

# FREEDOM FROM RELIGION *foundation*

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July 21 , 2020

**SENT VIA FAX AND U.S. MAIL:**

(803) 734-5167

The Hon. Henry McMaster  
Governor  
State House  
1100 Gervais Street  
Columbia, South Carolina 29201

Re: Misallocation of COVID relief funds to religious education

Dear Governor McMaster:

We are writing on behalf of the Freedom From Religion Foundation (FFRF) to vigorously object to your unprecedented and shocking decision to award up to \$32 million of COVID relief funds to private schools. We represent more than 32,000 members across the country, including many members in South Carolina, who are indignant and outraged over the intended give-away of precious tax dollars intended for COVID relief to private, mainly religious schools. FFRF and our members work to protect the constitutional separation between state and church and educate about nontheism.

Your office recently announced that of the \$48 million of taxpayer funds that Congress trusted to your discretion for COVID-related education relief as part of the CARES Act, you will be allocating the majority of it — \$32 million — to private schools through a program called Safe Access to Flexible Education (SAFE). We protest this vast misallocation, which disenfranchises public schools and forces taxpayers to support religious education.

The fallacy of “school choice” has repeatedly been laid bare. This egregious handout to private religious schools has the same glaring problems as the programs that it is modeled after, including:<sup>1</sup>

- 1) The vast majority of these taxpayer funds will fund religious education.

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<sup>1</sup> See [mysceducation.org/safe-grants-faq-for-schools/](https://mysceducation.org/safe-grants-faq-for-schools/) (noting that the SAFE program is “Modeled on successful [sic] grant and scholarship programs . . . in states like Florida, Arizona, and North Carolina . . .”).

- 2) Taxpayers will have no accountability on how these funds are spent.
- 3) Rural students will be largely unable to use these funds.
- 4) Schools that receive these funds will be allowed to discriminate.

**The SAFE program should not force taxpayers to fund religious education.**

The vast majority of private schools are religiously affiliated. Vouchers and tuition tax credits almost entirely benefit religious schools with overtly religious missions, which integrate religion into every subject. In Wisconsin, Indiana, and North Carolina, between 90–100 percent of schools participating in the state’s voucher or neovoucher program are religious. The vast majority of private religious schools are Christian.<sup>2</sup> It is fundamentally unfair to force citizens to support religiously segregated education, and for non-Christians to fund Christian education, just as it would be unfair to force Christians to fund Islamic or Hindu education. The right to be free from being taxed to support religions in which you disbelieve is a foundational American principle that protects religious liberty in a fundamental way.

Funding private religious education disenfranchises non-religious Americans in particular. Non-religious Americans are the fastest growing segment of the U.S. population by religious identification — 35 percent of Americans are non-Christians, and this includes the more than one in four Americans who now identify as religiously unaffiliated.<sup>3</sup> Younger Americans are not just religiously unaffiliated, they are largely atheist or agnostic. A recent survey found that 21 percent of Americans born after 1999 are atheist or agnostic.<sup>4</sup>

**The SAFE program lacks accountability.**

When taxpayers pay a \$32 million bill, they are entitled to transparent accountability in how those funds are used. Private religious schools qualify for funding under the SAFE program without providing any such accountability.

The lack of oversight of private schools eligible for public funding encourages widespread fraud and mismanagement. Taxpayers cut the checks to voucher schools, yet have no say in how they are run. Public schools are managed under democratically elected school boards that assert public oversight. Citizens have no means to review voucher school records, attend meetings, or otherwise gather information about school operations or provide input.

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<sup>2</sup> See, e.g., [www.capenet.org/facts.html](http://www.capenet.org/facts.html).

<sup>3</sup> Pew Research Center, “In U.S., Decline of Christianity Continues at Rapid Pace,” (Oct. 17, 2019) at <https://pewrsr.ch/2VPiFS7>.

<sup>4</sup> *Atheism Doubles Among Generation Z*, The Barna Group (Jan. 24, 2018), <https://www.barna.com/research/atheism-doubles-among-generation-z/>.

- The voucher program in Milwaukee, which is the longest running in the country, stands as a prime example. More than \$139 million in tax money over a 10-year period has gone to Milwaukee voucher schools that were eventually removed from the program for failure to meet requirements related to finances, accreditation, student safety and auditing.<sup>5</sup>
- Florida's McKay scholarship program has been the subject of widespread fraud by unaccountable schools that reaped millions, while students with disabilities were not provided a bona fide education.<sup>6</sup>
- Voucher schools have minimal testing and reporting requirements. In Milwaukee, voucher schools operated for decades without taking statewide tests. Once testing began in 2011, results showed that public school students outperformed voucher students.<sup>7</sup> Public schools, while often being defamed as failing by voucher advocates, have been held to far higher standards than voucher schools.

### **Funding private schools disenfranchises rural students.**

The vast majority of private and charter schools are in densely populated urban areas. For millions of parents who live in rural communities, there are no private schools within driving distance for them to send their children, even if they wanted to. Or perhaps there is one private school, but it requires students to practice a religion that these parents do not share.

The SAFE program diverts \$32 million of education funding from underfunded public schools — now forced to undergo enormous expenses relating to social distancing and online-education — in every part of the state to private schools that are predominantly in urban areas. Thousands of parents in rural communities will have no possible way to get any benefit in exchange for this lack of support.

You further have announced that this funding can go to private schools this fall that will not even be open full-time, while robbing overburdened public schools that serve everyone of this funding. Yet you have pushed to get South Carolina public schools to open in person five days a week. You call education “the most important thing we do in South Carolina,” yet deliberately, by this misallocation, defund our public schools struggling to figure out how to keep staff and children safe during a pandemic. This misallocation of funds will endanger the lives of children, staff and their families.

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<sup>5</sup> Beck, Molly. *State paid \$139 million to schools terminated from voucher program since 2004*, Wisconsin State Journal. N.p., (Oct. 12, 2014).

<sup>6</sup> Garcia-Roberts, Gus. *McKay Scholarship Program Sparks a Cottage Industry of Fraud and Chaos*, Miami New Times. N.p., 02 (Apr. 2016).

<sup>7</sup> *Number of Voucher Schools Relatively Unchanged since 2003 While Enrollment Has Doubled*, Public Policy Forum 102.1 (April 2014).

**The SAFE program allows taxpayer-funded discrimination.**

It is a foundational principle of this country that the government must remain secular and must not endorse any one religion, or religion in general. That’s largely the whole point of having a public school system: We use our pooled resources, through taxes, to provide an education appropriate to *all* American children — of any religion or no religion — while leaving religious education to each individual family’s choice. *Public schools are a place where all families are welcome.*

The SAFE Act allows schools to participate so long as they do not discriminate on the basis of “race, color, or national origin.”<sup>8</sup> This allows schools receiving taxpayer funds to openly discriminate on the basis of sex, sexual orientation, gender identity, disability, or religion. A student may request funding through the SAFE program hoping to go to the only private school in their community, only to be denied admission because the student is female, gay, transgender, disabled, or even because they are the wrong type of Christian. Public funds should never be used to support such discrimination.

**Conclusion**

Religious education should not be subsidized with public money. There is no governmental oversight of private religious schools and no accountability to the taxpayers who are subsidizing them. Our public schools are pluralistic institutions where all students are welcome regardless of their background or religion. Voucher schools are heavily segregated on the basis of religion. Voucher schools have few barriers to prevent them from discriminating in hiring or student admissions on the basis of religion, sexual orientation or disability. Where public money goes, public accountability ought to follow.

This is a taxpayer boondoggle and injustice, and on behalf of concerned citizens, we urge you to reconsider and withdraw this misguided proposal.

Very truly,



Annie Laurie Gaylor & Dan Barker  
Co-presidents  
ALG/DB:rdj

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<sup>8</sup> [mysceducation.org/safe-grants-faq-for-schools/](https://mysceducation.org/safe-grants-faq-for-schools/).