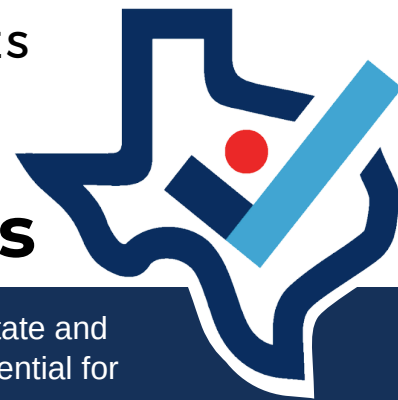


# Private School Vouchers and Students with Disabilities



The Texas Council for Developmental Disabilities (TCDD) is established by state and federal law and helps people with developmental disabilities achieve their potential for independence, productivity, and integration into their communities.

Many disability advocates have significant concerns with the establishment of an Education Savings Account (ESA) Program for students with disabilities. These apprehensions are extensive, with the main concerns being the loss of legal protections for students and their families, the lack of academic and student outcome accountability in the private sector, and the segregation of students with disabilities.

## Areas of Concern

### Loss of Legal Rights

Under private school voucher programs, students and families are no longer protected under the Individuals with Disabilities Education Act (IDEA) and other important federal and state protections for students with disabilities.

### Academic and Student Outcome Accountability

There is too often a lack of academic and student outcome accountability in the private sector.

Public schools are required to report in-depth outcomes metrics about their students that private schools do not.

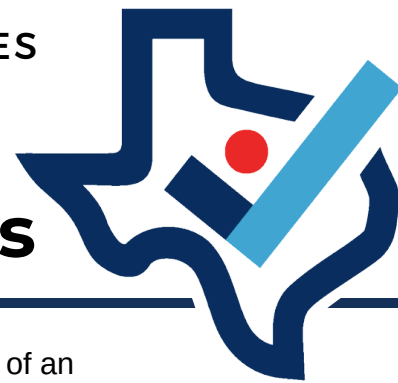
### Discrimination and Segregated Education

Students with disabilities are denied entrance to many private schools, as the schools are legally allowed to do. Alternatively, private schools who only admit disabled students deny them the opportunity to learn alongside nondisabled peers.

## Policy Recommendations

- 1 Protect the legal rights of children. Ensure that voucher programs do not result in liability for the state by requiring that private schools receiving voucher programs implement the requirements of the IDEA, Section 504, and Title II of the Americans with Disabilities Act (ADA).
- 2 Require private schools that receive vouchers to fully implement a child's individualized education program (IEP) and be subject to administrative due process proceedings.
- 3 Provide oversight, data collection, monitoring, and reporting on participating private schools to ensure accountability for nondiscrimination, including academic inequity, segregation, and disproportionate discipline.

# Private School Vouchers and Students with Disabilities



TCDD and disability advocates have significant concerns with the establishment of an ESA program. Nonetheless, the following policy recommendations should be considered if the legislature decides to establish an ESA program despite these concerns.

## Loss of Legal Rights for Students with Disabilities

A primary concern with the establishment of an ESA Program is the loss of legal rights for students and their families in the private sector. In public schools, students and their families have legal rights and protections under federal laws, most notably under the IDEA. The services that Local Education Agencies (LEAs) are required to provide students with disabilities, and the protections in the IDEA for students and families, are extensive. Most notably, parents are given the right to be active members in their child's education plan, with legal implications if an LEA does not follow federal law. **Private schools are not required to provide any of the services or legal protections that are mandated under the IDEA.**

**Policy Recommendation:** Ensure that private schools receiving voucher programs implement the requirements of the IDEA, Section 504, and Title II of the ADA.

## Lack of Academic and Student Outcome Accountability

Compared to public schools, there is little to no academic or student outcome oversight in the private sector. Private schools are not subject to the standardized academic testing requirements that public schools must meet. Crucial information on discipline, suspension, dropouts, expulsion, bullying, and more will be lost. Private schools have the power to suspend and expel students for less serious offenses when compared to public schools. Due process standards set for private schools are also far less exhaustive than in public schools. If a private school student with a disability does not receive individualized instruction specific to his or her needs, the parent has no access to the procedural safeguards or grievance processes entitled to them under IDEA.

**Policy Recommendation:** Require private schools that receive vouchers to fully implement the child's IEP and be subject to administrative due process proceedings.

## Discrimination and Segregated Educational Settings

There are significant concerns about the further segregation of students with disabilities as a result of an ESA Program. The benefits of learning in the least restrictive environment for children with disabilities have been supported by research. In a private setting, there is no guarantee that a student with a disability will be educated alongside their nondisabled peers; this is a requirement in public schools under IDEA. Private schools are not required to accept students with disabilities and access can be dependent on very selective criteria.

As for private schools exclusively designed for students with disabilities, the same concern over segregation remains. Although some students may benefit from specialized services and attention, evidence shows that students with disabilities are ultimately at a disadvantage when they do not have an opportunity to interact with and learn alongside their nondisabled peers.

**Policy Recommendation:** Provide oversight to ensure accountability for discriminatory practices, including academic inequity, segregation, and disproportionate discipline.