

**GEORGIA SCHOOL BOARDS ASSOCIATION**  
"We Believe in Public Education"

**Press Statement on Senate Bill 10: Georgia Special Needs Scholarship Act**

**Contact/Author: Jeannie M. (Sis) Henry, GSBA Executive Director  
(770) 962-2985**

**You may also contact Laura D. Reilly, GSBA Director of  
Communications at [lreilly@gsba.com](mailto:lreilly@gsba.com) or (770) 364-4236 (cell)**

In 1975, the federal government enacted a sweeping piece of legislation presently called the Individuals with Disabilities Education Act or IDEA. Under this law, numerous rights are guaranteed to special needs children. Local public school districts across America have worked tirelessly to provide excellent care and services to some of our country's most fragile citizens.

A bill has been filed in the Georgia Senate (SB10: Georgia Special Needs Scholarship Act) that should cause concern and may severely limit the options for most special needs children.

One of the best resources of information concerning the pros and cons of special education voucher initiatives is the federal government's National Council on Disabilities (NCD) web site. Located on the site is a policy paper concerning special education vouchers. It is important to note that the NCD is a federal agency, not a group that was established to be supportive one way or the other for this type legislation.

Almost all of the concerns about special education voucher initiatives in the NCD policy paper are imbedded in SB10. In addition to the educational issues listed in the policy paper, proponents of the Georgia bill say that it is mirrored after the McKay Scholarship in Florida. In Florida, 61 percent of the private schools receiving vouchers

are church schools. In Georgia, if church schools are allowed to take vouchers, state constitutional issues would be raised (public money going to private schools).

The following is the executive summary and conclusion of the policy paper, (the entire report can be obtained by going to:

[www.ncd.gov/newsroom/publications/2003/vouchers.htm](http://www.ncd.gov/newsroom/publications/2003/vouchers.htm)).

## **EXECUTIVE SUMMARY OF THE NCD REPORT**

The enactment of the Individuals with Disabilities Education Act (IDEA) codified the Constitution's guarantee of equal protection under law for all children and youth with disabilities, providing them with a free appropriate public education that meets their education and related services needs in the least restrictive environment. The implementation of IDEA has produced important improvements in the quality and effectiveness of the education received by more than six million children and youth with disabilities.

In recent years, a vigorous debate has emerged on the use of educational vouchers to encourage greater choice to parents and students in public education service delivery. Policy makers have offered school choice and voucher proposals in the context of the reauthorization of IDEA. Yet, no comprehensive examination has been made of the general conditions that determine whether school vouchers are an effective educational instrument for students with disabilities.

The National Council on Disability's (NCD) *School Vouchers and Students with Disabilities* policy paper provides a rationale for assessing the issue of school vouchers, and contains the following major findings

- IDEA rights, as a general rule, **will not extend to children and youth with disabilities who participate in voucher programs.** Section 504 of the Rehabilitation Act and the

Americans with Disabilities Act will still apply to the **administration** of the voucher program **but not to most activities of the private school.**

- School choice and voucher options have expanded slowly over the past decade and established beachheads in several urban settings with mixed results from large-scale evaluative studies. Special education has been left out of the process for the most part, with the exception of the statewide Florida McKay Scholarship Program, which may not provide a working model for extending vouchers under reauthorized IDEA since **it does not hold private schools of choice to the same accountability requirements to which public schools are held.**

- Because vouchers can only cover a portion of costs of special education over and above the cost of private school tuition in many cases, particularly for students with moderate, low-incidence and severe disabilities, **such programs may benefit only the affluent who can afford to supplement vouchers to cover actual costs. Since school districts will lose students and a proportion of state funds due to transfers to private schools, it is possible that public schools will be left to serve only poor students with more significant disabilities, and at a reduced level of financial support.**

- **The principle of school choice, and voucher programs in particular, have not been adequately shown to be internally consistent and mutually reinforcing with regard to the other three principles of IDEA reauthorization (accountability for results, increasing local flexibility, and a focus on what works) outlined by the U.S. Department of Education (ED).**

- **The type of structure, policies, and procedures that are incorporated into a voucher program profoundly affect the rights of students in that program, produce different legal issues, and may also produce significantly different outcomes for those in the program.**

- Since children receiving special education are general education students, choice

provisions such as those detailed in the No Child Left Behind Act must also be extended to special education students. As the U.S. Department of Education has pointed out, the private schools of choice must be accessible and be able to implement the IEP of the previous school.

## **POSSIBLE QUESTIONS (QUOTED FROM THE NCD PAPER)**

Based on NCD's analyses, the following guiding questions are recommended to policy makers for immediate consideration as they explore the issue of whether vouchers should be used for students with disabilities, particularly through the enactment of federal legislation:

- 1. Whether private schools accepting vouchers for students with disabilities should be held to the same standards of accountability and compliance with IDEA as public schools serving the same students?**
- 2. Whether private schools accepting vouchers for students with disabilities should provide evidence that they meet and fully comply with the IDEA provisions for educating students in the least restrictive environment (LRE)?**
- 3. Whether a proposed voucher act would ensure that parents of students under IDEA eligible to receive vouchers would be provided with sufficiently detailed information concerning school choice options addressed particularly to the need for specialized supports and services needed to assure FAPE (Free and Appropriate Public Education) for their child, to enable them to make a reasoned and informed choice?**
- 4. Whether vouchers for students with disabilities should be funded at a level sufficient to cover private school tuition and excess educational costs for the least expensive private school within a reasonable transportation distance that can provide all necessary supports, services and accommodations required to provide a FAPE to such students in the LRE?**
- 5. Whether school districts losing students with vouchers and/or schools accepting**

**vouchers from students with disabilities should provide accessible transportation to and from school, and should be fully accessible environments for such students?**

In addition to these guiding questions, NCD believes that the U.S. Department of Education should conduct scientific investigations of programs extending voucher options to students with disabilities.

NCD concludes that policy makers and education leaders have a major challenge ahead of them to ensure that any development of school vouchers is based on the direct input of parents, positive results for students with disabilities, sound empirical research of its effectiveness as a policy option, and in accordance with applicable federal (and state) law and civil rights regulations.

## **CONCLUSIONS (OF NCD PAPER)**

As part of its advisory mission to the Congress, the President, and members of the executive Branch, NCD has evaluated the rationale for the extension of vouchers to students with disabilities. In this paper, NCD has also examined how school choice is working. Part and parcel of this examination has included an examination of the impact of existing programs and what, if any, lessons could be learned from them. From these analyses and related findings, NCD has determined that there are a number of guiding questions that should be addressed by key policy makers and education leaders as they proceed further in the current school-choice and special education reform debate.

The issue of extending vouchers to students with disabilities is not at all straightforward and is problematized by several important concerns. **First, it is not at all clear that the primary rationale for the provision of vouchers to general education students, namely to assist them to escape low-performing schools, and thus, through the competition with private schools so created, accomplish public school reform, holds water for students in special education. Since many of the students served under**

**IDEA did not participate in the standardized tests used to produce school “grades” and other rankings, it is not clear that the school problems extend to that population.**

Also, there is the issue of “critical mass.” School Districts, with 28 years of experience in providing educational services and supports to students with disabilities, have acquired and maintain an infrastructure for this specialized support. This infrastructure may particularly reflect specialized administrative personnel, teachers, highly specialized speech and other therapists, specialized adaptive equipment such as Braille writers, adapted computers, occupational therapy equipment, wheelchairs, etc. Loss of the typical “caseload” of students with disabilities and the money provided by the state for their education could significantly impact the ability of these districts to maintain the infrastructure, and thus could negatively impact services to the students who remain in district schools.

**Finally, it is not at all clear whether existing private schools want to serve students with disabilities or indeed can provide their specialized services and needed supports in the absence of the kind of critical mass enjoyed by school districts.** IDEA, for example, recognizes the importance of family participation in the child's educational plan, but also legitimizes the expertise of specialized staff and personnel who have specific knowledge and competencies for providing a free, appropriate public education (FAPE) to students with disabilities. To place the burden on parents to seek out a private alternative to provide the kind of specialized educational program needed to serve their students with disabilities may be unreasonable. In Florida, the special education vouchers are apparently providing the stimulus for new schools to come into existence to serve only students with disabilities. **This movement, however, could reverse the scientifically documented findings supporting the provision of educational services to students with disabilities in the least restrictive environment of inclusive opportunities (i.e., Sailor, 2002). The end result of large-scale voucher extensions to students with disabilities could lead to a new kind of institutionalization at public expense.**

NCD believes it is time for a more informed debate and deliberative decision making in the education reform arena. NCD also believes that by addressing the guiding questions posed at the front of this paper, and pursuing the areas of research detailed above, parents, students with disabilities and decision makers will be better prepared to determine whether school-choice is the right choice or not for students with special needs.

Be aware that Senate Bill 10 provides:

- No guarantee of services for the students this bill is supposed to help.
- No accountability for private schools fiscally or educationally.
- As the federal agency has noted, a possible situation leading to “large scale re-institutionalization of special needs children at public expense.”
- And finally, public money to fund church schools.