

September 28, 2026

To Our Governors,

We, 16 civil rights organizations that represent communities of color and people with disabilities across the country, urge you to **decline** opting into President Trump’s Federal Private School Voucher Scheme (the so called “Education Freedom Tax Credit.”). Make no mistake, the private school voucher scheme, created by President Trump’s One Big Beautiful Bill Act (OBBBA), is part of the Trump-Vance Administration’s ongoing efforts to undermine our civil rights, democratic institutions, and public schools. Further, private school voucher schemes are deeply unpopular. Voters across the country have rejected private school voucher schemes each time they have appeared on the ballot, including as recently as the 2024 election cycle when Nebraska, Kentucky, and Colorado rejected private school voucher ballot initiatives.ⁱ Even in the U.S. Senate, the OBBBA’s private school voucher scheme received bipartisan opposition.ⁱⁱ Members of Congress have already taken steps to halt the program by introducing the Keep Public Funds in Public Schools Act (H.R. 9289; S. 4297) which would repeal this private school voucher scheme.ⁱⁱⁱ You now, also, have the opportunity to reject this privatization scheme. **As leaders of your states, we urge you to instead strengthen state investments in public schools and reject this attempt to undermine the promise of *Brown v. Board of Education*^{iv} for a high-quality public education for all.**

The Federal Private School Voucher Scheme Will Further Entrench Racial Segregation and Subsidize Exclusion

Private school voucher schemes are rooted in the effort to maintain racial segregation in schools. After the U.S. Supreme Court’s unanimous decision holding segregation unconstitutional in *Brown v. Board of Education*,^v private school voucher schemes proliferated in the South to avoid desegregation and maintain a two-tier, unequal system of education: a well-resourced system that served white students and a deeply under-resourced system that served Black students and other students of color.^{vi} For example, Virginia adopted a taxpayer-funded voucher scheme to subsidize the private school tuition cost of white families who wanted to send their children to segregated white private schools.^{vii} In Mississippi, twenty-two new private schools—segregation academies—were established for white families fleeing public schools in integrating school districts after the state established a state school voucher scheme.^{viii} Alabama, North Carolina, South Carolina, Georgia, Louisiana, and Florida each established similar state school voucher schemes to support segregation academies and white families who wanted to maintain racial segregation.^{ix} Many of these segregation academies still exist today.^x

Additionally, private schools are inherently exclusionary. Unlike public schools, which must educate anyone in their communities, private schools routinely set exclusionary and opaque enrollment criteria and admit or expel students based on ability to pay, discipline record, academic performance, or for no reason at all. Likewise, private schools routinely discriminate based on race, disability, sex, sexual orientation, gender identity, religious beliefs, English fluency, and other characteristics.^{xi} Demographic data show that when compared to public schools, private schools exacerbate racial segregation and hoard resources by enrolling higher concentrations of white students at the expense and exclusion of Black and Latine students.^{xii}

This private school voucher scheme allows for the participation of religious private schools, which account for 77% of private school enrollment nationwide and often require students to adhere to their religious customs, and exclude students from other faiths or students whose identities conflict with religious tenets, such as LGBTQ+ students or single-parent-led families.^{xiii}

The Federal Private School Voucher Scheme Will Not Benefit Public Schools or the Students Who Attend Public Schools

Today, the Trump-Vance administration and its congressional allies entice governors to opt into the country's first-ever national school voucher scheme with the false promise of meaningful funding for public schools and their students. However, similar school tax credit voucher schemes enacted in Arizona demonstrate that they instead pour public funding into private schools. Though the programs could support public or private school students, simply permitting some public school students to benefit does not ensure that resources are equitably distributed or that schools and students most in need are served by the program.^{xiv} And because of the ballooning cost of Arizona's universal private school voucher scheme, nearly every state agency was forced to cut its budget by 3.5%.^{xv} Additionally, the growth of voucher schemes in Arizona has led to the rise in public school closures including Title I schools that serve low-income students.^{xvi}

Governors who support public education and civil rights need not wait to learn how the Trump-Vance administration proposes to administer the private school voucher scheme before opting out. The private school voucher scheme's contours laid out in the text of the OBBBA clearly do not benefit public schools. Likewise, the Trump-Vance administration's track record and its alignment with Project 2025's proscription provide ample evidence of the harm in store for public school students and their civil rights. Neither states, public school districts, nor public schools can be direct recipients of taxpayer-subsidized contributions or funding under the program. Instead, private entities known as "scholarship granting organizations" (SGOs) receive contributions and hand out vouchers.^{xvii} Vouchers can then be used for eligible expenses like tuition, fees, room and board, and transportation. Public schools do not charge students for these expenses. The costly and uncapped eligible expenses permitted by this program would subsidize private schools at the taxpayer's expense.^{xviii} The false promise of meaningful funding for public school students is a veneer to hide the reality that this program was specifically designed to benefit private schools and the students who attend them.

If the Trump-Vance administration and the current Congress truly sought to support public schools and the students they serve, they would have done so. Instead, the Trump-Vance administration's record on education is to strip away civil rights protections,^{xix} weaponize federal agencies against neighborhood public schools and marginalized communities,^{xx} cancel millions of dollars in federal grants,^{xxi} attempt to withhold nearly \$7 billion in Congressionally appropriated education funding,^{xxii} and shatter the U.S. Department of Education.^{xxiii} And now, with the enactment of the OBBBA, the Trump-Vance administration and Congress established this private school voucher scheme to, among other things, resegregate the nation's education system.^{xxiv}

States Will Have Limited Control and Oversight of the Federal Private School Voucher Scheme

The U.S. Department of Treasury has publicly shared that a **governor’s decision to decline opting into the federal private school voucher scheme will be the most significant way to control the program and mitigate harm to constituents and public education in the state.** In official remarks in June, Treasury made clear that states will be prohibited from enforcing any bar-to-entry requirements on voucher-granting organizations (called “SGOs” in the OBBBA) that would weed out entities that fail to meet state-specific requirements: “States may not impose substantive SGO-specific requirements that are more restrictive than section 25F’s (OBBBA’s) requirements.”^{xxv}

It will be impossible for opt-in states to narrow the scope of this private school voucher scheme to one that solely and meaningfully supports students in public schools—particularly those that are low-income, in working-class neighborhoods, or historically marginalized. Opting in will force states to accept all voucher-granting organizations to operate, even though the vast majority are expected to benefit private schools and wealthy, white families.^{xxvi} Indeed, states that opt in likely COULD NOT place their own conditions on the school voucher scheme to mitigate harm to public schools such as:

- Permitting only SGOs, schools, and other entities that align with state education goals to be eligible to manage and/or receive voucher funds;
- Requiring any SGO to comply with federal and state anti-discrimination laws;
- Preserving the ability of either the state or student to enforce the right to an educational environment free from discrimination based on race, color, or national origin (including ethnicity, immigration status, or shared ancestry); sex (including sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity); disability; or other traits protected under state law;
- Setting income thresholds that are below 300% of the Area Median Gross Income to target funds solely to socioeconomically disadvantaged students in public schools;^{xxvii}
- Requiring that any private school receiving voucher funds is held to the same standards and outcomes as public schools, including academic standards and outcomes, basic health and safety requirements, and robust disaggregated data reporting; and
- Preventing voucher funds from being used at unaccredited, fraudulent, or low-quality schools (commonly known as fly-by-night schools) that often close abruptly; on untested products; or implementing other protections to prevent or combat waste, fraud, or abuse.

Conclusion

Welcoming the federal private school voucher scheme will create a two-tiered education system in your state: one that is public, serves all, guarantees students’ civil rights, but loses resources under the private school voucher scheme; and one that is private, exclusionary, and hoards more resources for the wealthy few—both underwritten by the taxpayer. In addition to being publicly unpopular, private school voucher schemes are rooted in efforts to evade

desegregation. This federal private school voucher scheme supported by the Trump-Vance administration is no different.

The federal private school voucher scheme will subsidize the private education of wealthy families who are already sending their children to private school and lead to a loss of funding and resources for already underfunded public schools. Examples from states that have already adopted private school voucher schemes demonstrate that entities that support private schools receive the vast majority of donations, limiting the benefit for public school students. At the same time, public schools do not charge students for most eligible expenses that the federal school vouchers can be used for, further limiting the benefit for public school students. In addition to the limited, if any, benefits available to public schools and public school students, governors will be unable to exercise oversight over the federal private school voucher scheme, which includes attempts to limit the scope of the program to support only public school students.

We respectfully urge you to **DECLINE** opting into the federal private school voucher scheme now and every year. In its place, we urge you to re-invest in high-quality public education that serves all. Please contact Adaku Oneyka-Crawford at AOnyekaCrawford@advancementproject.org, Ashley Harrington at aharrington@naacpldf.org, and Allen Liu at aliu@naacpldf.org if you have any questions.

Sincerely,

Advancement Project
Advocates for Trans Equality
Asian Americans Advancing Justice
Council of Parent Attorneys and Advocates
EdTrust
Education Law Center
Glisten
Leadership Conference on Civil and Human Rights
Legal Defense Fund
Intercultural Development Research Association
League of United Latin American Citizens
NAACP
National Center for Learning Disabilities
Southeast Asia Resource Action Center
Southern Poverty Law Center
UnidosUS

Endnotes

- ⁱ *Votes on State Voucher & Tuition Tax Credit Referenda*, NAT'L COAL. FOR PUB. EDUC. (last accessed Aug. 26, 2026), <https://www.ncpecoalition.org/school-voucher-votes>.
- ⁱⁱ *On the Amendment (Hirono Amdt. No. 2382), Roll Call Vote 119th Congress – 1st Session*, U.S. SENATE (July 1, 2025), https://www.senate.gov/legislative/LIS/roll_call_votes/vote119/vote_119_1_00358.htm.
- ⁱⁱⁱ *Keep Public Funds in Public Schools Act of 2026*, H.R.9289, 119th Cong. (2026), <https://www.congress.gov/bill/119th-congress/house-bill/9289>; <https://www.congress.gov/bill/119th-congress/senate-bill/4297/related-bills?s=1&r=1&hl=s.+4297>; *Repeal the Federal Private School Voucher Boondoggle & Redirect Billions to Public Schools*, NAT'L COAL. FOR PUB. EDUC. (last accessed Aug. 26, 2026), <https://static1.squarespace.com/static/582f7c15f7e0ab3a3c7fb141/t/6a511e59d8ee000b7cdee12b/1783701081846/Repeal+the+Federal+Private+School+Voucher+Boondoggle+%26+Send+Billions+to+Public+Schools+Updated+Final+6.26.26.pdf>.
- ^{iv} 347 U.S. 483 (1954).
- ^v *Id.*
- ^{vi} *A History of Private Schools and Race in the American South*, S. EDUC. FOUND. (2016), <https://southerneducation.org/publications/history-of-private-schools-and-race-in-the-american-south/>; *Connecting the Troubling History of School Privatization Efforts to the New Federal School Voucher Program*, S. EDUC. FOUND. (Jan. 16, 2026), <https://southerneducation.org/legislative-issues-in-the-south/national-memo-against-federal-tax-credit-voucher-program/>.
- ^{vii} *Griffin v. State Bd. of Educ.*, 239 F. Supp. 560 (E.D. Va. 1965).
- ^{viii} *Coffey v. State Educ. Fin. Comm'n*, 296 F. Supp. 1389 (S.D. Miss. 1969).
- ^{ix} Chris Ford et al., *The Racist Origins of Private School Vouchers*, CTR. FOR AM. PROGRESS (July 12, 2017), <https://www.americanprogress.org/article/racist-origins-private-school-vouchers/>; Patrick Wall, *Louisiana's School Vouchers Have a Troubled Past. Can A New 'Choice' Program Avoid That Fate?*, NOLA (Dec. 20, 2024), https://www.nola.com/news/education/louisiana-school-vouchers-segregation-esa-private-school-choice/article_1670a90a-b71d-11ef-82fb-f76d9283e000.html; Kate Payne, *School Choice, History of Segregation Collide as Florida County Consolidates Rural Schools*, PBS (Aug. 22, 2024), <https://www.pbs.org/newshour/education/school-choice-history-of-segregation-collide-as-florida-county-consolidates-rural-schools>.
- ^x Jennifer Berry Hawes, *Segregation Academies*, PROPUBLICA (May, 18 2024), <https://www.propublica.org/series/segregation-academies>.
- ^{xi} Zeke Hartner, *Rockville Catholic School's Hairstyle Policies Face Scrutiny for Racial Discrimination*, WTOP (July 8, 2021), <https://bit.ly/30t0oQB>; Kimberly Quick, *Second-Class Students: When Vouchers Exclude*, THE CENTURY FOUND. (Jan. 11, 2017), <https://tcf.org/content/commentary/second-class-students-vouchers-exclude/>.
- ^{xii} See Sergio Hernández et al., *Private School Demographics*, PROPUBLICA (Jan. 16, 2025), https://projects.propublica.org/private-school-demographics?_gl=1*xq679h*_ga*MTU1ODE2MDg1OC4xNzc1NzgZnJlE2*_ga_K9RW8M6GL5*_czE3NzYyMTM1MzYkbzQkZzEkdDE3NzYyMTM1OTAKajYkbDAkaDA.
- ^{xiii} *Private School Vouchers Discriminate Against LGBTQ+ Kids and Families*, NAT'L COAL. FOR PUB. EDUC. (last accessed Aug. 26, 2026), <https://static1.squarespace.com/static/582f7c15f7e0ab3a3c7fb141/t/6a16f77eb4ccc606adc91e0a/1779890046163/Vouchers+Discriminate+Against+LGBTQ+%2B+Kids+and+Families.pdf>.
- ^{xiv} *Public School Report 2024*, OFFICE OF ECON. RSCH. AND ANALYSIS, ARIZ. DEP'T OF REVENUE (last accessed Aug. 26, 2026), https://azdor.gov/sites/default/files/document/REPORTS_CREDITS_2024_%20publicschoolreport.pdf; *School Tuition Organization Income Tax Credits in Arizona Fiscal Year 2024*, OFFICE OF ECON. RSCH. AND ANALYSIS, ARIZ. DEP'T OF REVENUE (Mar. 2025), https://azdor.gov/sites/default/files/document/REPORTS_CREDITS_2025_fy2024-private-school-tuition-org-credit-report.pdf.
- ^{xv} *Arizona Faces Sweeping Budget Cuts, Driven by Flat Tax and Private School Vouchers, Tracking the Fallout From State Tax Cuts*, CTR. ON BUDGET AND POL'Y PRIORITIES (Aug. 24, 2026), <https://www.cbpp.org/research/state-budget-and-tax/tracking-the-fallout-from-state-tax-cuts-0?item=30618>.
- ^{xvi} *Are Universal Vouchers Causing School Closures in Arizona?*, SAVE OUR SCHOOLS ARIZ. NETWORK (Apr. 9, 2025), <https://www.sosaznetwork.org/2025/are-universal-vouchers-causing-school-closures-in-arizona/>.

-
- ^{xvii} Learning Policy Institute, *The Federal Scholarship Tax Credit: How It Operates, What It Means for States, and What Is Still Being Decided*, LEARNING POL’Y INST. (July 16, 2026), <https://learningpolicyinstitute.org/product/federal-scholarship-tax-credit-tool>.
- ^{xviii} OBBBA, NAT’L COAL. FOR PUB. EDUC. (last accessed Aug. 26, 2026), <https://www.ncpecoalition.org/obbba>.
- ^{xix} Trey Walk, *Remedies Abandoned: US Civil Rights Enforcement Under the Trump Administration*, HUM. RTS. WATCH (Aug. 13, 2026), <https://www.hrw.org/report/2026/08/13/remedies-abandoned/us-civil-rights-enforcement-under-the-trump-administration>.
- ^{xx} Department of Education: Full Costs and Savings Estimate Needed for Reduction-in-Force and Restructuring of the Office for Civil Rights, U.S. GOV’T ACCOUNTABILITY OFF. (Jan. 29, 2026), <https://www.gao.gov/products/gao-26-108320>; Brooke Schultz, *What 100 Ed. Dept. Investigations Say About Trump’s Agenda for Schools*, EDUCATIONWEEK (May 22, 2025), <https://www.edweek.org/policy-politics/what-100-ed-dept-investigations-say-about-trumps-agenda-for-schools/2025/05>.
- ^{xxi} Mark Lieberman, *Trump Slashed Billions for Education in 2025. See our List of Affected Grants*, EDUCATIONWEEK (Jan. 27, 2026), <https://www.edweek.org/policy-politics/trump-slashed-billions-for-education-in-2025-see-our-list-of-affected-grants/2026/01>.
- ^{xxii} Sarah Mervosh & Michael C. Bender, *Trump Withholds Nearly \$7 Billion for Schools, With Little Explanation*, N.Y. TIMES (July 1, 2025), <https://www.nytimes.com/2025/07/01/us/trump-education-funds.html>.
- ^{xxiii} Cecelia Smith-Schoenwalder, *Tracking Trump’s Crackdown on Higher Education*, U.S. NEWS (Aug. 14, 2026), <https://www.usnews.com/news/national-news/articles/trumps-higher-education-crackdown-visa-revocations-dei-bans-lawsuits-and-funding-cuts>; Claire Sibonney, *Trump Puts Autistic Kids in the Spotlight and Cuts Agencies Built to Protect Them*, CBS NEWS (Aug. 24, 2026), <https://www.cbsnews.com/news/autism-trump-education-department-civil-rights/>.
- ^{xxiv} T.Jameson Brewer, *School Vouchers and the Efforts to Undermine Public Education*, S. POVERTY L. CTR. (June 5, 2025), <https://www.splcenter.org/resources/stories/school-vouchers-and-the-efforts-to-undermine-public-education/>; Paige Duggins-Clay, *School Segregation Through Vouchers – What Policymakers Can Learn from a History of State Efforts to Use Vouchers to Avoid Integration*, INTERCULTURAL DEV. RSCH. ASS’N. (Feb. 7, 2023), <https://www.idra.org/resource-center/school-segregation-through-vouchers-what-policymakers-can-learn-from-a-history-of-state-efforts-to-use-vouchers-to-avoid-integration/>.
- ^{xxv} Remarks Delivered by Deputy Assistant Secretary for Tax Policy Kevin Salinger on Tuesday, June 9, 2026, Preview of Forthcoming Section 25F Guidance, <https://home.treasury.gov/system/files/136/Preview-of-Forthcoming-Guidance.pdf> (last accessed Aug. 26, 2026).
- ^{xxvi} Analisa Pines, Jon Valant, and Nicolas Zerbino, *Universal school choice programs mostly benefit the wealthy unless policymakers act to prevent it*, BROOKINGS (Sept. 23, 2025), <https://www.brookings.edu/articles/universal-school-choice-programs-mostly-benefit-the-wealthy-unless-policymakers-act-to-prevent-it/>.
- ^{xxvii} *Subsidizing Private School for the Rich: Income Eligibility Limits for Each State Under the Federal Voucher Bill*, NAT’L COAL. FOR PUB. EDUC. (last accessed Aug. 26, 2026), https://static1.squarespace.com/static/582f7c15f7e0ab3a3c7fb141/t/6827928afb5faa3f593d4bb9/1747423883070/Ar ea+Gross+Median+Income+%28AGMI%29+Fact+Sheet_FINAL+%281%29.docx.pdf.