Private School Vouchers & Voucher-like Schemes

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Agenda

• Current state voucher programs and voucher basics
• Civil rights protections and private school vouchers
• Rights of children with disabilities and vouchers
Types of Vouchers

Traditional Vouchers
- All Students
- Targeted

Backdoor Vouchers
- Tuition Tax Credits
- Education Savings Accounts

Portability
- A Step Towards Vouchers
- Title I funds “follow the student”
Traditional Voucher

Taxpayer

Government

Private School

Student
Taxpayer

Government

Savings Account for Family

Private school
Tuition Tax Credits

Business or Individual → Donation → Scholarship Org. → Voucher → Student

Govt → Tax credit → Private School → Voucher
Vouchers in the States

51 programs in 24 states

25 Voucher
21 TTC
5 ESA

Alabama, Arizona, Florida, Georgia, Indiana, Iowa, Kansas, Louisiana, Maryland, Mississippi, Montana, New Hampshire, Nevada, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Virginia, and Wisconsin. Programs have also been enacted in Washington, D.C. and Douglas County, Colorado.
Actions the Administration & Congress Could Take

- Tax reform – Tuition Tax Credits
- Appropriations – Grants to Study & Expand
- ESSA Implementation
- Stand-Alone Legislation
Congress – Stand Alone Bills

Native American Education Opportunity Act
- Turns BIE money into voucher
- Expands state ESA programs
- Undermines BIE-funded schools

Scholarship for Kids Act
- Turns 63% of federal K-12 funding into a voucher

CHOICE Act
- Turns IDEA into vouchers
- Creates voucher for military families (draining IMPACT Aid)
<table>
<thead>
<tr>
<th>State</th>
<th>Summary</th>
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<tbody>
<tr>
<td>Louisiana</td>
<td>“Students using an LSP scholarship performed significantly worse in math after using their scholarship to attend private schools.”</td>
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<tr>
<td>Ohio</td>
<td>“Students who use vouchers to attend private schools have fared worse academically compared to their closely matched peers attending public schools.”</td>
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<td>Indiana</td>
<td>“Voucher students who transfer to private schools experienced significant losses in achievement.”</td>
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<td>District of Columbia</td>
<td>“The OSP had a statistically significant negative impact on the mathematics achievement of students offered or using a scholarship.”</td>
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Accountability

Not “equal accountability” with public schools

Teacher Qualifications

Curriculum Requirements

Testing and Reporting

Oversight
Vouchers for Vulnerable Populations: Voucher Students Lose Rights

Title VI  Title IX  IDEA  Due process  Free speech  Open records
Voucher Students Lose Rights

• **Title VI** of the Civil Rights Act of 1964 – Prohibits discrimination on the basis of race, color, and national origin by recipients of federal funds.

• **Title IX** of the Education Amendments of 1972 - Prohibits sex discrimination by recipients of federal funds.
IDEA

• Under IDEA states and districts must make available to all students with disabilities a free appropriate public education (FAPE)
• Each child receiving services has an individual education program (IEP) which articulates specific services to be provided to student
• The parent must be a partner in planning and overseeing the child’s special education and related services as a member of the IEP team
• Student educated in Least Restrictive Environment
• Due process and procedural safeguards apply
IDEA & Private Schools

• “Child Find” provisions

• IEP also determines placement, which can be in private school (“non-public/private public placement”). In this case, maintain IDEA rights.

• If parentally placed, students can receive the services provided to other students, but
  ○ does not have IDEA right to ask for more/other services not provided – unless Child Find applies (new evaluation)
  ○ no due process or procedural safeguards apply.
Vouchers Don’t Help Students with Disabilities

• Students using vouchers/tax credits/savings accounts are considered parentally placed in private schools and typically forfeit IDEA protections

• Students generally do not receive the same quality and quantity of services they would receive in public schools, including those in their IEP;

• Private and religious schools do not have to accept students with disabilities, and as a result, there is systematic exclusion of students with disabilities

• If child exits the private school, the IDEA Child Find process starts over in the public school/district.
May Forfeit Rights Under IDEA

Undermines Least Restrictive Environment Goal

Often No Trained Teachers

Less Access to Programs

Less Likely to Find a School

Transportation, extra services, other hidden costs
Discussion