

**Council of Administrators of Special Education
Position Statement on Vouchers
Seattle, Washington
Approved by Executive Committee, April 9, 2003**

Position Statement:

The Council of Administrators of Special Education, Inc (CASE) firmly believes every child is entitled to a free, appropriate, public education (FAPE). This is a basic premise of our democratic society. The Individuals with Disabilities Education Act (IDEA) further guarantees that this right is extended to children and youth with disabilities. CASE, as stated in its mission statement, is dedicated to the continued effort to improve public schools and educational opportunities for students and opposes any effort that would divert resources, including funds, from that goal.

Currently, when students with disabilities are sent to private schools, the placement is determined through the Individualized Educational Plan (IEP) process and the accountability of services and the students' progress remains firmly on the shoulders of the local education agency. In terms of voucher programs for private school settings paid with public school dollars, CASE strongly believes any acceptable legislation must:

- **Provide for scientific, researched-based evidence of effective significant gains on student achievement**
- **Provide assurance and demonstrate accessibility for all students**
- **Address and provide for the educational needs of students with special needs**
- **Provide for the same standards of accountability as local educational agencies especially in the areas of compliance with federal and state rules and regulations, highly qualified personnel, student assessment, and including public and parental reporting**
- **Guarantee a Free Appropriate Public Education (FAPE)**
- **Appreciably increase parental options**
- **Provide for student diversity**
- **Guarantee Civil Rights through Procedural Safeguards**
- **Provide for an education in the Least Restrictive Environment (LRE)**
- **Assure public school funds are not diverted to support voucher type programs at the expense of the students remaining in the local educational agency**

Position Statement Rationale:

The CASE Policy and Legislative Committee was charged with the task by the CASE Executive Committee in July 2002 and the CASE Board of Directors in November in 2002 with studying current and proposed voucher/choice programs and the effects and possible effects of these programs. The position was developed and introduced to the Executive Committee, Board of Directors, and Membership at the CASE annual meeting, April 9, 2003. After studying various positions from other professional/civic organizations, CASE Subdivisions in states with voucher programs, receiving input from our membership, it was determined the following issues, while not exhaustive, are the most troublesome to our membership due to the effects on students, families, communities, and local educational agencies.

- **No significant gains on Student Achievement**

According to the National Coalition for Public Education, extensive research on voucher programs has failed to produce solid evidence that private school vouchers improved student achievement. The research conducted by the National School Boards Association also concluded there is no credible evidence that shows voucher programs have raised student achievement.

- **No Assurance of Accessibility**

While public schools have a clear mandate to accept and educate all students, voucher programs have been found to make admission and retention decisions based on student needs. Students with significant cognitive disabilities are often excluded because of the array of services required to provide an appropriate education to these students. Another area of concern is students with significant behavior needs. These students with significant behavioral needs are not admitted or are quickly removed when the behavior/or disability is too challenging. These students are especially susceptible to change and exclusionary practices.

- **Does not address the needs of students with special needs**

The high cost of related services, etc in most instances will not be covered by the voucher payment. The local educational agency under federal law, IDEA, may not use cost as a factor in determining services and as such must provide the needed services using other funding if necessary. Voucher programs are not held to the same standard nor required to meet such mandates.

For over 25 years, the educational and community at large have believed in the sanctity of the "I" in Individualized Educational Plans (IEP). The voucher programs are not required to implement IEPs or any type of specific individualized programs for students with special needs.

- **Lack of Accountability**

Local educational agencies are held to high standards through both state and federal rules and regulations. In recent years, through such new legislation as the Elementary and Secondary Education Act of 1965, as amended 2002 Act, the local educational agencies, schools, and staff are held to even a higher level of accountability. Accountability is missing from the voucher programs.

One of the major issues with accountability includes the area of highly qualified staff. There are often no requirements for state certification of administrative, teaching, and related services staff in many voucher programs.

- **Lack of Accountability (continued)**

Another area of accountability is the additional requirements on standardized testing of students in order to provide accountability for student achievement. The voucher programs are often exempt from the state testing programs.

Again, along with the actual testing programs, Elementary and Secondary Education Act of 1965, as amended 2002 and other legislation requires public reporting of testing results for all students to the community at large. With no systematic assessment program in place, the voucher programs are excluded from this mandate.

And lastly, IDEA requires the school to report to the parent the individual progress on the IEP at the same rate as non-disabled students receive reports. This requirement is not mandated for the voucher programs.

- **No Guarantee of a Free Appropriate Public Education (FAPE)**

In some instances, parents are required to waive the FAPE guarantee or may be required to pay for related services. Local educational agencies are required to fill this mandate.

- **Does not appreciably increase parental options**

Options are limited due to costs of related services, the availability of services, the quality of services, quality/skill of staff, as well as other factors. Local educational agencies must disclose pertinent facts related to the probability of student achievement success such as test scores, staff credentials, curriculum, and services provided. Voucher programs often do not provide this information.

- **Does not provide for student diversity**

According to the National Coalition for Public Education, voucher programs may choose not to accept students based on religion, gender, behavior, and testing deficiencies. The commitment to diversity is not evident in many voucher programs. In fact, NEA indicated their research shows voucher programs could encourage further economic, racial, ethnic, and religious segregation.

A U.S. Department of Education study revealed that 68% of inner city private schools would “definitely not or probably not” be willing to participate in voucher programs if they had to accept “special needs” students, such as those students with learning disabilities, limited English proficiency, or low academic achievement.

- **No guarantee of Civil Rights through Procedural Safeguards**

The People for the American Way Foundation and the Disability Rights Education and Defense Fund indicated from their research that once parents transfer students into voucher programs, they effectively opt out of the legal rights and procedural safe guards required by IDEA.

According to the National School Boards Association, even though the tuition is paid for by taxpayer funds, the students do not have basic constitutional rights such as freedom of religion and expression, equal protection and due process.

If a parent has a disagreement with a local educational agency, the IDEA provides for legal recourse for resolving the issue. A voucher program could strip a student and the family of this legal recourse and effectively eliminate their due process rights.

- **No Provision for Least Restrictive Environment (LRE)**
Without the mandate for providing a full continuum of services and the requirement of students being served with their non-disabled classmates to the maximum extent possible, voucher programs could place students with disabilities in segregated classrooms. Therefore, the nature of voucher programs could lead to segregation of special needs students
- **Diverting public dollars from public schools**
Local educational agencies often receive large portions of their funding based on various child count formulas, which are typically date sensitive. Experience so far has demonstrated local districts have lost funding for an entire year when students with severe disabilities have re-enrolled immediately following the funding child count.
Local education agencies are required to function under sunshine laws and budget development processes and therefore provide financial accountability to the community and taxpayers. These requirements do not apply to private schools even when they receive taxpayer funds.
The National School Boards Association cited several studies that indicated the voucher program had largely benefited parents of students who were already enrolled in private schools. The voucher stipend may or may not cover the entire tuition cost of the private school with parents having to pay any difference.

Sources

- National Coalition for Public Education: IDEA and Vouchers
- National School Boards Association: The Plain Facts About Vouchers
- People for the American Way Foundation and Disability Rights Education and Defense Fund: Jeopardizing a Legacy: A Closer Look at IDEA and Florida's Disability Voucher Program, March 6, 2003
- Anti-Defamation League: School Vouchers: The Wrong Choice for Public Education, 2001
- National Education Association: Vouchers, 2002
- American Federation of Teachers: On the Issues-Vouchers and the Accountability Dilemma
- Florida Council of Administrators of Special Education: Position Paper Regarding SB 1180
- Dr. Mike McHugh, President of Florida Council of Administrators of Special Education: presentation to the Council of Administrators of Special Education, Inc, January, 2003
- Dr. Jonathan McIntire: Letter-Issues for consideration with the IDEA Reauthorization, Jan 2003

History of Development:

- Florida CASE members presented voucher issue during 2001-2002 school year.
- The Executive Committee, July 2002, remanded voucher issue to the Policy and Legislation Committee.
- Policy and Legislation Committee requested and received input from the members through the November 2002 Board of Directors meeting, Pittsburgh, PA
- Florida CASE provided additional information including the Florida CASE position at the January, 2003 Executive Committee meeting
- Policy and Legislation Committee members researched and explored issue from July 2002-April 2003
- Policy and Legislation Committee drafted a position paper on April 8, 2003 and subsequently presented it to the Executive Committee on that date
- All members and Board of Directors attending the Annual CASE meeting, April 9, 2003 were given a copy of the position paper and were given opportunity for further discussion.
- The Policy and Legislation Committee took the input provided and submitted a revised position statement for a vote at a specially called meeting of the Executive Committee, April 9, 2003

