

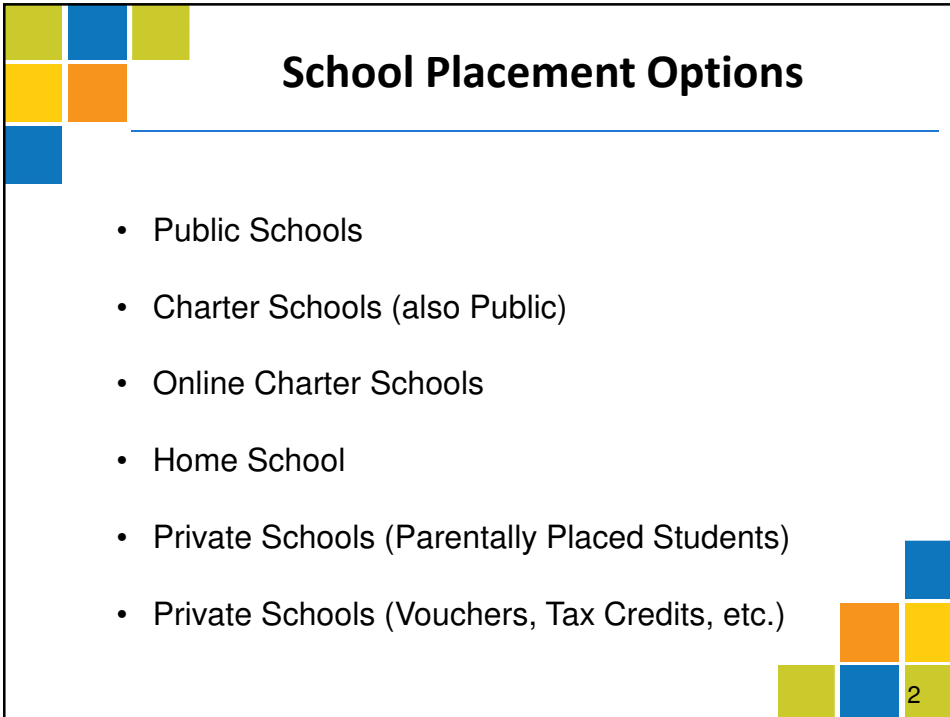
2017 Regions 4 & 6 Conference

School Choice: Vouchers, Scholarships, Education Savings Accounts and Charter Schools

Susan Henderson, DREDF
June 2017

Disability Rights Education & Defense Fund **DREDF**


1



School Placement Options

- Public Schools
- Charter Schools (also Public)
- Online Charter Schools
- Home School
- Private Schools (Parentally Placed Students)
- Private Schools (Vouchers, Tax Credits, etc.)

2

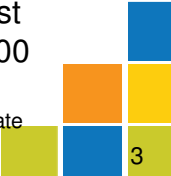



Vouchers, Scholarships & Tax Credits

As of January 2017:

- 14 states + DC offer vouchers – up from 10 states in 2013 / 178,419 students
- 17 states have Scholarship Tax Credit Programs / 256,784 students
- 5 states have Education Savings Accounts / 11,024 students
- 12 states have school choice targeted at students with disabilities
- Florida's McKay Scholarship is by far the largest program for students with disabilities with 30,000 students


Sources: Education Commission of the States, National Conference of State Legislatures, EdChoice





Vouchers, Scholarships & Tax Credits

States in Regions 5 and 6 that offer vouchers, scholarships or educational savings accounts:

- Arizona
- Utah

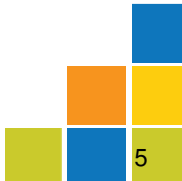





Vouchers, Scholarships & Tax Credits

The majority of the scholarship/voucher programs have one thing in common:


Families accepting the vouchers, scholarships or tax credits give up some or all of their rights under IDEA





Vouchers, Scholarships & Tax Credits

In a March 2001 letter to the Pinellas County School Board, OSEP concluded that:

"... if the FDE [Florida Department of Education] and its local school districts have made FAPE available to eligible children with disabilities in a public school but their parents elect to place them in private schools through the Scholarship Program, then such children are considered "private school children with disabilities" enrolled by their parents. See 34 C.F.R. §300.450







Vouchers, Scholarships & Tax Credits

What can forfeiting IDEA rights mean for students with disabilities?

- No IEP
- No agreed upon or written goals
- No agreement about the delivery of related services
- No requirement for a transition plan
- No right to a manifestation determination for students with disabilities whose behavior may result in disciplinary action

Arizona #1: Lexie's Law


What: Corporate and individual donations are offset by tax credits that provide funding for scholarships.

Eligibility: Students with an IEP, students with a disability under Section 504, students identified as needing disability services, and children in foster care.

Funding: Whichever is less:

- Private school tuition
- 90 percent of the cost to send the child to public school

Limitations: Scholarships can only be used in private schools. Releases school district from obligations to educate the qualified student.






Arizona #2: Empowerment Scholarships Account Program

What: Education Savings Accounts pay for tuition, services, text books, educational therapies and tutoring.

Eligibility: Child must have an IEP or be eligible for a 504 Plan. Must have been a full time student who attended public school for 100 days and transferred to a private school; or received a Lexie's Law scholarship.

Funding: Public funds pay up to 90 percent of state funding for each student.

Limitations: Child cannot enroll in a public or charter school. Parent releases the school district from all obligations to educate the student.



9



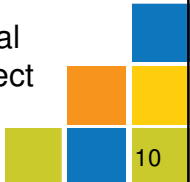
Florida: John M. McKay Scholarship for Students with Disabilities

What: Vouchers to pay private school tuition.


Eligibility: Students with an IEP or a 504 Plan and attended public school in any of the five years prior to the current year; US military children are exempt from the attendance requirement.

Funding: Whichever is less: the amount of public school funding student would have received or private school tuition.

Limitations: Private schools providing educational services using a McKay Scholarship are not subject to IDEA .



10




Georgia: Special Needs Scholarship Program

What: Vouchers to pay private school tuition.


Eligibility: Student must have attended public school the previous year with an IEP.

Funding: Whichever is less: the amount of public school funding student would have received or private school tuition.

Limitations: "Acceptance of a scholarship shall have the same effect as a parental refusal to consent to services pursuant to the IDEA, 20 U.S.C.A. Section 1400, et seq."



11




Indiana: Choice Scholarships

What: Scholarships to pay private school tuition.


Eligibility: Student has a disability & an IEP. Household income equal or below 200% of the amount to qualify for reduced or free lunch.

Funding: \$4,700 + the grant amount a public school would have received for special education services.

Limitations: "a public school is not required to make available special education and related services to an eligible choice scholarship student who receives funds under section 4(2) of this chapter."



12





Louisiana: School Choice Program for Certain Students with Exceptionalities

What: Vouchers to pay private school tuition.

Eligibility: Student must have an IEP and be in need of services for autism, mental disability, emotional disturbance, developmental delay, other health impairment-specific learning disability, or traumatic brain injury. Limited Parishes.

Funding: Whichever is less: 50 percent of state per-pupil funding or private school tuition.

Limitations: Private schools providing educational services to a child using a voucher are not subject to IDEA. Parents are responsible for any costs not covered by the voucher.


Mississippi: Dyslexia Therapy Scholarship for Students with Dyslexia Program


What: Vouchers to pay private school tuition or allow student to go to a public school of her choice that offers appropriate services.

Eligibility: Students in grades 1 - 6 who have been diagnosed with dyslexia.

Funding: State per-pupil allocation + state and federal funding that the student would qualify for.

Limitations: Schools providing educational services to a child using a voucher must receive accreditation from the state in the practice of dyslexia therapy.





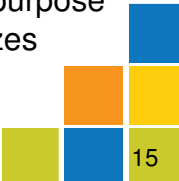

Mississippi: Nate Rogers Scholarship for Students with Disabilities

What: Vouchers to pay private school tuition students with speech-language therapy needs.

Eligibility: Students in grades K - 6 who have speech impairment as primary disability.

Funding: Equivalent to the average amount of state spending per student.

Limitations: State-accredited nonpublic special-purpose school that is organized to provide, and emphasizes instruction in, speech-language therapy and intervention as the primary purpose of the school.


North Carolina: Tax Credits for Children with Disabilities


What: Tax credits for expenditures for tuition and services.

Eligibility: A child with a disability who has spent at least two semesters in a taxable year in a public school and who was determined to require an IEP.

Funding: Individuals receive up to a \$3,000 tax credit per semester for tuition and related services.

Limitations: Private schools providing educational services to a child are not subject to IDEA.







Ohio #1: Autism Scholarship Program

What: Scholarships students with autism for private school tuition and services.

Eligibility: Students identified with autism by their assigned school district. Students with autism in private school are eligible. Parents must reapply each year.

Funding: up to \$20,000 per year.

Limitations: Accepting a scholarship results in the relinquishment of a child's right to FAPE from the LEA.


Ohio #2: Jon Peterson Special Needs Scholarship Program


What: Scholarships for special education students in K-12 to attend alternative public or private education programs.

Eligibility: Students who have a finalized IEP from their home school district and current private school families with a finalized IEP (not a service plan or 504).

Funding: Up to \$20,000 per year depending on disability.

Limitations: Accepting a scholarship results in the relinquishment of a child's right to FAPE from the LEA.






Oklahoma: Lindsey Nicole Henry Scholarship

What: Scholarships for special education students in K-12 to attend alternative public or private education programs.


Eligibility: Students who have an IEP and who attended public school the previous year. Military children are exempt from the attendance requirement.

Funding: Whichever is less: 100 percent of the state and local funding or private school tuition.

Limitations: School districts are not responsible for any additional costs associated with special education and related services.



19




Tennessee: Individualized Education Savings Account

What: Parents receive access to state and local public education funds through a prepaid debit card account.


Eligibility: Students who have an IEP and who attended public school the previous year.

Funding: Equal to the per-pupil state and local funds required through the state's education funding formula. Does not include federal funds. Avg. = \$3,300

Limitations: Parents must waive their student's rights to services through IDEA. Once enrolled the IEP will be inactive and the school district will not be required to provide any services.



20



Utah: Carson Smith Special Needs Scholarship

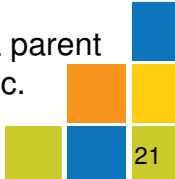
What: Scholarships for students with disabilities to use at private schools.

Eligibility: Students who are eligible for an IEP. Students can currently be attending a private school.


Funding: Public school funding formula. In 2016-17:

- \$7,730 for three or more hours of services
- \$4,638 for fewer than three hours of service
- Parents are responsible for any costs over these amounts

Limitations: Acceptance has the same effect as a parent refusal to consent to services pursuant to IDEA Sec. 614(a)(1), 20 U.S.C. Sec. 1400 et seq.



21



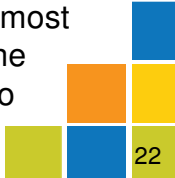
Wisconsin: Special Needs Scholarship

What: Scholarships for students with disabilities to use at private schools.

Eligibility: Students must have an active IEP and been enrolled in a WI public school for at least the entire prior school year.

Funding: \$12,000 in 2016-17, and will increase by the dollar amount equal to the increase in general school aid.

Limitations: Private school must implement the most recent IEP, as modified by agreement between the school and parent, and related services agreed to that are not included in the IEP or services plan.



22



On the Horizon: US Dept. of Education

- President's budget includes \$250 million to study and expand private school vouchers.
- Secretary DeVos recently confirmed that private schools receiving federal funds must follow IDEA.
- How will "parentally placed" be interpreted if federal funds are used for vouchers or scholarships?


23



Charter Schools

- Considered a school of choice
- Public schools
- Often have an educational mission or focus
- Must comply with IDEA & Section 504
- Students must apply and there's often a lottery
- In most cases, no residency requirements

24



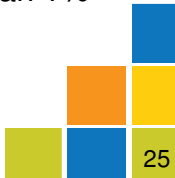

Charter Schools – The Numbers

In 2014-15 there were:

- Over 98,000 public schools
- 6,400 of these were charter schools

In 2014-15:

- 1,179 regular public schools closed
- 284 of those were Charter schools
- Non-charter school closure rate = less than 1%
- Charter school closure rate = 4.4%





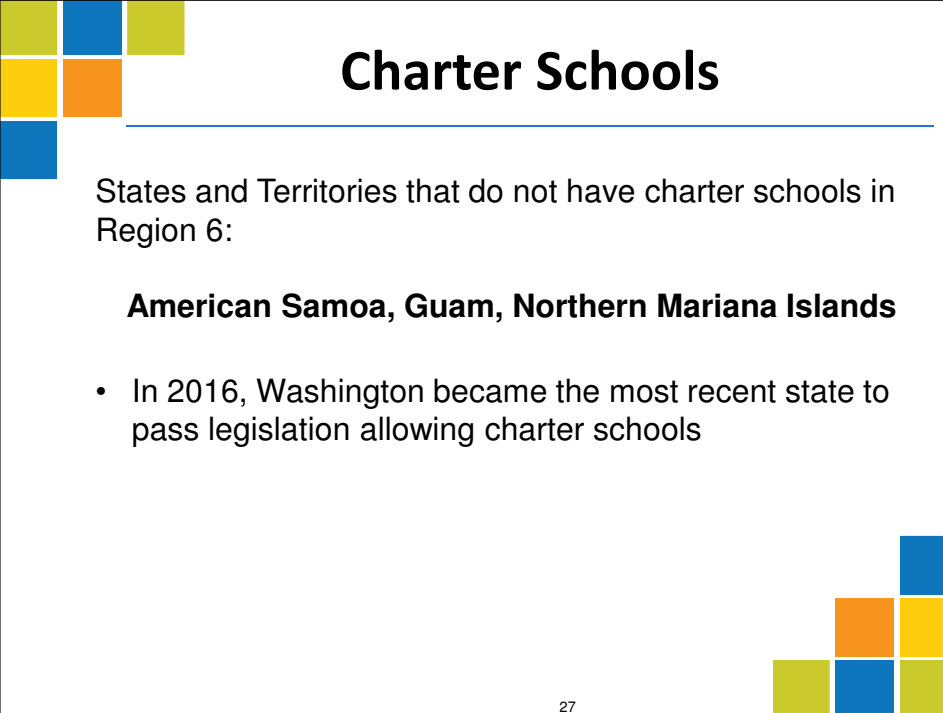
Charter Schools

States that do not have charter schools in Region 5:

Montana, Nebraska, North Dakota, South Dakota

- **Nebraska** has pending legislation but it doesn't look like it will be successful this year.
- **South Dakota** state law allows for charter schools that serve American Indian students from federally recognized tribes if the state receives a federal grant.
- **Montana** House and Senate passed charter school legislation this year. Ultimate status pending.





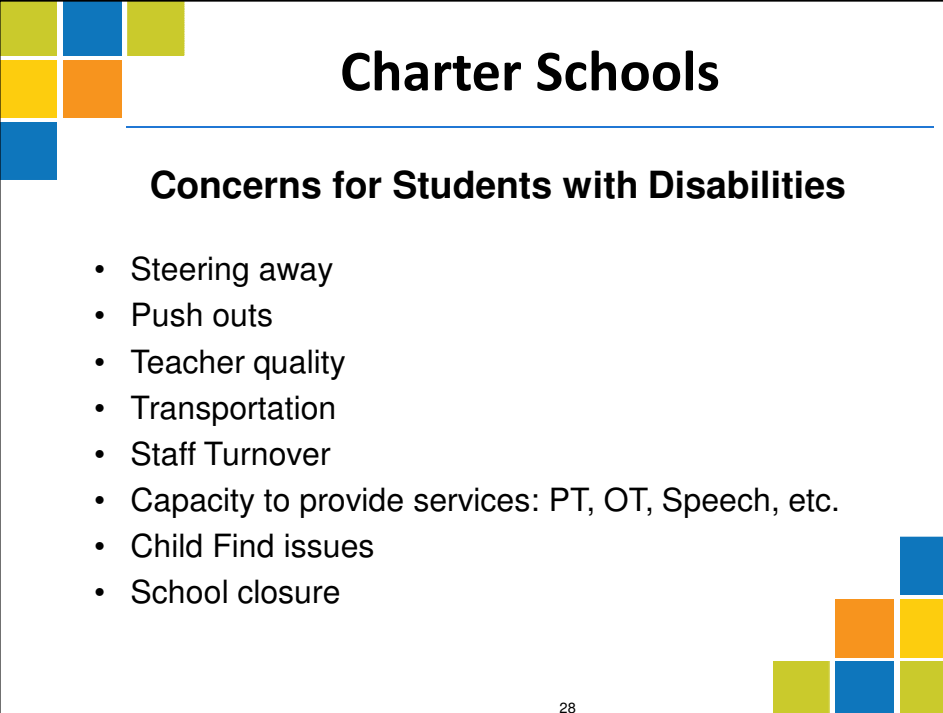
Charter Schools

States and Territories that do not have charter schools in Region 6:

American Samoa, Guam, Northern Mariana Islands

- In 2016, Washington became the most recent state to pass legislation allowing charter schools

27

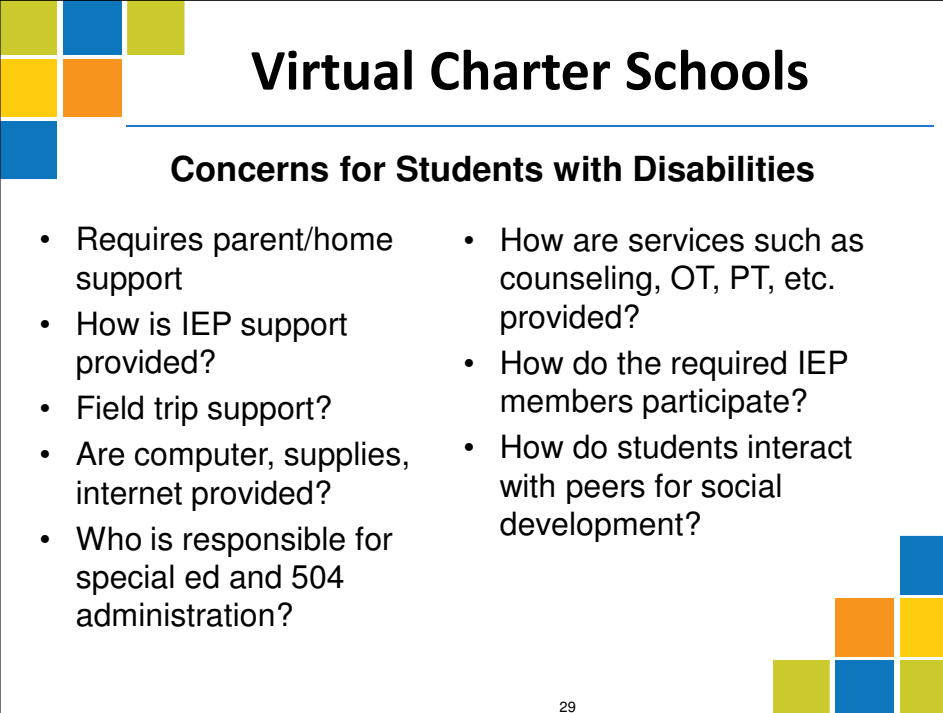


Charter Schools

Concerns for Students with Disabilities

- Steering away
- Push outs
- Teacher quality
- Transportation
- Staff Turnover
- Capacity to provide services: PT, OT, Speech, etc.
- Child Find issues
- School closure

28

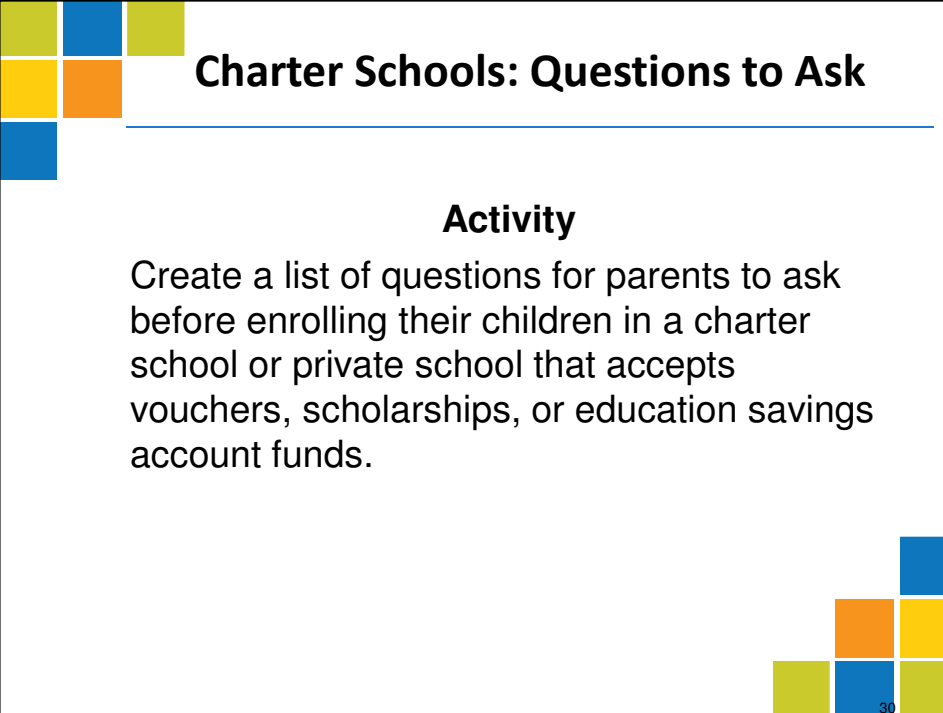


Virtual Charter Schools

Concerns for Students with Disabilities

- Requires parent/home support
- How is IEP support provided?
- Field trip support?
- Are computer, supplies, internet provided?
- Who is responsible for special ed and 504 administration?
- How are services such as counseling, OT, PT, etc. provided?
- How do the required IEP members participate?
- How do students interact with peers for social development?

29




Charter Schools: Questions to Ask

Activity


Create a list of questions for parents to ask before enrolling their children in a charter school or private school that accepts vouchers, scholarships, or education savings account funds.

30




Charter Schools: Questions to Ask

- Is the school a Local Education Agency (LEA) for special education or does it operate under the school district?
- Who is responsible for special education and 504 administration?
- How many qualified special education teachers are on staff?
- Is the building accessible?
- How do classroom teachers communicate with parents regarding academic and behavioral issues?




31



Charter Schools: Questions to Ask

- What percentage of the student body receives special education services?
- What percentage of students with disabilities take the regular state assessments?
- What are the different disability categories that your school currently serves, i.e.. Autism, OHI?
- How many students with disabilities graduated with a diploma last year?
- How do you integrate services for students with disabilities in an inclusion setting?
- How many of your current students are served in self-contained settings?



32