

Court to hear federal lawsuit against Louisiana vouchers

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On September 19, a Louisiana court will hear a federal challenge to the state's voucher program on racial grounds.

U.S. Education Secretary Arne Duncan recently admitted he did not know the U.S. Department of Justice (DOJ) has sued to block the Louisiana Scholarship Program. If the lawsuit prevails, students who attend failing public schools that are under federal racial desegregation orders cannot use vouchers to attend better private schools.

"We simply want to ensure [the voucher program] is implemented in a legal way, consistent with court-ordered desegregation," explained a DOJ spokesperson.

The "[DOJ] are arguing here that the voucher program harms their efforts to desegregate Louisiana schools," said Jason Bedrick, a policy analyst for the Cato Institute.

"The department's filing did not initiate a new lawsuit against Louisiana or seek to take vouchers away from students currently receiving them," said the DOJ spokesperson, who spoke on condition of remaining nameless. "We are not opposing the voucher program."

'Denying Children an Opportunity'

This school year, nearly 8,000 students are enrolled in the scholarship program. To qualify, students must attend a school graded C, D or F based on student performance on state tests and have a family income up to 250 percent of the federal poverty line. This year, 90 percent of voucher students are minorities.

"Maybe [DOJ lawyers] are genuinely concerned that vouchers are making it harder for them to achieve their desired racial balance in these districts. Or maybe they just oppose school choice and will do what it takes to limit such programs," said Kevin Kane, president of the Pelican Institute for Public Policy.

“Either way, their actions have the practical result of denying children an opportunity to attend a better school, and this is unconscionable.”

More than 44 percent of public schools in Louisiana perform below the national average, according to the state Department of Education. Among the 34 Louisiana public schools under desegregation orders, students can transfer from 22 under the voucher program.

Race-Counting in Schools

The Louisiana law establishing the voucher program said it would be subject to federal desegregation plans, noted the DOJ spokesperson said.

“Desegregation issues are federal matters. The problem is that their substantive case is so weak,” said Bedrick.

Bedrick looked at the schools the DOJ complained about. He found, for example, that Independence Elementary School lost five white students to voucher schools. The DOJ argued this “reinforc(ed) the racial identity of the school as a black school.” The enrollment change was from 28.9 percent white to 29.6 percent white. At Cecilia Primary School, about which the DOJ also complained, vouchers meant a loss of six black students this school year, shifting the school from 30.1 percent black to 29.2 percent black.

“If the DOJ prevails, the effect will be to keep low-income black kids in failing schools,” said Bedrick. “That’s hardly a victory for civil rights.”