



## Position on School Vouchers and IDEA Reauthorization

It is the position of the Council for Exceptional Children (CEC) to strongly oppose any federally authorized voucher program for students with disabilities as being contrary to the best interests of children and their families, the nation's public school systems, states and their local communities and taxpayers. Further, CEC believes that a voucher option would both contradict and undermine central purposes of the Individuals with Disabilities Education Act (IDEA) and the No Child Left Behind Act (NCLB).

### **IDEA Policy for Private School Placements**

IDEA allows for private school placements but under very strict conditions. If a school district is unable to provide a special education and related services under the terms of a particular child's individualized education program (IEP), then a placement may be made in a private school or facility, at no cost to the parents and paid for with public education funds. The decision is made collectively, thus involving representatives of the school district, the child's parents, and the other members of the required IEP team. The particular receiving school must meet *all* of the standards that apply to the state and local educational agencies, and the child and the child's family must be guaranteed *all* the rights and protections of the IDEA. Full authority, responsibility, and public accountability rest with the public school district, thus requiring on-going supervision and monitoring of the private placement. This Congressionally authorized option for private placements has worked effectively as a component of the IDEA for over a quarter of a century.

### **Non-Negotiable Guarantees**

CEC further opposes voucher programs at the state or local level. Recognizing, however, that some such programs have been enacted, CEC strongly believes that any such program must include the following non-negotiable guarantees:

- the same standards of accountability as those required of state and local educational agencies – including all federal and state rules and regulations – along with on-going public monitoring, full transparency of private programs, and regular reporting to parents and the public;

- full and demonstrated accessibility for all students, including students with special learning needs;
- provision for a complete program of special education, related services, and supplementary aids and services in the context of full implementation of the IEP, with periodic review and revision;
- a guarantee of a free, appropriate, public education (FAPE);
- full access for children regardless of racial or ethnic heritage, and children who are English language learners;
- a guarantee of all procedural safeguards under the IDEA, Section 504, the ADA, and other relevant civil rights laws of the United States;
- a guarantee of education in the least restrictive environment (LRE); and
- fiscal protections to guarantee that public education funds are not diverted to a voucher program at the expense of the students remaining in the public schools.

### **Rationale**

By basic definition, voucher programs provide for the distribution of public education dollars in the form of monetary vouchers to parents of school-age children to be used toward the cost of tuition at private schools, both sectarian and nonsectarian. While CEC acknowledges the historic and continuing contribution of private schools as part of the tapestry of American culture, CEC considers current voucher proposals under IDEA as ill-conceived for at least the following reasons:

- ❖ **Absence of necessary accountability:** Public accountability is notably lacking for private schools, whereas local education agencies are held accountable by virtue of both federal and state laws and regulations. Public schools must adhere to requirements for highly qualified staff, but private schools typically are not held to these requirements. Private schools are not obligated to participate in the regular assessments toward measuring student achievement, nor are they even bound to the requirement of an individualized education program (IEP). Further, no on-going general supervision of the educational program is conducted by the state and local education agency, thus providing no assurance that special education and related services are being fully provided. Lastly, the regular reporting on individual student progress required by both IDEA and NCLB are not required.
- ❖ **No guarantee of FAPE:** A central guarantee of IDEA is the right to a *free* appropriate public education. Evidence indicates that the voucher approach fails to guarantee an *at no cost* education for a student's family. Beyond the initial voucher payment, private schools are charging parents additional amounts. This reality ultimately makes voucher programs quite appealing to middle and upper-

middle income families, but at the same time effectively eliminates lower income families and single-parent families.

- ❖ **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 due process and other rights by accepting vouchers. IDEA, Section 504, and the ADA 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 voucher payments may simply be declared in compliance with the procedural guarantees of IDEA and related laws, the absence of public accountability, public supervision, and public oversight effectively negates such an assertion.
- ❖ **Segregation within the private school:** A fundamental tenet of IDEA is the requirement of education within the least restrictive environment (LRE), starting with the absolute presumption of the general education classroom and proceeding to a continuum of service options only when demonstrated to be necessary. Since private schools are not subject to this tenet, the potential for in-school segregation of students with special learning needs predictably accelerates.
- ❖ **No guarantee of equal access:** A hallmark of public education is its availability to all children, regardless of their individual learning needs. Despite some initial efforts to provide full accessibility to all children, private schools receiving vouchers are now allowed to pick and choose whom they will enroll, and which children they will retain even after initial enrollment. For example, evidence indicates that students with more severe disabilities, or those with higher cost needs or behavioral challenges are typically not enrolled, and if enrolled, not retained.
- ❖ **Promotes re-segregation rather than diversity:** Public education is a great unifier of an ever more diverse student population, as it was throughout the 20<sup>th</sup> Century. But research indicates that voucher programs could point us in the other direction by in fact facilitating racial, ethnic, economic, religious, gender, and disability segregation.

#### **Reference**

Council for Exceptional Children 2003 Policy Manual; Section Four; Part 3; Page 139.

#### **Date Adopted**

Approved by the Council for Exceptional Children Board of Directors 6/20/03.