

## POLICY NOTE

# Public funding of private schools in Washington state

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November 2018

### Key Findings

1. Public education is to provide a free, high-quality education for every child, and not to simply fund the existing monopoly school district model.
2. Many parents feel the existing monopoly school model limits the ability of their children to succeed academically and later in life.
3. Directing public funds to private schools for the benefit of children is routine, non-controversial and enjoys wide bipartisan support among lawmakers.
4. At all levels, from early daycare through college, families use public dollars every day to pay tuition at private schools, including religious schools and colleges.
5. The regular annual public funding that private school programs receive shows they are popular, effective and politically non-controversial.
6. The U.S. Supreme Court has ruled that public dollars may be spent in private schools to educate children, including private religious schools.
7. The Court has also ruled that state officials may not use the Blaine Amendment, a policy based on anti-religious bias, to discriminate against private schools from receiving general funding that provides a public benefit.
8. Expanding access to private school choice in Washington state, through choice, education saving accounts, tax credits and similar tools, would help policymakers meet the constitutional mandate to educate every child in the state.

### Introduction

The purpose of public education is to ensure access to a free, high-quality education for every child, funded by public dollars; its purpose is not to simply fund the existing monopoly school district model.

Many parents feel the public schools limit the potential of their children to succeed academically and later in life. Families with financial means often enroll their children in private schools, or decide to homeschool their children. Today in Washington state, 1.1 million students are enrolled in the public school system, while 82,000 students attend private schools, and an additional 21,000 students are homeschooled.

### The benefits of family choice in education

School choice provides the public system an incentive to improve, and help fulfill the public purpose, and paramount duty, of educating every child within Washington state's borders.

Families and children in 29 states and the District of Columbia benefit from a wide variety of school choice programs.

### The legal and constitutional grounds for private school choice

Opponents of private school choice say that public dollars may not be spent in private schools to educate children, particularly at religious schools.

This claim, however, is not true. The U.S. Supreme Court regularly upholds the legality of programs that provide public dollars to educate children at private schools. Forms of public-funded choice, such as vouchers, tax-credit scholarships and tax deductions that allow children to attend private, religious schools are constitutional.

At the state level, opponents of private school choice point to the Blaine Amendment in the Washington state constitution to say public funds cannot go to private schools, and that such funding may not go to religious-based schools in particular.

This claim is also not true. In 2017 the U.S. Supreme Court ruled in *Trinity Lutheran Church v. Comer* that states may not cite the Blaine Amendment to discriminate against religiously-based schools in the

application of a generally available and religiously-neutral public benefit. The court noted that the Blaine Amendment has its origin in anti-religious bigotry of the 19th century and is in violation of citizens' rights to equal treatment under the U.S. Constitution.

### **Programs that provide public funds to private schools**

Directing public funds to private schools for the benefit of children is routine, non-controversial and enjoys wide bipartisan support among lawmakers. Following are common examples of these programs.

#### *Public funds for special needs students at private schools*

Public schools in Washington state provide a free and appropriate public education (called FAPE) to special education students. If these needs cannot be met by a student's local school district, administrators may contract with a private school, including a religious school, to serve that student. The Office of Superintendent of Public Instruction maintains a list of "Nonpublic" (that is, private) schools approved by the state to provide educational services to special needs students.

#### *Public funds supplement the education of private schools*

The federal government requires school districts to provide private school students equal access to services under the Elementary and Secondary Education Act. Districts use federal funds to contract with private schools to fund school lunch programs, anti-drug programs, programs designed for at-risk students, educational reform programs, programs designed to enable students to meet national education goals, and technology grants. For example, Seattle Public Schools uses federal Title I funds to hire private tutors for low-income students attending private schools.

#### *Public funds for private preschool*

Washington's Early Childhood Education and Assistance Program (ECEAP) preschool is a program for three-to-five year olds from low-income families. About \$60 million is spent every year to fund ECEAP slots at private child care centers, faith-based facilities, family child care homes, non-profit organizations, and head start facilities.

#### *Public funds for private daycare and early learning*

The Working Connections Child Care (WCCC) Program is funded by the state Department of Early Learning (DEL), for families receiving temporary assistance for needy families (TANF), families with a child with special needs, and other low-income families. In 2017-19, 33,000 Washington households are receiving \$501 million in federal and state funding for this program. Low-income families can select a child daycare program from one of 7,400 private licensed child care centers, licensed family child care programs, and licensed or exempt school-age programs.

#### *Public funds for private tutoring, and private school choice for foster care youth*

The Supplemental Education Transition Planning (SETuP) Program is for 13 to 21-year-old foster youth and helps foster children and young adult graduates from



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Published by  
Washington Policy Center  
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high school who go on to college, career or public service. Funding goes to private organizations like Youthnet, Seattle YMCA, Pierce County Alliance, Community Youth Services, Volunteers of America, and Catholic Child and Family Services.

The Passport to College Promise Scholarship helps foster care students attend college. These funds pay for private tutors to help prepare foster care children for graduation and success in college. This program provides funds to help students attend private colleges, including religious schools, and awarded scholarships of \$4,500 each to 335 students in 2016-17.

The Education and Training Vouchers (ETV) for current and foster youth provides a scholarship of \$5,000 to pay for expenses related to education. This voucher can be used to attend one of 67 public and private institutions of higher learning in Washington state, including religious schools like Seattle University, Gonzaga University, and other independent, private colleges.

#### *Washington state public funds for college*

The Washington State Need Grant provides low-income students scholarships to attend college. In 2016-17, this program served 69,000 students, who received a total of \$287 million. These students attend 66 public and private institutions of higher learning in Washington state, including independent, private, and religious colleges.

#### *Federal public funds for private colleges*

In 2016-17, the federal Pell Grant program provided 7.1 million low-income students across the country grants totaling \$26.6 billion to attend public and private institutions of higher learning, including religious schools like Seattle Pacific University and Pacific Lutheran University. In 2016, the federal GI Bill provided \$12.9 billion to pay tuition and fees for about one million veterans and their families at public and private institutions of higher learning, including 22,000 residents of Washington state.

## **Conclusion**

At all levels of education, from early daycare, to preschool, to elementary and high school, to college and technical school, families and students use public dollars every day to pay tuition and other expenses at private educational institutions, including religious schools and colleges.

The regular annual funding such programs receive shows they are popular, effective and politically non-controversial. The broad political support they receive demonstrates that allowing individuals and families to use public funds to which they are entitled to fund private education choices is a successful model that serves the public interest.

As such, expanding access to private school choice in Washington state, through vouchers, education saving accounts, tax credits and similar tools, as other states have done, would help policymakers meet the public policy goal of educating every child in the state.