

ACLU of Wisconsin's Survey Results on whether choice schools will abide by nondiscrimination laws and other student rights protection

It is outrageous for some choice schools to avoid telling parents, taxpayers and advocates if the school will comply with basic civil rights law.

Apparently because of pressure from pro-voucher advocates, the Department of Public Instruction reached an understanding with the Legislature's Joint Committee on the Review of Administrative Rules regarding choice school assurances of compliance with civil rights laws. This year the DPI will no longer ask schools if they will comply, unlike previous years when all the participating nonsectarian schools readily gave assurances.

The ACLU/WI decided to ask the schools, on behalf of its members, parents and taxpayers, if the schools will abide by nondiscrimination laws and other student rights protection

Why did we ask?

1. Because parents and taxpayers deserve to know.
2. Because pro-voucher advocates incorrectly have stated that "When parents choose a private school, they understand that it might have different rules and procedures than exist in public schools." If the rules are different, why not tell the public up front what the rules are?
3. Because pro-voucher advocates suggest that parents of otherwise eligible students with disabilities will be counseled to withdraw their applications.
4. Because the newspaper ads placed by choice advocates do not indicate what students if any will not be served, and do not indicate what if any rights will be different than exist in public schools.
5. Because pro-voucher columnist Pat Buchanan (Washington Times June 15, 1998) has identified racist attitudes among some long-time religious school parents -- we need to be on guard against these attitudes.

How did the ACLU/WI ask?

On August 13, 1998, we sent a request for information to all the 112 schools that had indicated their intention to participate as of May 1, 1998, according to the DPI. We sent via certified mail a cover letter and a simple form, asking for a *yes*, *no*, or any other response from the schools.

The results:

Instead of individual responses from the schools of the Milwaukee Catholic Archdiocese and the Lutheran -- Missouri Synod (a majority of the schools), we received letters from the superintendents of these two systems. Their written responses use very similar language and do not answer our questions.

Because these two systems replied for their schools, we have relatively few responses. However, it is possible to note a few highlights from our request:

1. Some schools responded in writing or by phone that contrary to earlier published lists, they were not going to participate.
2. Several of the sectarian schools that returned forms indicating that they would comply with all the nondiscrimination laws and rights in question. For example, HR Academy, Lakeshore Montessori School, Tamarack Community School, and Woodson Academy.
3. It appears that some schools, at the urging of pro-voucher advocates, are putting deniability ahead of accountability.

Parents deserve to know because:

1. What parent would knowingly sign their child up in a school that tolerates sex harassment or other forms of discrimination?
2. Parents don't want surprises after enrollment, or to be discriminated against and forced to leave in mid-semester.
3. Parents want to know if schools will make reasonable accommodation for their students with disabilities.

Taxpayers deserve to know because:

1. Nondiscrimination is a fundamental American value.
2. Nowhere! -- not in employment, not in business, not in housing, not in restaurants, hotels, or bowling alleys -- does the "free market" or "competition" overrule our society's commitment to nondiscrimination. Why should choice schools be any different?

What are we doing to help parents considering choice schools?

The ACLU/WI and NAACP--Milwaukee Branch have prepared a free flyer, " Commonly Asked Questions About Milwaukee's Voucher Program" available at www.aclu-wi.org.