. Nor does the program have any features that channel students into private schools with better academic outcomes than the public schools in which the students would otherwise be enrolled. In fact, there is no requirement that

the participating private schools meet any threshold of academic quality. Thus, to the extent that the program was established to provide options for better academic outcomes for children, nothing in the program's design assures or even promotes that outcome.

Of particular concern is the ability of schools accepting voucher payments to present lessons that conflict with the state's Standard Course of Study and will not prepare students for the 21st century economy. The study done by the League of Women Voters concluded that three-quarters of the voucher students are in schools using a biblical curriculum containing both historical and scientific concepts that are flatly inconsistent with the academic standards set for North Carolina's children to prepare them for tomorrow's economy and society.

The study by the N.C. State College of Education of academic outcomes for voucher students provided some limited results, results that the study's authors acknowledge were undermined by the design of the voucher program. The study compared the test scores of a small number of matched public school students and voucher users who volunteered to be tested on a common instrument. First-year voucher users scored somewhat higher in math and language, but essentially the same in reading; second-year voucher users scored higher in language, but

not in math or reading. As noted earlier in this report, a considerable number of factors suggest that these results might not be representative of the voucher population as a whole. The researchers emphasized the many impediments imposed by the voucher statute to conducting a reliable study.

THE MOST RECENT NATIONAL RESEARCH SHOWS THAT, ON THE WHOLE, CHILDREN WHO USE VOUCHERS TO ATTEND PRIVATE SCHOOL DO NO BETTER, AND OFTEN DO MUCH WORSE, THAN CHILDREN WHO REMAIN IN PUBLIC SCHOOL.

The SEAA recognizes the difficulty any research organization would have in conducting a valid and reliable study of the academic gains and losses of participating students, or of the competitive effects of the voucher program on public schools. The SEAA has declined to contract with an independent research organization to conduct a study of the program. Thus, the legal requirement regarding the evaluation of the program is currently not being implemented, leaving the public without any way to know whether the money spent on the program is leading to positive academic results for the participants or is having any positive effects on surrounding public schools.

The national research on similar programs around the country fails to provide strong evidence that students using vouchers are likely to gain academic advantage in any event. Studies of voucher programs in other jurisdictions show that on the whole, children who choose vouchers to attend private school do no better, and in some cases, considerably worse, than the children who remained in public school.

One recent study was conducted of the Indiana Choice Scholarship Program, the largest school voucher program in the country. Examining an extensive dataset of public school and private school students over four school years, the authors concluded, "Overall, we found no consistent evidence that vouchers promote increased academic achievement among low-income recipients."⁴³

Another recent study of the Louisiana Scholarship Program (LSP) found that the voucher students experienced dramatic academic declines after they left the public schools. The report concluded: "An LSP scholarship user who was performing at roughly the 50th percentile at baseline fell 24 percentile points below their control group counterparts in math after one year and 8 percentile points below in reading. In year 2, LSP scholarship users continued to score below their control group counterparts by 13 percentile points in math."⁴⁴

A third study commissioned by the Thomas B. Fordham Institute published in July 2016 drew this conclusion about the EdChoice program in Ohio: “The students who use vouchers to attend private schools have fared worse academically compared to their closely matched peers attending public schools. The study finds negative effects that are greater in math than in English language arts. Such impacts also appear to persist over time, suggesting that the results are not driven simply by the setbacks that typically accompany any change of school.”⁴⁵

Earlier studies were more mixed, with some showing some positive impacts on some demographic groups, but the overall results of the studies have not revealed that voucher programs have made any significant overall impact on academic outcomes for those children. Some voucher studies have looked at outcomes other than academic achievement. In general, the studies find that parents are satisfied with the schools their children are attending and some older studies have found higher high school graduation rates among voucher holders.⁴⁶

SIX YEARS INTO THE VOUCHER PROGRAM, NC TAXPAYERS HAVE NO EVIDENCE THAT STUDENTS IN THE PROGRAM HAVE MADE ACADEMIC GAINS OR THAT PUBLIC SCHOOLS HAVE IMPROVED FROM PRIVATE SCHOOL COMPETITION.

In short, North Carolina’s voucher program is serving the purpose of providing some low and moderate-income families the choice to obtain a religious education for their children. Six years into the program, we have no definitive evidence about its impact on academic outcomes nor any evidence at all on whether nearby public schools are impacted by the competition from private schools accepting vouchers. The N.C. State study is equivocal at best, considering the limitations on its results, and the most recent national evidence provides no support whatsoever that voucher programs produce better academic outcomes for their participants.

IS THERE ENOUGH ACCOUNTABILITY TO THE PUBLIC?

Because voucher programs, like the one in North Carolina, are supported through tax revenues, the public has a stake in knowing whether the money spent represents a sound investment. In addition, because attendance at a private school meets the state’s compulsory education requirement, the state has a stake in being assured that the education offered meets basic standards.

Public schools must publish significant amounts of data about the test results of their students, and are subject to a public A – F grading system.⁴⁷ According to the N.C. Department of Public Instruction’s website, “North Carolina’s report cards are an important resource for parents, educators, state leaders, researchers, and others.”⁴⁸ Although many observers question the efficacy of the report cards in assessing school quality, the publication of the data provides at least some measure of accountability for public schools. Similarly, the requirement that public schools teach to the N.C. Standard Course of Study, designed to produce knowledge and skills necessary for a successful post-secondary experience, provides accountability to the public.

THE FEW ADDITIONAL
REQUIREMENTS THAT NORTH
CAROLINA HAS PLACED ON
PRIVATE SCHOOLS IN THE
VOUCHER PROGRAM ARE
INSUFFICIENT TO PROVIDE
THE NEEDED
ACCOUNTABILITY TO THE
PUBLIC, GIVEN THE LEVEL OF
THE STATE’S INVESTMENT IN
THE PROGRAM.

As noted earlier in this report, North Carolina has traditionally left private school decisions to parents and has not intervened to protect children from attendance at poor quality private schools. Thus, North Carolina has no accreditation or approval system that imposes minimum standards on private schools. Nor does it require private school students to participate in any of the state testing embraced over the last several decades that produces significant data about the academic outcomes of children in public school.

The state’s generally weak system of oversight applies as well to private schools that accept vouchers, although a few additional requirements apply to these schools. Overall, though, the program lacks the type of accountability that would allow the public to make an informed judgment about the investment being made. Following are the limitations of the few additional accountability measures built into the program:

- **Annual testing, rather than triennial testing.** While this additional frequency of testing will produce more information for parents, it currently produces nothing to allow the public to make judgments. The law requires that some aggregated data on test scores of the schools that enroll more than 25 voucher students be made public. Nevertheless, the SEAA has concluded that aggregated data is meaningless and therefore has stopped collecting and publishing it.

- **No quality control.** Even if it became known that a school receiving vouchers was producing extremely poor academic results, there is no mechanism that allows the state to withhold vouchers from those schools.
- **Independent research.** North Carolina’s program is designed to make independent research of limited value. Without changes to the testing and curricular requirements, this will continue to be the case. The law requires the SEAA to hire an independent research organization to evaluate the impacts of the program. The SEAA has not entered into such a contract, however, and does not anticipate doing so. It has concluded that the data available cannot produce sufficiently valid results on the questions posed. At this point, given program features, no researcher can make an “apples-to-apples” comparison between public school and voucher students. With regard to the competitive effects, researchers examining similar programs have found it quite difficult to make valid findings, due to the difficulty of isolating the impact of the voucher program on the nearby public schools.⁴⁹
- **Financial review.** Financial reviews are required only for schools receiving more than \$300,000 in vouchers.⁵⁰ In 2018-19, just 24 (of 487) schools met the threshold. Thus,

**WITH FINANCIAL REVIEWS
REQUIRED FOR ONLY A SMALL
PERCENTAGE OF SCHOOLS,
STUDENTS AND NEARBY LOCAL
PUBLIC SCHOOLS ARE AT RISK OF
ABRUPT MID-YEAR CLOSINGS OF
PRIVATE SCHOOLS THAT RUN OUT
OF MONEY.**

no financial review is required for the vast majority of the schools receiving taxpayer money. For the affected schools, the SEAA has the power to withhold voucher funding if the review documents “significant findings” regarding the school’s administration of voucher money, until “the findings are resolved.” To date, the SEAA has not withheld funds from any school due to findings revealed during a financial review, although there have been a few temporary suspensions.

Neither the law nor the program rules make clear what specific findings would trigger a withholding of funds, nor what would resolve the findings. With regard to the rest of the schools, the law does nothing to protect students from the impact of a school’s financial mismanagement, such as a precipitous mid-year closing of a school, nor does it protect the nearby public schools from the difficulties of having to immediately absorb those children. Notably, Legacy Preparatory School in Charlotte, which

received \$283,500 in voucher payments for 135 students (of the 145 total students enrolled) abruptly closed in January 2020 after just one semester in existence when it ran out of money.⁵¹

- **Criminal background checks.** Private schools enrolling voucher students must submit a criminal background check of the head of the school. The law states this background check is “to ensure” that the person has not been convicted of certain crimes judged to pose a threat to the safety or staff or students, or does not have the integrity to fulfill his or her duties. The SEAA may withhold voucher payments to a school that has a head-of-school with a criminal background judged to endanger students. It has on one occasion refused funds to a school based on the content of the background check. The law does not require background checks of any other employees. (It is worth noting that state law does not require criminal background checks of public school employees. Instead, it leaves the decision about such checks to the individual school districts. Virtually all school districts in North Carolina require criminal background checks on all employees prior to hiring, although the overall system for conducting criminal background checks was considered to be very poor according to one study.⁵²)

- ❖ **Discrimination.** Schools accepting vouchers are forbidden from discriminating on the basis of race, color, or national origin. They may, however, discriminate on the basis of religion, disability, sex, sexual orientation, gender identity, or any other characteristic. This permission to discriminate certainly will not be used by all of the schools receiving vouchers, yet it seems likely that at least some interested children will be unable to participate in the program due to discriminatory enrollment practices.

Similar programs in other states prohibit discrimination or require an open admissions process that disallows rejection of a voucher recipient because of the student’s disability, religion, sexual orientation, or other non-preferred characteristics.

**PRIVATE SCHOOLS THAT
ACCEPT VOUCHERS MAY
DISCRIMINATE AGAINST
STUDENTS WITH
DISABILITIES, LGBTQ
CHILDREN, AND CHILDREN
WHO DON’T CONFESS TO
CERTAIN RELIGIOUS
BELIEFS.**

CONCLUSION

The Opportunity Scholarship Grant Program is slated to continue to expand and consume an increasing amount of taxpayer resources. It is incumbent on the General Assembly and the public to look closely at the program to determine if this expansion, or even the program's continuation, is merited.

**THE NORTH CAROLINA
VOUCHER PROGRAM ALLOWS
FOR PARTICIPATION BY
CHILDREN WHO ARE NOT IN
FAILING SCHOOLS AND BY
PRIVATE SCHOOLS THAT *DO NOT*
PROVIDE A MORE ACADEMICALLY
PROMISING EDUCATION.**

As noted here, the North Carolina program is not designed to accomplish one of the main goals that its proponents express: to provide an escape mechanism for students in failing public schools so they can thrive in a more successful educational environment. The North Carolina program allows for participation in the program by children who are *not* in failing schools and by private schools that *do not* offer a more academically promising education. The state's very limited oversight of private schools in general and the exemption of voucher students from the state

testing scheme leave the public with no way to engage in a reliable evaluation of the program's success or lack of it. At the same time, even if the state became aware of significant deficiencies in the participating schools, the law provides no mechanism for those schools to be denied continued receipt of voucher support.

The design of North Carolina's program – as well as the way it has been used to date – is more suited to goals that do not relate to academic outcomes for children. The two most successful aspects of the program are that it allows for unfettered choice for participating parents regarding the schools their children will attend and that it provides state support for religious education. The program has no checks to protect children from the choices of their parents, which could include the choice to send a child to a fringe school that does virtually nothing to prepare a child for active participation in our democratic society after graduation, or may even undermine such participation. While surely most parents will not choose such an outcome, that such an outcome is supported by taxpayer resources is profoundly problematic.

The recent research of programs from other states is now nearly unanimous in showing that students in voucher programs do not have better educational outcomes than children in public schools. Strikingly, all of these studied programs have even more oversight and accountability measures built into their design than does North Carolina's. Thus, it seems highly unlikely that

the program in North Carolina will produce different and better results than the ones produced around the country, even taking the N.C. State study into consideration.

Nevertheless, should the state continue to offer school vouchers, it should seriously consider amendments to the program that will improve both its accountability to the public and its potential for providing the promised opportunity for the participating students to obtain a better education. The most important amendments include the following:

- ❖ Require all participating schools to offer a curriculum that is at least equivalent to the curriculum used in the North Carolina public schools, providing instruction in English language arts, mathematics, social studies, science, physical education, arts education, foreign languages, and technology skills; alternatively, design an accreditation system that holds schools to strong academic standards.
- ❖ Require all participating schools to set reasonable qualifications for teachers.
- ❖ Require that students receiving vouchers participate in the state End-of-Grade testing program, and that the schools receiving voucher support publicly report data in the same manner as is required of public schools.
- ❖ Require all participating schools to offer at least the same number of hours and days of education as are required of the public schools.
- ❖ Prohibit all forms of discrimination in schools accepting voucher support.
- ❖ Require limited financial reviews of all schools, with more extensive reviews for schools receiving more than \$50,000 in voucher support.
- ❖ Give stronger oversight of the program to the SEAA and/or the Division of Non-Public Education; create a mechanism to prevent schools that consistently fail to provide an adequate education from continuing to receive voucher payments.

Openness to various strategies for educational reform should be embraced by everyone who cares about our children and the future of North Carolina. Yet reform efforts need careful study, with an eye toward strategies and programs that promise to improve student outcomes and build stronger communities. The Opportunity Scholarship Grant Program, as currently designed, fails to offer such promise.

ENDNOTES

¹ The law creating the program is at Article 39, Part 2a of Chapter 115C of the North Carolina General Statutes, N.C. Gen. Stat. § 115C-562.1 et seq.

² North Carolina also offers scholarship grants to children with disabilities. That program, which operates separately from Opportunity Scholarship Grant Program, is not discussed in this report.

³ <https://www.ncleg.gov/Sessions/2013/Bills/Senate/PDF/S402v7.pdf>, p. 63 - 66; NC General Assembly, Session 2015, Session Law 2016-94, House Bill 1030, available at <http://ncleg.net/Sessions/2015/Bills/House/PDF/H1030v8.pdf>, page 68.

⁴ The SEAA produces summary data for each year. http://www.ncseaa.edu/documents/OPS_Summary_Data.pdf. The data gathered for this report is from the SEAA data reports, supplemented by additional data obtained from the SEAA.

⁵ To be eligible, families must not surpass 133 percent of the federal limit for free and reduced price lunches in public schools. Families whose earnings are between 133 and 100 percent receive 90% of tuition or \$4,200, whichever is less. The NC SEAA has published the following eligibility limits to receive a voucher for the 2020-21 school year: family of 2 - \$42,419; family of 3 - \$53,442; family of 4 - \$64,465; family of 5 - \$75,488. <http://www.ncseaa.edu/documents/HHIncomeEligibilityGuidelines.pdf>

⁶ EdChoice, a national nonprofit organization that supports school choice, reports the eligibility percentage. <https://www.edchoice.org/school-choice/programs/north-carolina-opportunity-scholarships/>

⁷ Following the distribution made to renewing students, at least 50% of the remaining funds must be awarded to students residing in families with incomes of less than the amount set for qualification for free and reduced lunches in the federal program. No more than 40% of the remaining funds may be used for eligible students entering either kindergarten or first grade.

⁸ Anna Egalite and M. Daniela Barriga, An Analysis of North Carolina's Private School Landscape, December 2019-20 available here: <https://ced.ncsu.edu/elphd/wp-content/uploads/sites/2/2020/04/Private-School-Landscape-Report.pdf>

⁹ More precisely, a student must meet one of the following criteria to receive a scholarship:

1. have attended a public school or Department of Defense school in the previous semester,
2. have received a scholarship the previous semester,
3. be entering kindergarten or first grade,
4. be in foster care,
5. be the child of a parent on active duty in the military,
6. have been adopted within one year prior to application.

North Carolina General Statute § 115C-562.1.

¹⁰ The NC Department of Public Instruction has no oversight of private schools.

¹¹ Schools must keep the records of the testing for one year and must make those records available for inspection by a representative of the state Division of Non-Public Education should they be requested. The Division is not required to make inspections on any particular schedule; testing results of the students, even in aggregate form, need not be publicly reported.

¹² The right to the opportunity for a sound, basic education is guaranteed to all students in public school by in the N.C. Constitution. The constitution was interpreted to guarantee this right in the case of *Leandro v. State*, 346 N.C. 336 (1997).

¹³ Children in public school are entitled to due process of law before being suspended or expelled under both state and federal law. The U.S. Supreme Court, in the case of *Goss v. Lopez*, 419 U.S. 565 (1975) held that public school students may not be suspended, even for a few days, without notice of the charges and an opportunity to be heard. North Carolina law spells out the particulars of that right in Article 27 of Chapter 115C of the North Carolina General Statutes, N.C.G.S. §115C-390 et seq. These rights do not apply in private schools unless they are a part of the contract entered between the school and the parents of the students.

¹⁴ North Carolina General Statute §55A-16-24(a).

¹⁵ The North Carolina case is *Hart v. North Carolina*, 368 N.C. 122 (2015). The United States Supreme Court held in the case of *Zelman v. Simmons-Harris*, 536 U.S. 639 (2002), that voucher programs do not violate the Establishment Clause of the First Amendment to the United States Constitution. The challengers in that case argued that because the vast majority of the voucher money went to pay tuition at religious schools, the program resulted in unconstitutional government support of religion. The Court rejected that position, saying that because it was the parents, and not the government, who were choosing to use the vouchers at religious schools, the voucher program itself did not represent government support of religion.

¹⁶ NC General Assembly, Session 2015, Session Law 2016-94, House Bill 1030, available at <http://ncleg.net/Sessions/2015/Bills/House/PDF/H1030v8.pdf>, page 68.

¹⁷ Ann Doss Helms, "NC voucher fund leaves millions unspent while growing by \$10 million a year" *Charlotte Observer*, Feb. 11, 2019, <https://www.charlotteobserver.com/news/local/education/article225933910.html>. The article reported that Dr. Marker provided the following accounting: \$5.8 million unspent in 2014-15, \$4.1 million in 2015-16, \$2.3 million in 2016-17 and \$5.5 million in 2017-18. Marker said about \$2 million of the 2017-18 surplus was spent on technology improvements.

¹⁸ Communication on file at the Duke Children's Law Clinic.

¹⁹ <http://www.ncseaa.edu/> ; <http://ncadmin.nc.gov/about-doa/divisions/division-non-public-education>

²⁰ That number is individual vouchers, not students using vouchers. Individual students get a new voucher each year if they renew.

²¹ The statute sets out priority categories for each year's appropriation. Renewing students get first priority, so long as they apply by March 1. Once those vouchers are funded, at least half the remaining funds must prioritize students in families that qualify for the federal school meal program. No more

than 40% of the remaining funds may be used to fund vouchers for kindergarteners and first graders. North Carolina General Statute § 115C-562.2(a)(2).

²² Information obtained directly from the SEAA. Data on grade distribution in previous years is available in the annual reports that the SEAA prepares for the Joint Legislative Education Oversight Committee. The 2018-19 Annual Report is available here: <https://www.ncleg.gov/documentsites/committees/JLEOC/Reports%20Received/2019%20Reports%20Received/Opportunity%20Scholarship%20Program.pdf>. The 2017-18 Annual Report is available here: <https://www.ncleg.gov/documentsites/committees/JLEOC/Reports%20Received/2018%20Reports%20Received/State%20Education%20Assistance%20Authority-Opportunity%20Scholarship%20Program%20Annual%20Report%202017-18.pdf>

²³ More specific information on the religious affiliation of private schools that participate in the voucher program is available in the report, “An Analysis of North Carolina’s Private School Landscape,” identified in note 8.

²⁴ “Characteristics of North Carolina Private Schools,” a report issued by Children’s Law Clinic, Duke Law School, February 2014, available at https://law.duke.edu/news/pdf/characteristics_of_private_schools-preliminary-2-11.pdf

²⁵ The N.C. Division of Non-Public Education reports that for the 2018-19 school year, there were 272 independent schools (35.4%) and 497 religious schools (64.6%), for a total of 769 school. 2019 North Carolina Private School Statistics, available here: https://files.nc.gov/ncdoa/Annual_Conventional_Schools_Stats_Report_2018-2019_1.pdf

²⁶ Anna Egalite, D.T. Stallings, & Timothy Dinehart, “School Leaders’ Voices: Perspectives on the North Carolina Opportunity Scholarship Program, 2018 Update” N.C. State College of Education, October 2018, page 12

²⁷ <http://www.ncseaa.edu/documents/2019-20OPSDisbbyNPS.pdf>

²⁸ Available data was reported in the earlier version of this report, School Vouchers in North Carolina, The First Three Years, available at https://law.duke.edu/childdedlaw/docs/School_Vouchers_NC.pdf p. 10 – 12.

²⁹ Email correspondence between Kathryn Marker and Jane Wettach, February 11, 2019, on file with the Children’s Law Clinic.

³⁰ *Id.*

³¹ North Carolina General Statute § 115C-562.7.

³² The report, entitled Study of Opportunity Scholarship Student Evaluations” is available here: <https://www.ncleg.gov/documentsites/committees/JLEOC/Reports%20Received/2018%20Reports%20Received/NCSEAA%20Opportunity%20Scholarship%20Task%20Force%20Report.pdf>

³³ The reports are all available at this link: <https://ced.ncsu.edu/elphd/research/the-impact-of-the-north-carolina-opportunity-scholarship-program/>

³⁴ Anna J. Egalite, D.T. Stallings, & Stephen R. Porter, An Analysis of the Effects of North Carolina's Opportunity Scholarship Program on Student Achievement, AERA Open January-March 2020, Vol. 6, No. 1, pp 1-15, available at <https://journals.sagepub.com/doi/full/10.1177/2332858420912347>

³⁵ See https://www.nationsreportcard.gov/reading_math_2017_highlights/ (reporting a 6 point positive difference in 4th grade math; a 12 point positive difference in 8th grade math; a 14 point positive difference in 4th grade reading and an 18 point positive difference in 8th grade reading.

³⁶ The report is available at <https://lwvnc.org/wp-content/uploads/2018/04/Voucher-Report-7.2-1.pdf>

³⁷ North Carolina General Statute § 115C-549 and 115C-557.

³⁸ North Carolina General Statute § 115C-550 and 115C-558.

³⁹ The organization Parents for Educational Freedom in North Carolina strongly supports the voucher program. Its then-President, Darrell Allison, had this to say when the legislature recently voted to expand the Opportunity Scholarship Grant Program, "Hard working, tax-paying families all across North Carolina now have the ability to plot their children's academic path, not by others who approach education from a one-size-fits all model, but as they, parents, see fit." <http://pefnc.org/news/governor-signs-budget-that-funds-historic-expansion-of-opportunity-scholarships-program/>

⁴⁰ The U.S. Secretary of Education, Betsy DeVos, has been a long-time supporter of parental choice programs. Here is what she said in a 2013 interview with Philanthropy Roundtable: "This confluence of events [noting an acceleration of new voucher programs] is forcing people to take note, particularly because of the public's awareness that traditional public schools are not succeeding. In fact, let's be clear, in many cases, they are **FAILING**. That's helped people become more open to what were once considered really radical reforms—reforms like vouchers, tax credits, and education savings accounts." http://www.philanthropyroundtable.org/topic/excellence_in_philanthropy/interview_with_betsy_devo5

⁴¹ The national organization edCHOICE, which supports a variety of school choice programs, declares on its website that "Sound research has demonstrated consistently that school choice policies improve public school performance." https://www.edchoice.org/school_choice_faqs/how-does-school-choice-affect-public-schools/

⁴² For example, the tuition at Ravenscroft in Raleigh ranges from \$14,440 for kindergarten to \$23,445 for grades 6 – 12; tuition at Greensboro Day School ranges from \$16,630 for kindergarten to \$22,500 for grades 9 – 12; tuition at Durham Academy ranges from \$13,880 for kindergarten to \$24,040 for grades 9 – 12.

⁴³ Waddington, R.J., & Berends, M. (2018) *Impacts of Indiana Choice Scholarship Program: Achievement Effects for Students in Upper Elementary and Middle School*, Journal of Policy Analysis and Management, available at <https://onlinelibrary.wiley.com/doi/full/10.1002/pam.22086>

⁴⁴ *The Effects of the Louisiana Scholarship Program on Student Achievement After Two Years*, February

2016, available at <http://www.uaedreform.org/downloads/2016/02/report-1-the-effects-of-the-louisiana-scholarship-program-on-student-achievement-after-two-years.pdf>.

⁴⁵ Filio, D. & Karbownik, K. (2016) *Evaluation of Ohio's EdChoice Scholarship Program: Selection, Competition, and Performance Effects*, available at <https://edexcellence.net/publications/evaluation-of-ohio%E2%80%99s-edchoice-scholarship-program-selection-competition-and-performance>

⁴⁶ Wolf, P.J., Kisida, B., Gutmann, B. Puma, M., Eissa, N. & Rizzo, L. (2013), *School Vouchers and Student Outcomes: Experimental Evidence from Washington, DC*, available at <https://onlinelibrary.wiley.com/doi/full/10.1002/pam.21691>

⁴⁷ Deep datasets about all North Carolina public schools and public school students is available here: <https://www.dpi.nc.gov/districts-schools/testing-and-school-accountability/school-accountability-and-reporting/accountability-data-sets-and-reports>

⁴⁸ <https://www.dpi.nc.gov/data-reports/school-report-cards>

⁴⁹ Researchers Cassandra Hart and David Figlio commented in describing their Florida study on competitive effects, "It is notoriously difficult to gauge the competitive effects of private schools on public school performance." <http://educationnext.org/does-competition-improve-public-schools/>

⁵⁰ The financial review requirements for schools may be found here: [http://www.ncseaa.edu/documents/FinancialReviewRequirements\(for_nonpublic_schools\).pdf](http://www.ncseaa.edu/documents/FinancialReviewRequirements(for_nonpublic_schools).pdf)

⁵¹ "East Charlotte private school closure leaves families stranded in middle of the year" <https://www.charlotteobserver.com/news/local/education/article239005463.html>

⁵² Steve Reilly, "Broken discipline tracking systems let teachers flee troubled pasts," USA Today, 2/14/16 available at <http://www.usatoday.com/story/news/2016/02/14/broken-discipline-tracking-system-lets-teachers-with-misconduct-records-back-in-classroom/79999634/>

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