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POSITION STATEMENT

Position on Use of Public Education Dollars to Fund School Vouchers and Other Voucher-Type Programs

CEC opposes school vouchers and voucher-type programs for all children and youth including those with disabilities. Such programs are contrary to the best interests of all children and youth and their families, the public-school system, local communities, and taxpayers.

As advocates for children and youth with exceptionalities, the Council for Exceptional Children (CEC) believes that strong public education systems are necessary to ensure the promise of a free appropriate public education (FAPE) guaranteed by the Individuals with Disabilities Education Act (IDEA) of 2004. Public education is the cornerstone of a strong democracy and, as such, CEC will advocate for all public dollars to stay in public education systems. CEC advocates to ensure that children and youth with disabilities receive the equal access and opportunity that they deserve, and CEC believes that these children and youth are harmed when public dollars are diverted to private schools using vouchers and voucher-type programs.

By definition, vouchers and voucher-type programs provide for the distribution of public education funds in the form of monetary vouchers, scholarships, education savings accounts and other mechanisms (e.g., “mini-grants”) to parents of school-age children or tax credits to private entities. The intent of these programs is to funnel public education dollars away from public schools to be used toward educational expenses including the cost of tuition at private schools, both sectarian and nonsectarian.

Ever since the current debate about education vouchers and voucher-type programs was sparked in the 1950s, legislators -primarily at the state level of government- have proposed and enacted school voucher and voucher-type initiatives for children and youth, including those with disabilities. To date, the only federally funded voucher program is the District of Columbia Scholarships for Opportunity and Results Act Grant (SOAR) and current research shows for SOAR “there were no statistically significant impacts on either reading or mathematics achievement three years after students applied to the program.”¹ However, approximately 33 percent of states across the country have enacted voucher programs (including tax credits, scholarships, and other voucher-type programs)² which have harmed children and youth with disabilities over time.

CEC opposes school vouchers and voucher-type programs for all children and youth including those with disabilities. Such programs are contrary to the best interests of all children and youth and their families, the public-school system, local communities, and taxpayers. Further, CEC believes that vouchers and voucher-type programs both contradict and undermine central purposes of civil rights laws designed to protect children and youth with disabilities.

CEC considers vouchers and voucher-type programs inappropriate for children and youth and those with disabilities for at least the following reasons:

Use of Public Education Funds for Private Schools Vouchers

Public education funds should fund public education, not private education vouchers. There is a lack of fiscal protections to guarantee that public education funds are not diverted to vouchers and voucher-type programs at the expense of the children and youth remaining in the public schools. By focusing funding on public schools, CEC believes that all schools will be stronger and that children and youth with disabilities will be afforded better opportunities to learn with typical peers.

Absence of Necessary Accountability and Transparency

Public accountability is notably lacking for private schools, whereas local education agencies are held accountable by federal and state laws and regulations. Public schools must adhere to state licensure standards and continuing education requirements for all teachers; must annually administer state and district-mandated assessments to all students; and they must meet all federal, state and local education agency requirements for educating children and youth with disabilities. Private schools are not required to do so. CEC has consistently supported accountability measures for schools and believes that removing public

funds from public education only serves to remove necessary accountability measures required to support students with exceptionalities.

Furthermore, CEC considers the lack of accountability and transparency concerning how the rights and protections guaranteed under the IDEA are ensured when a parent moves their child with a disability from a public to a voucher supported private school to be very troubling. Data show that less than half of all schools participating in any type of voucher program mention students with disabilities anywhere on their websites and only slightly more than half of private schools in voucher programs designed for students with disabilities provide disability-related information on their websites. Data also show that private school choice programs inconsistently provide information on changes in rights and protections under the IDEA when parents move a child with a disability from public to private school. In school year school 2016-17, 83 percent of children and youth enrolled in a program designed specifically for students with disabilities were in a program that provided either no information about changes in IDEA rights or provided information that was contained inaccuracies.

No Guarantee of FAPE

A central guarantee of the IDEA is the right to a free appropriate public education (FAPE). Evidence indicates that vouchers and voucher-type programs fail to guarantee an education at no cost to a student's family. Beyond the initial voucher payment, scholarship or tax credit, private schools are charging parents for additional tuition for the costs related to special education services and related therapies and/or for transportation to and from school. This reality ultimately can make vouchers and voucher-type programs appealing to middle-income and upper middle-income families, but effectively eliminates lower-income families. School districts also report students with disabilities leaving voucher-funded schools because the student required more services that the school could provide.³ Additionally, studies show there is no significant impact on student academic achievement for students utilizing voucher programs.^{4,5} CEC believes that FAPE is imperative in the provision of services to children and youth with disabilities and, as such, opposes the use of public funds in private education since there is not a guarantee of FAPE.

Families Opt Out of Procedural Protections

Though they may not at first realize it and may in fact be told otherwise, parents in effect discard their IDEA due process and other rights by accepting vouchers. Several civil rights laws, including, IDEA, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act, guarantee a host of long-standing protections for families that can be invoked on any and all aspects of educational programming including mediation, due process hearings, state-level appeal, stay put guarantee, discipline timelines, on-going evaluations, and assurance of alternative placements when required. Though private schools receiving payments through a voucher or voucher-type program may simply be declared in compliance with the procedural guarantees of IDEA and related civil rights laws, the absence of public accountability, public supervision, and public oversight effectively negates such an assertion. The guarantee of procedural protections for parents and families is a fundamental part of the IDEA and without these protections in private schools, families are left as unequal partners. CEC opposes the use of public funds to support private schools that may threaten the procedural protections of the IDEA.

No Guarantee of Equal Access

A hallmark of public education is its availability to all children, regardless of their individual learning needs. This means every child living in rural, urban or suburban America can attend a public school, however, private schools can develop and implement unique student application and admission policies that can exclude students with disabilities. Also, private schools are under no obligation to keep a child enrolled during a school year or offer re-enrollment in a subsequent year. Evidence indicates that private schools typically do not re-enroll but rather push out children with a history of discipline problems or atypical behaviors that could adversely affect other students.⁶ The schools, unless specifically designed for children with a specific disability, are unlikely to enroll or retain children and youth with more severe disabilities or those with higher cost needs or behavioral challenges.

Segregation or Lack of Access to a Continuum of Placement Options

A fundamental tenet of IDEA is the requirement that special education be provided within the least restrictive environment (LRE) which requires children with disabilities to be educated with their nondisabled peers, to the maximum extent appropriate. However, the IDEA also recognizes that in some instances a child may need to be provided intensive interventions requiring small group or individual settings. In some instances, public school dollars have been used in private special education schools or centers and, to the extent that this is the LRE for a child, CEC supports this use of public funds. Students are placed in such non-public settings through a deliberative Individual Education Program (IEP) and accountability and oversight for that child remains with the public schools' system. In contrast, private schools are not subject to the LRE requirements and there, is the potential for in-school segregation of children and youth with disabilities. Further, some children and youth with disabilities require an environment that promotes intensive individualized instruction. As such, the use of voucher type programs that move public funds to private educational programs may not offer children and youth with

exceptionalities access to a full continuum of placement options. A lack of access to a full continuum of placement options runs counter to the intent of the IDEA and the position of CEC.

Re-Segregation Rather Than Diversity

Public education is a great unifier of an ever more diverse student population; however, research and practice indicate that vouchers and voucher-type programs point us in the other direction. Data show that voucher and voucher type programs can facilitate racial, ethnic, economic, religious, gender, and disability segregation. For example, in Indiana, the Indiana School Choice Program which began in 2011 “was billed as a way to help poor and minority children escape “bad” public schools. Since then, the percentage of white voucher recipients has increased from 46 to 60 percent, and the percentage of black recipients has dropped from 24 to 12 percent.”⁷ This runs contrary to the beliefs of CEC about full inclusion of students from different backgrounds in education and in our communities. CEC believes that private schools run counter to inclusivity and as such harm underlying democracy and children and youth with disabilities.

Children and youth with disabilities are harmed when public funds are used for the purpose of providing private education. For this reason, CEC will support the programs that keep public funds in public education and oppose any program that seeks to use public education funds to support voucher type programs that move funding to support private secular and sectarian schools. By doing so, CEC will ensure that children and youth with disabilities receive the equal access and opportunities to high quality educational programs that they deserve, and which are promised under the IDEA.

¹ *Evaluation of the Effectiveness of the Scholarships for Opportunity and Results Act (SOAR) Program*, 2019, Institute for Education Sciences, U.S. Department of Education, at: https://ies.ed.gov/ncee/projects/evaluation/choice_soar.asp

² *School Choice Series: Choice & Vouchers* □ *Implications for Students with Disabilities*, 2018, National Council on Disability, at: https://ncd.gov/sites/default/files/NCD_Choice-Vouchers_508_0.pdf

³ *Private School Choice Programs Are Growing and Can Complicate Providing Certain Federally Funded Services to Eligible Students*, 2016, Government Accountability Office, at: <https://www.gao.gov/assets/680/678994.pdf>

⁴ *Evaluation of the Effectiveness of the Scholarships for Opportunity and Results Act (SOAR) Program*, 2019, Institute for Education Sciences, U.S. Department of Education, at: https://ies.ed.gov/ncee/projects/evaluation/choice_soar.asp

⁵ *Impact of the Indiana Choice Scholarship Program: Achievement Effects for Students in Upper Elementary and Middle School* □, 2018, J. Waddington, M. Berends, *Journal of Policy Analysis and Management*, at: <https://onlinelibrary.wiley.com/doi/abs/10.1002/pam.22086>

⁶ *Private School Choice Programs Are Growing and Can Complicate Providing Certain Federally Funded Services to Eligible Students*, 2016, Government Accountability Office, at: <https://www.gao.gov/assets/680/678994.pdf>

⁷ *School Choice Series: Choice & Vouchers* □ *Implications for Students with Disabilities*, 2018, National Council on Disability, at: https://ncd.gov/sites/default/files/NCD_Choice-Vouchers_508_0.pdf