



PENNSYLVANIA VOUCHER SCHOOLS USE TAX DOLLARS TO ADVANCE DISCRIMINATION



INTRODUCTION

The Educational Tax Credit program in Act 4 of 2001 introduced a form of taxpayer-funded school vouchers to Pennsylvania. This program, which originally received \$20 million in funding for private and religious school vouchers, has expanded to include the current Educational Improvement Tax Credit (EITC) and Opportunity Scholarship Tax Credit (OSTC) programs. The 2022-2023 state budget included \$405 million in tax credits for the EITC/OSTC programs that are distributed in this way:

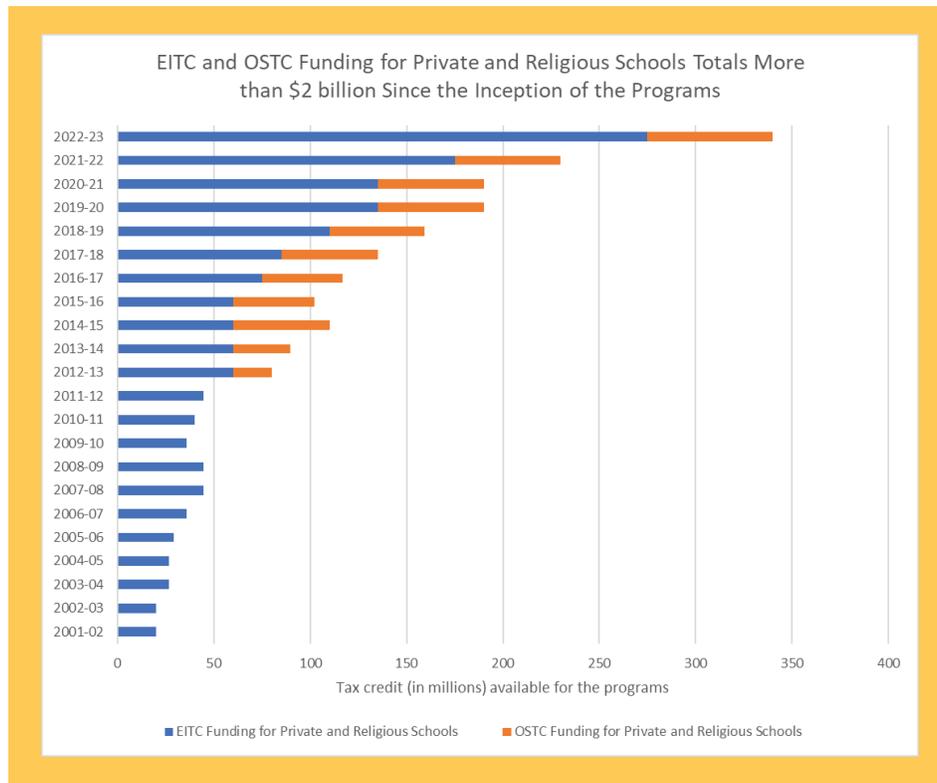
- **EITC scholarship organizations for private and religious schools: \$275 million**
- **EITC funding for educational improvement organizations (EIOs): \$44.5 million**
- **EITC funding for pre-K scholarship organizations: \$20.5 million**
- **OSTC scholarship organizations for private and religious schools: \$65 million**

The information in this report focuses only on the \$340 million in annual funding for EITC and OSTC programs that provide taxpayer-supported vouchers to students who attend private and religious schools.

A survey of one in four of the private or religious schools listed on the Pennsylvania Department of Education website as participating in the Opportunity Scholarship Tax Credit (OSTC) program¹ found that policies allowing for discrimination on the basis of religion, LGBTQ+ status, disability, and more are widespread in schools currently funded by Pennsylvania's current taxpayer-funded school voucher programs.

In fact, a full 100% of the OSTC-recipient schools we researched have policies in place that can be used to discriminate against students.

¹ <https://www.education.pa.gov/K-12/Opportunity%20Scholarship%20Tax%20Credit%20Program/Pages/OSTCParticipatingSchools.aspx>



The Educational Improvement Tax Credit (EITC) and Opportunity Scholarship Tax Credit (OSTC) voucher programs work by reducing taxes paid by businesses to the state when they contribute to scholarship organizations that provide vouchers for children to attend a private or religious voucher school. Every dollar that is diverted out of the state budget and into an OSTC or EITC voucher school reduces the funding that is available for public schools, which educate all students who come through their doors.

Pennsylvania’s EITC and OSTC school voucher programs have received more than \$2 billion since 2001, yet little to nothing is known about which students have benefited from these vouchers or about the educational outcomes of students who have received them. A 2022 report from the Independent Fiscal Office found that, “... it is not possible to comment on whether state funds have been used effectively due to lack of general and specific outcome data.”²

While virtually nothing is known about who has benefited from the vouchers or their impact on student achievement, evidence of these voucher schools using tax dollars to advance discrimination is in plain sight.

In this brief, we highlight examples of exclusionary and discriminatory policies and practices that are found on the public websites of private and religious voucher schools that are listed on the Pennsylvania Department of Education website as participating in the Opportunity Scholarship Tax Credit (OSTC) program.³

²Independent Fiscal Office, “Educational Tax Credits: an Evaluation of Program Performance,” Commonwealth of Pennsylvania, January 2022, 32. http://www.ifo.state.pa.us/download.cfm?file=Resources/Documents/TC_2022_Educational_Tax_Credits.pdf.

³<https://www.education.pa.gov/K-12/Opportunity%20Scholarship%20Tax%20Credit%20Program/Pages/OSTCParticipatingSchools.aspx>

The OSTC voucher schools currently enroll students from “low-performing” public school districts, identified by their scores on standardized tests. Students receiving OSTC vouchers would be eligible for an additional \$10,000 voucher through the Lifeline Scholarship/PASS programs that have been supported by Governor Shapiro and members of the Pennsylvania legislature.

This report focuses on the types of discrimination that we found to be most common in our examination of publicly-available parent/student handbooks, admissions requirements, student applications for enrollment, and other information on Pennsylvania’s voucher schools’ websites.

They include discrimination based on LGBTQ+ status, religion, academics, disability, pregnancy or abortion, and a school’s determination whether a student is the “right fit” for the school or not.

For each OSTC voucher school, we indicate the type of discrimination we found and provide documentation with links to the sources we used in a Google folder. <https://bit.ly/49WLdOM>. In order for discrimination to be listed for a school, there had to be a clear statement or policy on the school’s website or in its application.

Some schools have explicit discriminatory statements on their websites. Others bury discriminatory practices in application requirements, requiring reference letters from clergy, asking questions about students’ disabilities, requiring testing before admission, or even including requirements that students’ parents attend a specific type of church.

The Dayspring Christian Academy in Lancaster County offers an example of an explicit discriminatory statement in its Application for Admissions:

“Thus, DAYSPRING CHRISTIAN ACADEMY retains the right to refuse enrollment to or to expel any student who engages in sexual immorality, including any student who professes to be homosexual/bisexual/transgender or is a practicing homosexual/bisexual/transgender, as well as any student who condones, supports, or otherwise promotes such practices (Leviticus 20:13, Romans 1:27).

The Mt. Moriah Christian School in Smithfield provides one example of the type of admissions policies found in private school documents that asserts the right to decline to educate students for almost any reason:

“Mt Moriah may deny admission to students with physical or mental handicaps because the school is not physically able to accommodate disabled students and because it does not have staff or resources to serve students with exceptional learning problems... Mt. Moriah Christian School reserves the right to accept a student on a trial basis. We may re-evaluate his/her progress at any time deemed necessary by the administrator, staff, or Board of Directors to determine if it is still in the best interest of the school and the students to continue his/her attendance. Mt. Moriah Christian School reserves the right to dismiss any student at any time as we may deem necessary. Admission to MCA is a privilege, not a right.”

For this brief, we chose roughly every fourth school in the list of 789 schools listed on the Pennsylvania Department of Education website as participating in the Opportunity Scholarship Tax Credit (OSTC) program for a total of 197 schools. All documentation of discriminatory policies can be found in this Google Drive. <https://bit.ly/49WLdOM>

Thirty-eight schools were excluded from analysis because there was not enough information online to evaluate them, they were pre-K or public schools, they were specialized schools for students with disabilities, or they had closed.

Of the 159 OSTC voucher schools we were able to evaluate we found:

- **One hundred percent (100%) of the schools have policies in place that could be used to discriminate against students.**
- **Eighty-nine percent (89%) of the schools are religious. The majority are Catholic or nondenominational Christian schools, but the list also includes 7th Day Adventist, Baptist, Episcopalian, Islamic, Jewish, Mennonite, Methodist, and Quaker schools.**
- **Nearly 1 in 5 schools have explicit statements discriminating against LGBTQ+ students.***
- **Nearly half of the schools engage in some type of discrimination based on religion.**
- **Thirteen percent of schools have punitive abortion or pregnancy policies.***
- **More than half of the schools have requirements that allow them to discriminate against students based on their academic ability/performance.**
- **More than half of the schools discriminate against students based on disability.**
- **More than 80% of schools have policies that allow them to refuse to admit students if they are not the “right fit” with the school.**

**Our count did not assume that all Catholic schools within a Diocese follow the Diocesan policies on LGBTQ+ students or abortion/pregnancy. We only counted a school as having a discriminatory policy if it was explicitly written on their website. The number of schools with discriminatory LGBTQ+ and abortion/pregnancy policies would be significantly higher if schools within a Diocese follow the Diocesan policy.*

⁴<https://www.education.pa.gov/K-12/Opportunity%20Scholarship%20Tax%20Credit%20Program/Pages/OSTCParticipatingSchools.aspx>

TYPES OF DISCRIMINATION

LGBTQ+ STATUS

The Faith Statement or other policy includes explicit anti-LGBTQ+ language, including that the school believes God has created two genders, that marriage is between a man and woman, that homosexuality is contrary to the school's values, etc. Some policies also state that students will be expelled if the school learns that students or members of their families are part of the LGBTQ+ community.

PREGNANCY OR ABORTION

Voucher schools have policies that require students who are pregnant or who have had abortions report this information to administrators or the board of the school. Students are required to attend Christian pregnancy counseling and face disciplinary action or expulsion.

RELIGION

Families and students must agree to faith statements in order to apply. Some schools require a recommendation from a pastor in order for the student's application to be considered. At some schools, students whose families do not regularly attend a "bible believing" church (as determined by school leadership) are not eligible for admission.

DISABILITY

Schools have explicit statements that they do not enroll students with disabilities or state that they do not provide services to meet IEP needs.

ACADEMICS

Applications require students to submit test scores, grade point averages, evidence of performing at grade level or include other academic requirements students must meet to be considered for admission.

"RIGHT FIT"

A school receives this label when it requires an interview or a tour or asks families to disclose information on the application, including whether their child has received special education services or if the student has been suspended or expelled from their previous school. These requirements do not necessarily result in discriminatory practices, but they can be used by school staff to determine admission or rejection to the school based on if the school is the "right fit" for the student.

A few examples of each discriminatory category are shown on the following pages.

DISCRIMINATION BASED ON LGBTQ+ STATUS

Many religious schools require families to sign faith statements that contain explicit prohibitions against same-sex relationships, and many refuse to admit students who are part of the LGBTQ+ community. Some even state that they will refuse to accept or expel students if their family members are part of the LGBTQ+ community.

"Providence Christian Academy is a religious institution providing an education in a distinct Christian environment, and it believes that its biblical role is to work in conjunction with the home to mold students to be Christlike. On those occasions in which the atmosphere or conduct within a particular home is counter to or in opposition to the biblical lifestyle the school teaches, the school reserves the right, within its sole discretion, to refuse admission of an applicant or to discontinue enrollment of a student. This includes, but is not necessarily limited to, living in, condoning, or supporting sexual immorality; homosexual acts or sexual orientation; promoting such practices; or otherwise the inability to support the moral principles of the school (Leviticus 20:13a, Romans 1:27, Matthew 19:4–6)."

Providence Christian School, Chambersburg, Student Application

"We believe that any form of sexual immorality (including adultery, fornication, homosexual behavior, bisexual conduct, bestiality, incest, and use of pornography) is a sin and is offensive to God. (Matt 15:18-20; Cor 6:9-10)"

Cornerstone Christian Preparatory School, West Mifflin, Statement of Faith

"Individual differences in lifestyle that deny, ignore, or reject biblical standards represent diversity in rebellion to God's standards and hence, are unacceptable for the families of CCA. CCA holds to the beliefs as stated in the King James Version of the Bible and asserts that marriage is the union between one man and one woman, and that from the beginning of the creation God made humans in two distinct sexes, male and female."

Calvary Christian Academy, Philadelphia, Diversity and Marriage Statement

"Notification of a student's determination to undergo a sex change procedure or that a student has undergone the procedure (condition #2 as described above) would violate that agreement. The student would be ineligible to attend or remain in attendance in a Catholic school."

Harrisburg Diocese, Harrisburg, Policy 5112.6

DISCRIMINATION BASED ON PREGNANCY OR ABORTION

Voucher schools have policies that punish or expel students who become pregnant or have had abortions. In some cases students are required to attend Christian pregnancy counseling if they want to remain enrolled in the school.

“In the event that a Dayspring Christian Academy student becomes pregnant or is known to have fathered a child, it will be considered a Level 3 offense and treated as such.”

Level 3 offenses are the highest level offense. The handbook states that, *“These offenses are handled directly by the Headmaster, the grade level Principal, and the Police (if necessary).”*

Dayspring Academy, Lancaster, Family Student Handbook, p. 89

“In keeping with the Church's laws and teachings concerning human life, any student who promotes, procures, actively assists, or performs an abortion shall be dismissed unless the Principal, after examining all aspects of the case, in consultation with the Secretary for Education, determines that there are mitigating circumstances.”

Harrisburg Diocese, Harrisburg, Policy 5138.3

“Pregnancy or fathering a child will result in the immediate expulsion of the student, with the right to appeal and possible review for future reinstatement. Any student who becomes pregnant or fathers a child must report this information to the administration as soon as possible. A student will not be considered for readmission until a full semester after the birth of the baby.”

“In the event that the administration has reason to believe that a student is pregnant or has fathered a child but the student or student family fails to provide medical proof, the administration may suspend the student until medical proof is present.”

Clearfield Christian School, Clearfield, Pregnancy Policy

“The school principal will attempt to handle each matter in a spirit of Christian compassion and forgiveness, but when public scandal, the student's refusal or failure to participate in counseling or other circumstance warrants, the school principal may dismiss or take other appropriate action. The school principal and other individuals who learn of any such matter will handle such information in a confidential manner to the extent possible, and communicate it only to those individuals at the school, at counseling services, and at the Office of Catholic Education who have a reason to know.”

Archbishop Wood High School, Warminster, Abortion Policy

“A female BCS student who becomes pregnant will be removed from onsite participation in classes and extracurricular activities. Should the male participant be a student at BCS, they will also be removed from onsite participation in classes and extracurricular activities. Both students will be provided an online educational option to support their ongoing education. Following the birth of the child, a meeting between representative administration and school board members will be conducted with the families to address the desire for ongoing enrollment.”

Bethlehem Christian School, Bethlehem, Behavior Expectations

DISCRIMINATION BASED ON RELIGION

In order for students to be considered for admission to many religious schools, families must agree to a faith statement or sign a memorandum of understanding agreeing to support the faith professed by the school. Some applications require a recommendation from a clergy member or require that a student’s family attends a certain type of church in order for the student to be considered for admission.

“Heritage Christian School admits students on the basis of an application, an interview, and approval from the School Board. We would expect that students enrolling in the school would be from Christian families, who support the stated values of the school. These families will be actively participating in a Bible-believing church. Parents must sign all forms stating our beliefs, objectives, doctrines, bylaws, or procedures and must agree to support those in authority and must not be involved in stirring up strife or division.”

“Students may be refused admission if the parents are not in agreement with any of the school’s beliefs, objectives, doctrines, bylaws, or procedures, or if the child does not desire to attend the school.”

Heritage Christian School of West Perry, Loysville, Parent and Student Handbook

“At least one parent/guardian shall have a personal understanding of the new birth of Christ. Parents/guardians shall hold membership and be actively involved in a church congregation.”

Lititz Area Mennonite School, Lititz, Admissions Policy

“One or both parents are born again Christians.”

Linville Hill Christian School, Gap, Application for Admission

"Parents and students should be committed to the mission and statement of faith before enrolling. You are welcome to discuss any of these tenets with us to determine if you are able to fully support this partnership."

Pittsburgh Christian Academy, Pittsburgh, Enrollment Statement

DISCRIMINATION BASED ON DISABILITY

In addition to explicit statements that schools do not accept students with disabilities or are unable to meet all students' needs, many schools require parents to include information about students' special education testing or IEPs on the application for admission, allowing schools to screen out students with disabilities before admission.

"Testing results will be evaluated by an admissions team. The Head of School will contact parents/guardians with the results. A student whose academic or social-emotional needs exceed a regular classroom may be denied admission. All admissions are offered on a 30 day probationary period to determine if the school can meet the academic, social and emotional needs of the student."

St. Stephen's Episcopal School, Harrisburg, Application and Testing Statement

"The Academy is not equipped for teaching students that might need special education or might have behavior problems. Students in need of special care are referred by parents or school personnel to the local public school district. "

Al Aqsa Academy, Philadelphia, Statement on Website

"Please understand that C.C.A. may not be able to meet the needs of learning disabled children or accommodate students having special needs. C.C.A.cannot implement existing IEPs."

Cheswick Christian Academy, Cheswick, Student application

"CCA is a ministry of Calvary Chapel of Philadelphia and has limited resources to educate its students. Due to our limited resources, CCA may be unable to properly educate students with non-academic special needs or severe learning disabilities. We reserve the right to deny admittance and attendance to students whom we feel we cannot offer a sound and complete education. This decision may be made at any point during the application,

interview, or acceptance process, or during the school year based upon information received."

Calvary Christian Academy, Philadelphia, Non-Academic Special Needs or Severe Learning Disabilities Statement

DISCRIMINATION BASED ON ACADEMICS

Students must provide test scores, report cards, grade point averages, or other evidence of academic performance as part of their application for admissions.

"PCA will generally enroll students who are average or above average in ability and achievement. If we believe we have the resources in staffing and facilities, we will do our best to accommodate special needs. Please be aware, however, that resources are limited, and if we cannot fully serve your child, we will recommend enrollment in another setting with necessary resources and staff."

An admissions exam and interview are required, along with reference checks, to determine a student's potential for success at PCA."

Pittsburgh Christian Academy, Pittsburgh, Enrollment Statement

"The admissions process includes an appointment with the principal, pre-entrance testing and an application packet. Parents should bring copies of report cards, achievement test results, etc. We have a readiness testing for kindergarten and a placement confirmation testing for other grades. All applications are made to the governing authority of CCA, who reserves the right to accept or reject any application."

Covenant Christian Academy, Bethlehem, Application and Testing

"Upon receiving a submitted application, the Admissions office will arrange and schedule all entrance testing and development screenings. Grades PK2-1st participate in group and/or individual readiness assessments. Applications to grades 2-6 sit for the STAR entrance exam. Students applying to grades 7 & 8 will be administered the NWEA assessment. Applicants entering grades 9-12 require an ISEE (Independent School Entrance Exam) entrance test."

Delaware County Christian School, Newtown Square, Admissions Instructions

DISCRIMINATION BASED ON “RIGHT FIT”

Schools require an interview or a tour or ask families to disclose information on the application about the student’s academic or disciplinary history. These requirements do not necessarily result in discriminatory practices, but they can be used by school staff to determine admission or rejection to the school based on if the school is the “right fit” for the student.

“As a private institution, we reserve the privilege of setting and maintaining our own standards for student conduct, dress, cleanliness, and scholarship. We maintain the right to refuse admittance at our discretion and to suspend or expel any student who violates the standards set down and defined by the administration. The administration also reserves the right of not defining the criteria or reason when applications are not accepted.”

Red Lion Christian School, Red Lion, Admissions Statement

“Sometimes, after careful and thoughtful consideration of a child's progress through the school year, the school may recommend that a family seek a placement in a school other than LCDS that has a program which is more suitable for the unique academic or social needs of their child. When making these recommendations, the school will offer suggestions of schools in our area that we believe may better meet the needs of the child. We will also work with you to make any transition from LCDS to another school as smooth as possible. Our goal is always to do what is best for each student.”

Lancaster Country Day School, Lancaster, Parent and Student Handbook

SUMMARY

In 2022-2023, the Pennsylvania legislature authorized the diversion of \$340 million tax dollars out of the state treasury and into private and religious voucher schools through the EITC/OSTC programs. As the examples in our report demonstrate, voucher schools that receive tax dollars engage in blatant and explicit discrimination against students because of their religious beliefs, academics, disability, LGBTQ+ status, pregnancy or abortion, and more. Others use less obvious language and procedures to exclude students from their schools.

Pennsylvania’s EITC and OSTC voucher programs do not create educational “choice” for many families and students. Instead, voucher programs create the illusion of “choice” because private and religious voucher schools can– and do– engage in discrimination and refuse to enroll students, even if their family is eligible for a voucher.

CONCLUSION

The recent Commonwealth Court ruling found that Pennsylvania's grossly inadequate and inequitable system for funding public education is unconstitutional. The legislature and governor have been tasked with ensuring that Pennsylvania's school funding system will comply with the constitutional mandate to "provide for every student to receive a meaningful opportunity to succeed academically, socially, and civically, which requires that all students have access to a comprehensive, effective, and contemporary system of public education."

Allocating state tax dollars to fund private and religious voucher schools does not help the state to meet its constitutional requirements.

Instead, directing public dollars into voucher schools that are free to discriminate against children makes compliance with the court ruling harder to achieve. Every public dollar that funds tuition at a private school leaves fewer dollars available to be spent in the state budget, undermining the Commonwealth's ability to fully fund public schools in every community.

RECOMMENDATIONS

Before entering into any conversation about increasing funding for the EITC and OSTC school voucher programs or creating a new voucher program in the commonwealth, the Shapiro Administration and the Pennsylvania legislature must first fully fund our public schools in compliance with the Commonwealth Court decision.

Additionally, lawmakers and Governor Shapiro must work together to codify explicit anti-discrimination protections in the EITC/OSTC school voucher law and in all state laws that govern private schools that choose to accept voucher funding to ensure that state tax dollars will not be used to advance discrimination against students.

Finally, lawmakers and Governor Shapiro must enact legislation that will mandate the collection of data that will allow for thorough examination of Pennsylvania's existing EITC/OSTC voucher programs. It is unacceptable that Pennsylvania has spent more than \$2 billion in tax money on the EITC and OSTC school voucher programs without any understanding of who has benefitted from vouchers or the impact that spending these tax dollars has had on student achievement.

RESOURCES

Independent Fiscal Office, "Educational Tax Credits: an Evaluation of Program Performance," Commonwealth of Pennsylvania, January 2022, 32.

Frequently Asked Questions about Pennsylvania's Educational Improvement Tax Credit (EITC) Vouchers for Private and Religious Schools. Susan Spicka and Eugene Henniger-Voss. June 2022.