

Issues Related to Scholarships/Vouchers for Students with Disabilities

Introduction

There are a number of concerns and debatable issues related to states funding scholarships/vouchers for students with disabilities to attend private schools of their choice. One of the foremost issues has to do with eligibility of the students including the services that might be needed under a viable Individualized Education Program (IEP). Although a number of organizations and groups have expressed concerns about the vouchers for private schools, a number of other groups are seeking approval and supporting the choice and voucher as a "right" those parents should have funded through the states. Sixteen states have reported that legislation has been introduced with only four states reporting that it was passed. There are several states such as GA, SC, VA, TX, and SD where legislation is currently pending. Four states reported that the legislation was defeated in their state. Those are KY, MI, MN, and WI. In a few states there has been legislation for scholarship programs which are very specific in nature in that the funding is designated for students with autism for instance and those scholarship/vouchers programs have been in place for several years. Ohio is a state that has a scholarship program specifically for students with autism.

The following are some of the questions that have surfaced when legislation is being considered or introduced:

- Eligibility and student issues
 - Are substantive or procedural rights under IDEA addressed or deprived?
 - What are the Eligibility criteria and IEP requirements?
 - How will or will related services be addressed provided?
 - How will transportation be addressed and provided?
- School approval
 - Who will approve the private schools?
 - What will be facility requirements if any? What fire and safety codes will be required if any?
 - Is a standard curriculum required?
 - What are the personnel qualifications for teachers/staff?
 - How will accountability of progress be addressed or will the local system be held responsible for progress on the IEP goals during the private school placement?
 - Will parents be able to request compensatory education or extended year services if the student is in a private school of choice? What will be the funding source?
 - Will mandatory testing be conducted and scores reported?
- Funding
 - How will the funding be accessed by parents?
 - Who will be responsible for managing the funds, "writing the checks", etc.?
 - If the student returns to the public school within a year will there be a refund?
 - How will the additional clerical or school personnel be funded for those districts with large numbers of private school voucher students?
 - What amount of money will be provided in the voucher and how will that be determined?
 - Can religious schools be eligible for the vouchers?
- Parental and School Disputes
 - How will disputes between parents and the private schools be resolved?
 - Will students be held to the code of conduct and the requirements of the private school?

Considerations for special Education Administrators and Organizations

Increased opportunities for school choice are part of the current school reform movement in the United States. The choice by parents and the provision of vouchers by the state place considerable responsibility on local school systems. Most of the legislation currently enacted for scholarships/vouchers for special education students does not address many if any of the issues related to IDEA, NCLB, fiscal accountability, or academic curricular requirements. Most of the legislation also does not clearly address the procedure for the approval of a private school, approval of the application

for a voucher (if one is required), flow of the funds in terms of who writes the check and how is that accounted for by the local system or the state. Without a state management system, the funds flow from individual districts and there is not a system for fiscal accountability nor is there an audit system that can be managed statewide. For example, will the funds flow from the state to the parent or to the local system and then to the parent and if the latter is true, how will the state know how much is spent? How will the amount of a voucher be determined? Will there be a set amount based on eligibility or disability?

Concerns have been voiced in several states in terms of the voucher or scholarship providing a disincentive for students to be served in the regular education programs and classes or being returned to that setting in a timely and appropriate manner. Would the voucher and income stream to the private school remain in effect with absolutely no oversight until the child reaches the age of 21? Several private and public school authorities have indicated that some students might need special education services throughout their school experience while many children with identified disabilities are much better served by returning to the regular classroom as soon as possible. For example, students who are dyslexic and enter a highly specialized reading instruction program might return to the regular school program after three years or less. However if the voucher program is forever until age 21 there is no incentive to use the private education programs effectively and return the students to the public school district after approximately three years.

There are also some concerns related to the scholarships/vouchers allowing for transfer between local school systems rather than just to private schools. Serious consideration would have to be given to the receiving system and how would they make up for the additional costs of the scholarship/voucher student. The student would be a non-resident and there would not be local tax support for this student where districts are dependent upon property tax for funding of local dollars. Additionally, will legislation prohibit out-of-state enrollment? This is of course an issue because of the state and federal requirements for least restrictive environment and the child being educated as close to home as possible.

Questions regarding the procedures and policies for managing a voucher program are often viewed as resistance or defensiveness. That is not the case. One of the main concerns for special educators is that parents of students with disabilities and professional educators and advocates have fought long and hard for the provisions of an individualized, appropriate specialized educational instruction and related services for students with disabilities. There are serious questions in terms of the provision of an appropriate education and in light of the requirements of the Individuals with Disabilities Education Act (IDEA), whether or not local school system may face increased and additional litigation if parental choice is enacted in a state and if a student does not make adequate progress or regresses. Although on the surface choice seems such a nice thing to do, there are provisions in IDEA for parents to access private school special education services if the local system does not or can not provide the services required according to the student's IEP. What is the local system to do if they know that the private school chosen by the parents can not address the student's special education needs? If the parents walk away from the local system's IEP, the state legislation should address this and make it clear that the local system can not be held accountable and the provision of IDEA is in effect that clarifies that when parents refuse the special education offered by a local school district the local system is no longer responsible.

One concern that has been expressed by educators, parents, child advocates and other educational professionals is the issue of re-segregation of the special education student. Parents and professionals have worked diligently for the past 25 years to assure that students with disabilities are educated in the least restrictive environment; that students are given access to the general and regular curriculum with their non-disabled peers; that students have opportunity to participate in extracurricular activities; and importantly that students with disabilities have an opportunity to graduate from a regular school program and escape the isolation they older peers might have experienced in the developing years of special education. Those who support inclusion and integration into the regular programs for all students are concerned that moves to private or specialty schools will further isolate

students and are leery of this effort to provide vouchers/scholarships to parents for private school enrollment.

General Questions to Ask

- What will the legislation (scholarship/voucher) do?
- How will it work?
- How much will it cover?
- How long will it cover?
- Which private schools are eligible?
- How will accountability be addressed?
- Who will manage the program?
- What happens when the student returns to the public school?
- What about the rights afforded under state or federal laws (IDEA specifically and NCLB)?

Summary

Generally, the issue of scholarships/vouchers for students with disabilities appears to be benign. With deeper review there are serious components that should be addressed if such legislation is going to be introduced and/or pursued. Not least among those are the source of the funds, the amount of the scholarship, the management of the funds, and ultimately accountability for the funds. Secondly, the issues related to the eligibility of the student, continuing eligibility requirements, accountability for progress and academic achievement, curricular requirements, mandated testing, transportation, support and related services as well as the responsibilities for the local system if or when the student returns to the local system for an education. Another area of concern is the approval process and responsibility for that process of the private schools. For example will there be facility, safety and fire code requirements; will staff and faculty have to meet certain qualification standards; will the private school have to be accountable for the funds and have a fiscal plan; and, will the private school be responsible for a standard curriculum? Other concerns have been voiced in terms of public funds going to private and/or parochial schools as well as assuring that the legislation for these scholarships/vouchers is within the requirements of federal and state laws and policies. Historically, FL, which has the most expansive scholarship program at this time, is not in a position to report statewide fiscal or programmatic data nor are they in a position to provide data on the number of students statewide who have participated, who have remained in the private program; the number who have returned to the local school system or another local school system, or the academic progress of any of the students who have enrolled by choice in the private schools. Legislation should also contemplate the use of the scholarship within the state and assure that the funds are for in-state use at approved private schools rather than allowing transfer to another local school system within the state.

The progress that has been made since the passage of P. L. 94-142 in 1975 for the inclusion of students with disabilities in public schools and in effective special education programs must be a concern of educators and parents as well as legislators who are contemplating scholarships/vouchers for students with disabilities. Reducing funding to public schools or school districts to fund scholarships/vouchers for private schools is a serious matter. All those responsible for funding education must carefully consider the impact and additionally consider the nature of the scholarship/voucher. Will the voucher be granted without any reporting, data collection, assessment or accountability? Must the student continue to be eligible and need special education as required by federal law in IDEA? The appropriate use of funds without fiscal accountability will be an embarrassment for any public school program or any private school receiving such funds.

Parents, child advocates, education professionals and others all support effective and appropriate programs for students with disabilities and want to assure that programs are appropriate and that scholarship programs have sufficient guidelines and criteria to assure the appropriate use of funds and accountability for the education of students as well as a comprehensive and reliable process and set of procedures to flow and manage the scholarship/voucher funds, processes for the approval of private schools, and methods to assure qualified staff and a standard curriculum for students with disabilities.

Resources

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- Howell, William G. and Peterson, Paul E., February 2000. School Choice in Dayton Ohio; An Evaluation After One Year. Paper prepared for the Conference on Vouchers, Charters and Public Education, sponsored by the Program on Education Policy and Governance, Harvard University, March 2000.
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