

Private School Choice Programs

Is There a Seat for Students with Disabilities?

The logo for the Council of Parent Attorneys and Advocates (COPAA). It features the word "COPAA" in a bold, blue, serif font. Below the letters, there is a green swoosh that starts under the 'C', goes under the 'O' and 'P', and ends under the 'A's.

Executive Summary

Over the past decade, private school choice programs have proliferated in the United States, altering the nation's educational landscape and expanding the schooling options available to many students and their families. The debate over these programs has intensified as well, as the private school choice movement shifted its focus to expanding access for a much different population of students than it did previously, threatening to abandon or sharply curtail its historic focus on providing opportunities to some of our nation's most disadvantaged students, including those with disabilities and from low-income households.

The recent and rapid growth of the movement has resulted in more than half of states offering such programs as of the 2024-25 school year – largely but not exclusively in the South and Mountain West – with most newly enacted programs focused on universal, open access with few, if any, eligibility requirements. Now, with the recent passage of HR1, or the One Big Beautiful Bill by Congress in July 2025, for the first time there is a national mechanism that could potentially expand private school choice programs to all states, including those which have been largely resistant to them up to this point.

This shift poses critical questions about who can access these programs, who benefits from them, who pays for them, and what accountability is expected of those schools that participate and benefit from these programs – all while raising serious questions about their impact on marginalized students, including their access to these programs and legal protections.

Despite the fact that well over 1 million students have taken advantage of these options dating back to the 1990's, there has been little in-depth attention paid to examining how the movement is serving students, with scant information available about the impact of these programs on students, and even less information about their impact on students with disabilities.

COPAA's report "Private School Choice Programs: Is There a Seat for Students with Disabilities?" specifically examines the implications of the rapid expansion of the private school choice movement for students with disabilities (SWDs). After pouring over research reports, news articles and data, and by speaking with parents directly, we found that the landscape for private school choice programs has changed dramatically, failing to address long-standing concerns about how they are serving students with disabilities. At the same time, they are creating new uncertainties for the system of special education that serves more than 7 million school aged children, including 95 percent of all students with disabilities, not to mention public education writ large as a result of the massive new fiscal outlays required to fund universal open access school choice programs.

Key Findings

- **Private school choice programs serve a much different population of students than they did just a few years ago**, including many more wealthy and White students, while serving proportionately fewer students with disabilities or from low-income

households, exacerbating disparities based on income and race as well as disability status and geography, with rural students having few options than peers in urban and suburban areas.

- **Despite the rapid recent growth and interest in these programs, only a small number and percentage of eligible students with disabilities participate** in most states, with notable exceptions such as Florida and Arizona. Among private choice programs that target students with disabilities, nine states offered 12 different programs in 2024-25, serving 135,025 participants. Participation rates among those students eligible under their state program rules hover around 2 percent in most states, with Florida being a clear outlier, with more than 1 in 4 eligible students participating in their program. Similarly, among states with programs open to all student populations, participation rates among students with disabilities generally lag those of non-disabled students, with the exception of Arizona, where 19 percent of all awards were made to students with disabilities this past year, despite making up approximately 15 percent of the overall student population.
- **Private school choice programs erode legal protections for students with disabilities.** Many families of students with disabilities are not informed about the vast array of rights they may sacrifice by participating in these programs, including those that protect students against discrimination in areas such as enrollment or being removed by schools for issues related to their disability, a pattern that has been documented by the press and watchdog groups.
- **Expansion of private choice programs may undermine access and gains for students with disabilities.** COPAA and other groups are concerned that historic and hard-fought gains achieved by students with disabilities, including the right to be educated in general education classrooms, may be eroded by the expansion of private choice programs.
 - Early evidence from private choice programs suggests that students with disabilities may have decreased access to general education settings in many private choice programs in lieu of attending more specialized, segregated schools designed to accommodate students with special education needs. While specialized school settings may be appropriate and even be preferred by some parents, those seeking inclusive settings for students with disabilities may find few or no options available.
 - Families also point out other barriers they face in taking advantage of their state's program, including finding and paying for transportation and other costs associated with private schools such as school lunches, uniforms and school activities. While public schools are required to provide free transportation to students with disabilities, most private school programs are not required to do so, placing the onus on families to arrange and pay for this often costly service.
 - The recent trend of states merging programs previously designed for students with disabilities into larger, new universal access programs available to all students suggests that it will be even more difficult for students with disabilities to compete

for and obtain a seat in the future, as more students vie for a limited and largely fixed number of seats at private schools.

- **Lack of evidence about outcomes.** There has been limited in-depth analysis of the impact that private school choice programs have on students with disabilities, nor information available at a school level about whether it has a track record in successfully serving students with disabilities, placing the onus on parents to figure out what, if any, options may be appropriate for their child, and on taxpayers and decision-makers to ascertain whether these programs are a good investment of public resources.
- **Overall, the growth of private choice programs will undoubtedly mean that students with disabilities who remain in public educational settings – whether by choice or because they don't have options to participate in private choice programs – will have fewer resources, lower levels of services and inferior outcomes.** The massive increase in public budgetary outlays required to fund universal private choice programs, combined with the current federal rollback of support for special education, is creating greater pressure on the public education system to do more with less resources, even though public schools are still required to provide a free and appropriate education for every student with a disability in their district regardless of the cost.
- **Oversight and transparency concerns grow as programs expand.** As private choice programs have rapidly grown, documented cases of fraud, waste and abuse have soared. One recent example is Florida's program, where auditors found that lack of oversight in their private choice program resulted in a \$270 million dollar shortfall for its public schools. The combination of lax oversight and the massive influx of new dollars raises serious concerns about how public resources are being spent, the accountability of schools participating in these programs, and why stronger oversight is not being built in to new programs.

Key Recommendations

- **Educate families about rights and options.** States and advocacy organizations should prioritize outreach and education to ensure families can make informed decisions and understand the legal and practical consequences of opting to participate in private school choice programs.
- **Address systemic inequities and discrimination.** Any expansion of private choice programs must be accompanied by robust efforts to address disparities based on disability, income, race, sexual orientation and geography. Programs should be designed to directly address these inequities and provide meaningful opportunities for all eligible students.
- **Strengthen oversight and accountability.** COPAA calls for rigorous oversight to ensure that private school choice programs serve students with disabilities and other marginalized groups equitably and transparently and that public resources are not

wasted with regular review of all private school choice programs that includes input from families, educators, and advocates.

- **Improve data collection and sharing.** Accurate, comprehensive data is essential to understanding the impact of private choice programs on students with disabilities and other vulnerable populations. COPAA recommends that states develop robust reporting requirements and publicly disseminate key findings, including complaint rates, satisfaction levels, and educational outcomes.

Private school choice programs are poised to continue their rapid expansion due to both the growth of state-sponsored programs and the July 2025 passage of HB1, the One Bill Beautiful Bill Act, which includes a new federal tax credit for private school vouchers. Despite this growth in states, their supporters face ongoing legal challenges which have led to programs being paused or struck down in places like Utah, Ohio, Montana, Wyoming, and Missouri. The future of the federal HB1 private school voucher tax credit hinges on state-level participation decisions that must be made in 2026 amid strong advocacy from both supporters and opponents. COPAA, for its part, remains resolute in its position that federal education funds should not be used to support private school choice programs and that any program funded by the federal government must be consistent with and uphold all provisions of applicable federal, state, and local laws including IDEA, the Americans with Disability Act (ADA) and Section 504 of the Rehabilitation Act of 1973 (Section 504).

If the future holds more private educational choice programs, which every sign seems to be that it will, close attention needs to be paid to ensure the rights of students with disabilities and their families are maintained and that there is transparency regarding participation, outcomes and fiscal oversight and responsibility. Skirting these obligations in the name of “choice” must not be allowed to continue.

Contents

Introduction 8

The History and Evolution of Private School Choice Programs..... 9

The Growth of Private School Choice Programs..... 12

Private Choice Programs and Students with Disabilities 12

The Debate About Private School Choice Programs and Students with Disabilities 14

Findings..... 21

Recommendations 21

The Future of the Private School Choice Movement 22

Conclusion 24

Endnotes..... 25

Introduction

There has been an explosion in the number, coverage and variety of private school choice programs over the past decade. These programs now serve a much broader range of students and families, extending far beyond their historical purpose of helping students with financial challenges or disabilities gain access to improved educational opportunities and support. This report examines the implication of this explosion for students with disabilities (SWDs).

The recent growth of the private school choice movement is of significant interest to all families, taxpayers and policymakers; however much is at stake for families of students with disabilities, whom have traditionally been a focus of such programs. COPAA's 2016 report on private school choice programs laid out the legal

framework and precedents for private vouchers and Educational Savings Accounts as well as many of the arguments for and against their use by families of students with disabilities.¹ COPAA's report called attention to the fact that many programs were not serving students with disabilities, and that students and families lost rights under federal laws such as the Individuals with Disabilities Education Act (IDEA), often without understanding what they were giving up.

Since that time, the landscape for private school choice programs has changed dramatically. And yet, for students with disabilities, little has changed. On one hand, choice programs have rapidly grown and evolved at the state level. Now, with the recent passage of HR1, or the One Big Beautiful Bill by Congress in July 2025, for the first time there is a national mechanism that could potentially expand private school choice programs to all states, including almost half of which have been largely resistant to them up to this point.



Despite the fact that thousands of students have taken advantage of these options dating back to the early 2000's, there has been little in-depth attention paid to examining how the movement is serving students with disabilities.

This report seeks to answer those questions by examining available evidence about the impact of choice programs for all students and more specifically, for students with disabilities. It also explores the implications of the rapid expansion and evolution of the private school choice movement for students with disabilities, their families, taxpayers and society.

The History and Evolution of Private School Choice Programs

The origins of private school choice programs date back to the 1950s, when the economist Milton Friedman introduced the idea of private school vouchers, which were subsequently embraced by segregationists in the aftermath of the *Brown v. Board* ruling,² helping fuel the growth of “segregation academies” across the South in the 1960’s and 70’s.³

However, private school voucher programs re-emerged in the 1990’s in a new, dramatically different light – as a mechanism to provide low-income and mostly black parents in Milwaukee and Cleveland a way to escape what were characterized as failing public schools.

In 2003 the focus of voucher programs expanded to include students with disabilities, with the first voucher program designed exclusively for students with disabilities introduced in Ohio, targeted to students with Autism.⁴ Also in 2003, Congress enacted the Scholarships for Opportunity and Results Grant (SOAR), a voucher program that provided parents in struggling Washington, DC public schools the opportunity to enroll their child in a high-quality public or private elementary or secondary school of their choice. The program is the first federally funded school choice program but was limited to residents of the District of Columbia.⁵

New voucher programs were subsequently launched in other states in the early 2000s, with most focused on serving students with disabilities and those from low-income families. However, their growth slowed as courts in several states blocked these programs, finding that they did not meet scrutiny under state constitutions. For example, in 2009 the Arizona Supreme Court ruled that its voucher program was unconstitutional because it provided public

An Overview of School Choice Programs

States have created a number of mechanisms to support families that want to send their child to a school other than their locally assigned public school; these are broadly referred to as **school choice programs**. They include **public choice options** such as charter schools, magnet schools and open enrollment programs that allow students that reside outside of a local school’s attendance zone to apply for a seat. More recently, states have developed programs to support parents who want to send their child to a private school or other non-public educational option. These programs are referred to as **private school choice programs**, and include vouchers, educational savings accounts, tax credits and other similar mechanisms that provide financial support for parents to enroll their child in a private school or private program.



dollars directly to private schools.⁶ In response, private school choice proponents in the state created the country's first Educational Savings Account (ESA) program in 2011. The ESA was designed to bypass this constitutional challenge by giving money to parents instead of private schools. Initially, the program was available only to students with disabilities, although it was subsequently expanded to other groups.

Compared to vouchers, which provide funds to a participating student's private school, ESA funds are provided to parents on behalf of a participating student, who can then use the funds to pay for approved educational expenses. In addition to tuition, ESAs may also be used to pay for services such as tutoring or occupational and other therapies, educational supplies, and even educational enrichment activities like field trips. Each state decides what is permitted.

During the decade, the private school choice movement evolved from one that consisted of small voucher programs focused on supporting historically marginalized student groups – including students from low-income households and students with disabilities – to one that includes an array of taxpayer funded private school choice options with few if any restrictions to participation. Not surprisingly, the number of students participating in these programs grew by nearly 400 percent since 2020 and by 40 percent in the past year alone.⁷ The nation's largest private school choice state – Florida – now serves more than 300,000 students annually through its array of program options – while Arizona, Ohio, Indiana and North Carolina are quickly approaching the 100,000-student mark.

In addition to vouchers and educational savings accounts, states have created different tax credits that provide tax breaks to individuals and, in some cases, corporations, who provide funds to eligible students to attend private schools. Like ESAs, these mechanisms successfully avoid many of the legal challenges that confronted private voucher programs. These programs are often referred to as tax-credit or scholarship programs, which permit businesses or individuals to receive income tax credits for contributions they make to state-approved scholarship granting organizations (SGOs) – organizations that pass along the financial assistance to families of eligible students. This is the type of program created by Congress's recently passed HR1 bill, which provides a federal tax-credit. As of this writing Notice 2025-70 announces that Treasury and the IRS plan to issue proposed regulations and are seeking public comments on state certification of SGOs, states' verification procedures, how multi-state or other scholarship-granting organizations can qualify, and SGO reporting requirements.⁸

COPAA advocated against the education tax credit provision in HR1 and agreed with advocates such as the Education Law Center (ELC), who urged that states should not opt into a new federal school voucher tax-credit program. ELC argues that the new provision would divert much-needed public funding away from underfunded public schools to private education, harming the nearly 90 percent of students who attend public schools. They also claim the voucher scheme doesn't address the real causes of declining student achievement, benefits private schools that can discriminate and lack accountability, and could worsen outcomes and equity. Instead, states should support public schools and provide services like tutoring and mental health support through traditional school funding.⁹

Table 1. Types of Mechanisms Supporting Private Schools/Educational Programs

Program	Who Gets the Benefit	How	Funding Source	Allowable Uses
Vouchers	Private School	Direct payment to school	State budgetary expense	Tuition
Educational Savings Account	Parent	Reimbursement from savings account to parent/guardian	State budgetary expense	Tuition, supplies, related services
ESA-Tax Credit &/or Scholarship	Donor & Student/Family	Donations go to a Scholarship Granting Organization who then makes funds available to eligible students. Donors receive a tax credit	A loss of state tax revenue	Tuition, supplies, related services
Individual Tax Credit	Parent	Tax credit to individual	A loss of state tax revenue	Tuition, supplies, related services

Beyond private school choice programs, more parents are choosing to educate their children outside of the traditional public school system. NCES reports that the number of students being homeschooled increased from 3.3 percent of students in 2019 to nearly 6 percent by 2023-24,¹⁰ an outgrowth of the COVID-19 school closures. An increasing number of states now also provide financial support to families who homeschool their children through ESA programs, which will likely contribute to their continued growth among both general and special education students. Meanwhile, microschools, which are small, intentionally designed learning communities that typically serve between five and fifty students, also saw significant growth since the pandemic including among students with disabilities, and are expected to keep expanding.¹¹

This report focuses primarily on vouchers and ESA programs since those programs are most directly responsible for attracting and supporting students in private educational settings.

The Growth of Private School Choice Programs

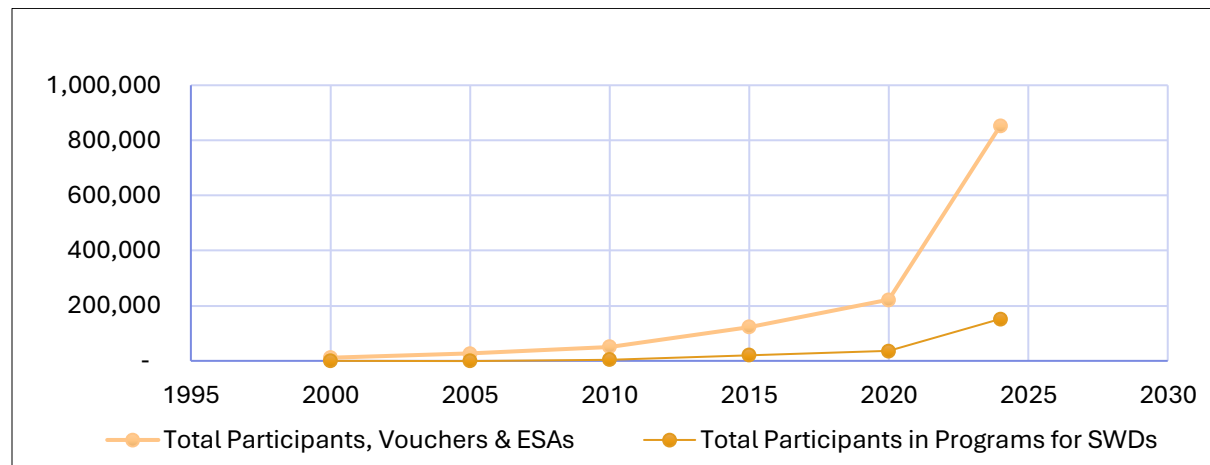
Currently about half of all states offer some type of private voucher or ESA program, and almost half of those states now or will in the near future offer universal access to any student that wants to participate. The growth of the private school choice movement largely follows geographic and political maps, with most growth occurring in the South and Mountain West and in Republican-controlled states.

Table 2. Private School Choice Programs, 2024-25

Program Type	States Offering	Programs
Vouchers	16	25
ESAs	13	15
<i>TOTAL</i>	25	40

In 2004 there were only five private choice programs in four states, serving 23,736 students. In 2016, when COPAA last examined the issue, there were 10 voucher programs and only two ESA programs. By 2024-25, however, there were approximately 40 private voucher and educational savings accounts programs operating in 25 states, serving almost 1 million students.¹² In addition, 18 states offer ESA Tax Credit/Scholarship programs that serve an estimated 217,000 students.¹³ During this timeframe, growth in private choice programs shifted from vouchers to ESAs, as voucher programs faced legal challenges and low support from voters.

Table 3. Students Utilizing Vouchers and ESAs



Private Choice Programs and Students with Disabilities

Universal Access Programs. Most universal choice programs are open to all or nearly all students, including students with disabilities. However, due to limitations in how states collect data, it is not possible to determine how many students with disabilities participate in these programs. However, among the eight states that offered universal or near universal access in 2024-25, five offered separate programs that served students with disabilities (see Table 4

below). Each of those states funds students with disabilities at higher awards levels compared to non-disabled peers, likely in recognition of the additional costs associated with educating students with disabilities. Among the three states that did not offer separate programs (e.g., Arizona, Iowa and West Virginia), Arizona provided priority access and higher fund award amounts to students with disabilities, while West Virginia and Iowa did not offer students with disabilities any priority access or increased funding. Among universal access programs, Arizona, which unlike most states does collect and share enrollment numbers based on student disability status, had the largest number of students with disabilities participating (16,332).

Table 4. Universal/near universal private choice states and students with disabilities, 2024-25

State	Type of Program(s)	Priority for Students with Disabilities	Higher Award for Students with Disabilities	Separate program(s) for Students with Disabilities
AZ	ESA	Yes	Yes	No*
FL	ESA, Tax Credit	Not applicable	Yes	Yes
IN**	Voucher	Yes	Yes	Yes
IA***	ESA	No	No	No
NC	Voucher	Not applicable	Yes	Yes
OH	Voucher (5 programs)	Not applicable	Yes	Yes
UT	ESA	No	Yes	Yes****
WV	ESA	No	No	No

* Arizona offers a tax credit program for students with disabilities; however, students cannot use the tax credit and ESA program at the same time. ** Indiana's program in 2024-25 was nearly universal with a limit of 400 percent FRLP. *** Iowa's program eliminates all limitations starting in 2025-26. **** Utah's program for SWDs was to be merged with this program but was halted by court order.

Programs for Students with Disabilities. Among private choice programs, 12 were exclusively available to students with disabilities in 2024-25, serving 135,025 students in nine states. This group includes nine voucher programs and three ESA programs. Additionally, three states offered ESA Tax Credit programs targeted to students with disabilities.¹⁴

Florida accounted for the vast majority of all participants in private choice programs designed for students with disabilities, with more than 107,000 students participating in 2024-25. The next largest program was Ohio's voucher program, the Jon Peterson Special Needs Scholarship Program, with 8,183 participants.

Table 5. Programs for Students with Disabilities

Program Type	States Offering	Programs	Participants
Voucher	7	9	24,201
ESA	3	3	110,824
TOTAL	9*	12	135,025

* Mississippi and Ohio offer multiple programs.

Participation Rates Among Students with Disabilities. There is not enough data to determine overall participation rates of students with disabilities in all types of private choice programs since many states do not either collect or make that information available. However, among private choice programs designed for students with disabilities, participation rates are generally low. In 2024, 8.7 percent of eligible students participated in private choice programs (including vouchers and ESAs) designed for students with disabilities.¹⁵ However, participation rates varied considerably depending on the state. For example, Florida reported that more than 1 in 4 eligible students with disabilities participated in its program, by far the highest rate of any state. By comparison, the other 11 state programs had an average participation rate of 2.4 percent.


Looking at participation rates by the type of program reveals a similar pattern. ESA programs have a much higher average participation rate (12.1 percent) than vouchers (2.5 percent), however, Florida's ESA program again dramatically skews the overall rate. If Florida is removed from the analysis, the remaining ESA programs have an average participation rate of 1.8 percent, a rate slightly lower than voucher programs.

The Debate About Private School Choice Programs and Students with Disabilities

As they continue to grow and evolve, the debate about private school choice programs has intensified. Concerns by opponents range from the loss of legal protections to fiscal effects and waste, to questions about access for all students. Proponents point to advantages of these programs including the increased flexibility they offer parents, additional parental options and greater competition among schools. The next section of this report examines some of these claims.

Arguments Against Private Choice Programs

Loss of legal protection. Few states require that schools offer protections afforded by IDEA to students with disabilities who participate in private choice programs. As COPAA and the National Council on Disabilities have documented, many state programs and private schools fail to notify parents of students with disabilities that they must relinquish rights in order to participate in their program, so when parents use a voucher, ESA or other private choice mechanism, unless explicitly protected, they usually forfeit important rights, legal protections and services



Concerns by opponents range from the loss of legal protections to fiscal effects and waste, to questions about access for all students. Proponents point to advantages of these programs including the increased flexibility they offer parents, increased parental options and greater competition among schools.

guaranteed by IDEA. It is why COPAA has consistently argued that States must safeguard children's legal rights, ensuring private school choice program rules fully comply with IDEA, Section 504, ADA, as well as all applicable state civil rights laws.^{16 17}

This loss of legal protection is far-reaching. Most private schools do not have to honor existing IEPs or adhere to legal safeguards for students with disabilities, nor are they required to admit



Essentially, it is up to the private school to decide which students they will accept, meaning that some parents may find few or even no school in their area that may admit their child.

students with disabilities. Essentially, it is up to the private school to decide which students they will accept, meaning that some parents may find few or even no school in their area that may admit their child. Private schools also have greater latitude to discipline or expel students with disabilities who may be attending their school, pushing out students who then may have to start all over again in their search for an educational setting that serves their child, setting back their progress. Studies of voucher programs in both Wisconsin and Pennsylvania have

documented robust evidence of discrimination among participating schools in both enrollment and disciplinary action against students with disabilities as well as other marginalized groups such as LGBTQ students.^{18 19 20}

Access and equity concerns. Parents of students with disabilities considering these programs should consider an essential question – access to what? Will their students be better served if they attend a private school? Will they have access to classrooms and activities with their non-disabled peers? Will they be treated fairly without discrimination? Will they lose rights under federal law? With the exception of the last question, which is almost always “yes,” the answers to these questions are largely elusive, as no state provides information to parents on these types of outcomes.^{21 22 23}

Critics of private choice programs argue that it is difficult for students and their families to have real access without meaningful, transparent information about private school options and their record in serving students with exceptional needs.²² Most states seem resistant to providing this data. In Tennessee, for example, lawmakers recently decided not to require schools to track data that could help parents of students with disabilities better understand how schools in the program are serving these students, despite objections from parents and advocates.²³

Beyond concerns about how these programs serve students and their families, the successful recent push to expand eligibility to non-marginalized groups introduces a range of thorny and complicated policy questions about access, equity and resources.

Recent research suggests that marginalized families – including those of students with disabilities and from low-income groups – have been much less successful in accessing the benefits of these programs compared to wealthier families and families of students without disabilities.²⁴ Parents of students with disabilities often report difficulty in finding schools that

will enroll their child. As one example, in North Carolina, an investigation by public radio affiliate WFDD found that only five out of 31 schools in its private choice program in Guilford County said they would admit a student with a disability, while most were silent, non-committal or outright said they would not.²⁵ The five programs that unequivocally stated they accept students with disabilities were all schools specifically designed for students with disabilities and not schools in which students would be educated alongside non-disabled peers.

Data from North Carolina and other states that track participation rates among students appear to confirm these concerns in most cases. For example, in North Carolina, its ESA program for students with disabilities had a participation rate of 1.9 percent, while its sister program for all students had a participation rate of 4.6 percent. Similarly, in Indiana, whose ESA program includes priority access for students with disabilities, only 7.3 percent of all awards were made to students with disabilities, despite making up 18 percent of the state's total student population.²⁶ In Wisconsin, the uptake rate among students with disabilities was less than half the rate of non-disabled peers²⁷ and in Vermont, its state auditors found that private schools participating in its town tuition program had lower enrollment rates for students with disabilities compared to public schools.²⁸

Conversely, some states seem to be doing better in attracting students with disabilities to participate in their programs. For example, 19 percent of all awards in Arizona were given to students with disabilities, despite making up approximately 15 percent of the overall student population.²⁹

Expansion of private choice programs may undermine gains for students with disabilities. In addition to concerns about academic outcomes, COPAA and other groups are concerned that hard fought gains achieved by students with disabilities to be educated in general education classrooms may be eroded by the expansion of private choice programs.

Prior to the passage of IDEA, the vast majority of students with disabilities were denied access to public educational settings or were placed in segregated settings without access to non-disabled peers. Currently, 2 in 3 students with disabilities are educated in the least restrictive setting – spending at least 80 percent of their day in the general education classroom with their non-disabled peers – while approximately 1 in 8, or 13 percent of students is primarily educated in the most restrictive classroom setting, generally solely with other students with disabilities.³⁰ A strong body of research demonstrates the benefits to both students with disabilities and to all students when students with disabilities are educated in inclusive classroom settings.^{31 32} Early evidence from private choice programs suggests that students with disabilities may have decreased access to general education settings in lieu of attending more specialized, segregated school settings designed to accommodate students with special education needs.³³ While these options may make sense for some students – and may even be preferred by some parents – history suggests these programs will increase the likelihood that students with disabilities are increasingly educated in more segregated settings.

Advocates for students with disabilities are also concerned by the recent trend of states merging programs previously designed for students with disabilities into larger, new universal access programs that are available to all students. As noted above, evidence suggests that students with disabilities are currently much less likely to participate in private choice programs than non-disabled peers in states with universal access programs. The rapid recent expansion in eligibility will likely make it even more difficult for students with disabilities to obtain a seat in the future as the number of eligible students eligible rapidly increases, meaning more students will be competing for a limited and largely fixed number of seats at private schools.³⁴



Critics also cite concerns about who benefits from these newly expanded programs. Several recent studies show that students already attending private schools have been the primary beneficiaries of vouchers and ESAs, as most recipients are students already attending private schools and not “school switchers” trying to escape public schools, as is often portrayed by proponents of these programs. In fact, between 51 and 89 percent of students who utilized ESAs in the most recent year did not previously attend public schools according to states that track this data.^{35 36 37} Wealthier families and white and Asian families have benefited in greater numbers than poor and underrepresented groups.³⁸ Evidence points to the fact that as programs expand, they cater to more affluent and white students. As one example, a report on North Carolina’s private choice program showed that their voucher program has become more segregated by race over time. When the program was launched in 2014 approximately 51 percent of voucher recipients were Black while white recipients made up 27 percent. As the state expanded eligibility and funding, Black students now account for just 11 percent of voucher recipients compared to white students, who account for 73 percent.³⁹

Further, research has demonstrated that families who live in urban and suburban areas have much greater access to private schools in choice programs compared to their rural peer families. According to the National Center for Education Statistics, 83 percent of private schools are located in urban and suburban areas, while only 11 percent are located within 10 miles of a child who lives in rural area,⁴⁰ creating additional concerns about who stands to benefit the most from private choice programs.

Fiscal impacts of private voucher programs. The shift by states to create new universal access programs or to convert existing targeted programs to universal access (e.g., Arkansas, Louisiana, Utah) has resulted in an explosion in their cost to states and their taxpayers.



The shift by states to create new universal access programs or to convert existing targeted programs to universal access (e.g., Arkansas, Louisiana, Utah) has resulted in an explosion in their cost to states and their taxpayers.

In 2024-25, EdChoice estimated that states spent \$8.2 billion on private choice programs. Among the states, Florida (\$3.7 billion), Arizona (\$1 billion), Ohio (\$970 million), Wisconsin (\$637 million), Indiana (\$497 million), and North Carolina (\$432 million) were the biggest spenders on private choice programs. In Florida alone, some 10 percent of the state's K-12 educational expenditure was spent on private choice programs. In Arizona, that amount was equivalent to 8.2 percent.⁴¹ In 2025-26, these programs are expected to cost states much more as

programs continue their rapid expansion and several new programs come online.⁴² In addition, the recently passed HB1 One Big Beautiful Bill could raise the overall national public cost of private choice programs by an estimated \$2.5 to \$4.4 billion annually, or \$26 billion over the next decade on top of what states are spending, according to the Congress' Joint Committee on Taxation, with other groups estimating a much larger cost.⁴³

Families also point out other barriers they face in taking advantage of their state's program, including finding and paying for transportation and other costs associated with private schools such as school lunches, uniforms and school activities.⁴⁴ While public schools are required to provide free transportation to students with disabilities, a cost that can often be quite expensive, most private school programs are not similarly required to do so, placing the onus on families to arrange and pay for this costly service.

Concerns regarding fraud and waste. Instances of waste, fraud, and inadequate oversight have increasingly been documented in private voucher and ESA programs. Florida has had persistent problems in managing its programs, including issuing overpayments. Florida's most recent state audit showed that its state department of education could not account for 30,000 students receiving payments and that the program had a "myriad of accountability problems," noting that these lapses cost public schools some \$230 million.⁴⁵

In Arizona, investigations into spending under its rapidly expanding universal ESA program found many purchases of a questionable nature and financial control systems overwhelmed by the growth of the program.⁴⁶

Another consequence of the rapid infusion of public dollars in these programs is that participating private schools often increase their tuition, increasing the gap between what a voucher or ESA provides and the total cost of attendance. A study by researchers at Tulane

University found that in response to participating in private voucher programs, private schools raised their tuition rates by 5-10 percent on average.⁴⁷ In Arizona, reports show that many private schools participating in their program raised their tuition following introduction of its universal private choice program, with nearly half of schools raising tuition by 10 percent or more in one year, and about 1 in 10 programs raising tuition by more than 20 percent.⁴⁸ This may put private schools financially out of reach for students interested in the program, with more severe impacts likely for low-income families and families that face greater barriers to attendance, such as families of students with disabilities.

Negative impacts on the public education system. COPAA and other civil rights advocates are also concerned about the larger impacts associated with the rapid growth of private school choice programs on the public education system more generally, and on the 95 percent of students with disabilities who attend public schools.⁴⁹ The massive increase in public budgetary outlays required to fund universal private choice programs, combined with the current federal rollback of support for special education, is creating greater pressure on the public education system to do more with less resources, even though public schools are still required to provide a free and appropriate education for every student with a disability in their district regardless of the cost.



Overall, the growth of private choice programs will undoubtedly mean that students who remain in public educational settings...will have fewer resources, lower levels of services and inferior outcomes.

There are additional negative impacts on students with disabilities that result from the rapid growth in private school choice programs as well. For example, public school districts are required by IDEA to provide equitable services⁵⁰ to the growing number of students with disabilities attending private schools located in their geographical attendance zone, further straining schools' limited capacity and resources. Meanwhile, in Texas, its newly approved private choice program requires that public schools give priority in conducting Child Find evaluations to students interested in attending private schools through its new choice program ahead of those attending public schools.⁵¹

Overall, the growth of private choice programs will undoubtedly mean that students who remain in public educational settings – whether by choice or because they don't have options to participate in private choice programs – will have fewer resources, lower levels of services and inferior outcomes.

Arguments In Support of Private Choice Programs

Better suited, more educational options. Supporters of private choice programs claim that private choice initiatives provide parents with more, and in some cases, better schooling options and outcomes compared to traditional public schools. While some students may certainly

experience improved outcomes compared to their previous public school, the evidence does not support such claims for the average student participating in a private school choice program. In fact, most rigorous research-based studies of voucher programs, which have been around much longer than ESA programs, show small to significant declines in test scores among students who participated in such programs compared to a control group of students that did not.⁵²

For example, one of the longest running and most rigorously studied programs is Louisiana's private voucher program, which was launched in 2012 and pays for students from low-income households who attend struggling public schools to attend private or parochial schools. The results of this peer-controlled study showed significant negative long-term outcomes for students who chose to participate in the program compared to their peers that did not participate.⁵³ Other studies have found similar, if less dramatic, results.⁵⁴ To date, there has been no analysis that looks at outcomes for special education students enrolled in such programs.

Increased flexibility. Proponents of private choice programs argue that they provide parents with the ability to tap into private education options that best serve their child, including private schools, homeschooling as well as services like tutoring or therapies that can be accessed through ESAs. Families of students with disabilities who support ESA programs in particular often point to this flexibility as a reason these programs may be a good fit for their families.⁵⁵

Increased market forces and competition. Some proponents also argue that private choice programs result in a larger, more dynamic marketplace for schooling and lead to the creation of more schools and improved educational options, which in turn places pressure on public schools to improve. While many studies have found that expanding school choice programs has either no effect or a small positive effect on the outcomes of students who remain in traditional public schools, there is some evidence from a 2020 study in Florida to support this assertion.⁵⁶ Proponents of private choice programs also argue that they encourage free markets, which are more efficient. However, economists that have looked at the issue of private versus public schooling have failed to find evidence to support the assertion that private schooling is a more efficient use of public resources. Research by Shand and Levin, for example, found that the total public costs of education increased by between 11 and 33 percent with the introduction of universal voucher programs.⁵⁷

Arguments Against Choice Programs	Arguments For Choice Programs
▪ Loss of legal protections	▪ Better suited to student needs
▪ Access and equity concerns	▪ Increased flexibility
▪ Recent expansion poses challenges for students with disabilities	▪ Increased market forces and competition among all schools
▪ Fiscal impacts/fraud and waste	▪ better individualized outcomes

Findings

- ✓ The focus of private choice programs has shifted from serving marginalized students such as those with disabilities or families whose income is below the poverty level to expanding access to all or nearly all students regardless of need.
- ✓ ESAs have replaced vouchers as the preferred choice for families interested in private choice programs due to their greater flexibility.
- ✓ A small percentage of eligible families – less than 9 percent – utilize private choice programs designed specifically for students with disabilities. The exception is Florida, where more than 1 in 4 eligible students utilizes a private choice program option. In the remaining 11 states, participation rates average 2.4 percent.
- ✓ The overall participation rates in private choice programs open to all students are lower for students with disabilities compared to non-disabled students in most states, with the notable exception of Arizona.
- ✓ Florida and Arizona's programs are more attractive to participation than other states, likely due to higher number of private school options, relatively high funding award levels, and relative disinvestment in public education over the past decade.
- ✓ The growth of private school choice programs has resulted in a dramatic increase in state budgetary outlays and is forcing policymakers and taxpayers to make difficult decisions about how to fund private choice programs as well as public education and other public programs more broadly.
- ✓ Private choice program eligibility and award amounts differ widely by state and program type, resulting in serious disparities and inequity issues that give families in some states much more potential benefit than others, and within states, provide families in urban and suburban areas much greater benefits than families in rural areas.
- ✓ Private schools that participate in private choice programs have a documented and, in some cases, pervasive history of discrimination against students with disabilities and other marginalized student groups.

Recommendations

States

- ✓ States must safeguard children's legal rights to ensure program rules fully comply with IDEA, Section 504, ADA, and all civil rights laws and report all applicable data as required, including data collected as part of IDEA Part B.
- ✓ State should clearly inform parents about any rights that may be lost if they choose to participate in any private choice program. This includes information provided at the time of application and clear information on the State Department of Education website.
- ✓ States without a separate program for students with disabilities should ensure that students with disabilities and other marginalized groups receive equal and preferably

priority access to their program and receive differential award amounts that account for unique needs and the true cost of attendance.

- ✓ States should ensure oversight of private choice programs and provide parents with a mechanism to file complaints against participating schools that discriminate against students with disabilities; should investigate viable claims; and if appropriate, take action to correct violations.
- ✓ States should require that all schools accepting vouchers ensure all students participate in statewide assessments.
- ✓ States should publish assessment reports, graduation rates and similar measures of success for students accepting vouchers/ESAs and for those remaining in public schools.
- ✓ States should create and provide fully accessible tools and supports to parents and children that help them navigate the often-complicated nuances of school choice.
- ✓ States should include reasonable costs for transportation or other necessary services.

Participating Schools

- ✓ Schools in private choice programs should ensure that their programs are welcoming to students with disabilities and adequately prepared to provide for their needs.
- ✓ Schools should provide information to parents and the public about outcomes of all students including those of special education students.

Parents

- ✓ Parents of students with disabilities should do their research about the programs before deciding to participate, including conducting in-person visits when possible.
- ✓ Parents should ask schools about the outcomes of special education students in their program, available services, policies regarding the student code of conduct and disciplinary actions, and year over year retention rates for students and teachers.

The Future of the Private School Choice Movement

Private school choice programs, and in particular, ESA and ESA tax credit programs, are poised to continue their rapid expansion due to both the growth of state-sponsored programs and the July 2025 passage of HB1, the One Bill Beautiful Bill Act, which includes a new federal tax credit for private school vouchers. COPAA remains resolute in its position that federal education funds should not be used to support private



school choice programs and that any program funded by the federal government must be consistent with and uphold all provisions of applicable federal, state, and local laws including the IDEA, ADA and Section 504.

At the state level, Alabama, Arkansas, Louisiana, South Carolina and Utah have all recently passed universal ESA programs that will greatly expand the total number of students receiving ESA funds in 2025-26 and beyond. Perhaps the biggest development, though, is Texas' passage of its new universal private school choice program in 2025 following Governor Greg Abbot's successful multi-year campaign to overcome resistance to these programs. Texas's program is set to launch in 2026-27 and is expected to serve an estimated 100,000 students in its first year at a cost of \$1 billion.

Nevertheless, supporters of private choice programs face challenges in their efforts to continue their expansion. For example, non-legislative attempts to introduce or expand voucher programs (e.g. state constitution amendments or ballot initiatives) have been unpopular with voters, with all recent voucher measures put directly to voters being defeated (including Colorado, Nebraska, and Kentucky in 2024).⁵⁸

Meanwhile, in 2025, a number of state courts ruled that private choice programs are unconstitutional, leaving their status uncertain.⁵⁹ In Utah, after its legislature voted to merge its voucher program for special education with its new universal access program, a state court found the program to be in violation of its constitution. However, the state's Supreme Court has agreed to hear an appeal. Ohio's highest court also struck down that state's voucher program as similarly unconstitutional while Montana's courts also struck down their newly approved state voucher plan. In addition, cases have been brought in other states with new programs, including Wyoming and Missouri, and courts there have put a pause on those programs' implementation while lawsuits work their way through the courts.

While many details of the recently passed HB1 and its federal private school voucher tax credit provision are still being ironed out, one thing that we do know is that it will be up to individual states to decide whether or not to participate in the new program prior to 2027 when the program becomes effective, with states facing immense pressure from both proponents and opponents of the private choice movement.

Issues for Consideration by States

Some issues that families with students with disabilities should ask their states about as they debate whether to participate in the new federal tax credit program for private vouchers:

- Will students with the greatest need receive enrollment priority under the new program?
- Will students be permitted to keep their rights under IDEA and other civil rights laws?
- Will there be meaningful and effective oversight of schools? Will there be any additional costs that taxpayers have to support?

Conclusion

Although private school choice programs have existed for two decades and involve significant financial resources, there is little evidence showing how students with disabilities are actually doing in these programs.

While some families may benefit from participation in private choice programs, the evidence paints a picture of low participation among students with disabilities, with the growth in participation stemming primarily from students already attending private schools who are wealthier and less diverse than their states' overall student populations. Growth has also been seen in states that have historically underfunded their public education systems – primarily in the South and the Mountain West, as well as those with states with highly urbanized settings and a robust private school ecosystem.

The evidence also shows that students with disabilities face far greater barriers to participating in such programs, and that they face discrimination in enrollment and participation and other less obvious barriers that may limit their ability to successfully utilize such programs.

Overall, the dramatic growth of private choice programs will undermine the public education system that serves that vast majority of students with disabilities and result in fewer resources, lower levels of services and inferior outcomes for students.

If the future holds more private educational choice programs, which every sign seems to be that it will, close attention needs to be paid to ensure the rights of students with disabilities and their families are maintained and that there is transparency regarding participation, outcomes and fiscal oversight and responsibility. Skirting obligations in the name of “choice” must not be allowed to continue.



Endnotes

- ¹ Almazan, S., Marshall, D., Council of Parent Attorneys and Advocates (COPAA). (2016). "School Vouchers and Students with Disabilities: Examining Impact in the Name of Choice."
- ² <https://www.ineteconomics.org/perspectives/blog/how-milton-friedman-aided-and-abetted-segregationists-in-his-quest-to-privatize-public-education>
- ³ <https://southerneducation.org/publications/history-of-private-schools-and-race-in-the-american-south/>
- ⁴ In 2003, Ohio House Bill 95 created the Ohio Autism Task Force to investigate the increasing incidence of autism in Ohio and identify gaps that existed in the delivery of services to these individuals. It helped launch the Ohio Autism Scholarship; the nation's first school choice program designed specifically for students with Autism.
- ⁵ <https://osse.dc.gov/service/scholarships-opportunity-and-results-grants>
- ⁶ <https://www.thepolicycircle.org/briefs/education-savings-accounts/#:~:text=In%202011%2C%20Arizona%20lawmakers%20passed,:%202011%20%E2%80%9CEmpowerment%20Scholarship%20Account%E2%80%9D>
- ⁷ FutureEd, see <https://www.future-ed.org/directional-signals-a-new-analysis-of-the-evolving-private-school-choice-landscape/>. Accessed August 17, 2025
- ⁸ <https://www.irs.gov/newsroom/treasury-irs-request-comments-on-implementation-of-the-new-federal-tax-credit-for-individual-contributions-to-scholarship-granting-organizations-under-the-one-big-beautiful-bill>
- ⁹ <https://progressive.org/op-eds/states-should-reject-federal-school-voucher-scheme-kim-20251210/>
- ¹⁰ <https://education.jhu.edu/edpolicy/policy-research-initiatives/homeschool-hub/national-summary/>
- ¹¹ https://www.rand.org/pubs/research_reports/RRA3698-1.html
- ¹² <https://EdChoice.org>
- ¹³ Many states that offer tax credit programs also offer voucher and/or ESA programs.
- ¹⁴ In addition, it should be noted that universal choice programs are open to students with disabilities, however most states do not capture or make available a student's disability status.
- ¹⁵ Data was accessed from EdChoice.org
- ¹⁶ COPAA, *ibid*.
- ¹⁷ National Council on Disabilities (2018). "School Choice Series: Choice & Vouchers—Implications for Students with Disabilities."
- ¹⁸ <https://wisconsinwatch.org/2023/05/federal-state-law-permit-disability-discrimination-in-wisconsin-voucher-schools/>
- ¹⁹ <https://keystoneresearch.org/wp-content/uploads/KRC-PA-OSTC-EITC-April-2024.pdf>
- ²⁰ <https://why.org/articles/pennsylvania-school-choice-discriminatory/>
- ²¹ Arkansas is one of the few states that publicly reports on overall enrollment numbers for students with disabilities. It is also unique in that it publishes student retention rates on a school-by-school basis, which may be a good proxy for quality among families considering school options. Nonetheless, it does not provide a breakdown of those outcomes for students with disabilities.
- ²² <https://www.k12dive.com/news/private-school-choice-vouchers-public-schools/729684/>
- ²³ <https://wpln.org/post/critics-of-tennessees-school-voucher-program-worry-that-it-leaves-kids-with-disabilities-behind>
- ²⁴ <https://hechingerreport.org/parent-voice-they-call-it-school-choice-but-you-may-not-end-up-with-much-of-a-choice-at-all/>
- ²⁵ <https://www.wfdd.org/2025-02-28/carolina-curious-how-many-private-schools-receiving-opportunity-scholarships-serve-students-with-disabilities>
- ²⁶ See Indiana Scholars Program 2024-25 annual report.

-
- ²⁷ National Center for Education Statistics. (2024). Students With Disabilities. *Condition of Education*. U.S. Department of Education, Institute of Education Sciences. Retrieved 1/5/2025 from <https://nces.ed.gov/programs/coe/indicator/cgg>.
- ²⁸ [New data shows IEP prevalence at Vermont's private schools | Vermont Public](#)
- ²⁹ Includes students with IEPs (13%) and 504 plans (2%).
- ³⁰ NCES, *ibid*.
- ³¹ Abril Rangel-Pacheco, M.A. & Amanda Witte, Ph.D. Nebraska Center for Research on Children, Youth, Families and Schools (2003). "The Evidence for Inclusive Education: An NeMTSS Research Brief.
- ³² Cole, S. M., Murphy, H. R., Frisby, M. B., & Robinson, J. (2022). The Relationship Between Special Education Placement and High School Outcomes. *The Journal of Special Education*, 57(1), 13-23. <https://doi.org/10.1177/00224669221097945> (Original work published 2023)
- ³³ <https://hechingerreport.org/arizona-gave-families-public-money-for-private-schools-then-private-schools-raised-tuition/>
- ³⁴ The debate about the ability of private schools to increase capacity and therefore the supply of seats is of some debate and is subject to a number of factors including the ability of existing schools to expand and the potential for new schools to be opened rapidly. However, it is highly unlikely given the dramatic expansion in new programs and the subsequent number of eligible students that a state could meet all of the increased demand in the short run.
- ³⁵ Includes Arizona, Florida, Iowa, Indiana, New Hampshire and Wisconsin.
- ³⁶ <https://www.edweek.org/policy-politics/most-students-getting-new-school-choice-funds-arent-ditching-public-schools/2023/10>
- ³⁷ <https://newhampshirebulletin.com/briefs/most-education-freedom-account-recipients-not-leaving-public-schools-department-says/>
- ³⁸ <https://www.future-ed.org/directional-signals-a-new-analysis-of-the-evolving-private-school-choice-landscape/>
- ³⁹ <https://www.wfae.org/education/2025-08-08/public-dollars-funding-private-discrimination-new-report-examines-school-vouchers>
- ⁴⁰ https://www.pewresearch.org/short-reads/2024/06/06/us-public-private-and-charter-schools-in-5-charts/sr_24-05-07_schooltypes_1/
- ⁴¹ <https://www.edchoice.org/2025-edchoice-spending-share-rankings/>
- ⁴² The Joint Committee on Taxation publication JX-35-25. Accessed July 2025 at <https://www.jct.gov/publications/2025/jcx-35-25/>
- ⁴³ <https://itep.org/trump-megabill-expensive-private-school-vouchers/>
- ⁴⁴ <https://hechingerreport.org/arizona-gave-families-public-money-for-private-schools-then-private-schools-raised-tuition/>
- ⁴⁵ <https://www.washingtonpost.com/education/2025/12/08/florida-school-vouchers-audit/>
- ⁴⁶ <https://azmirror.com/2025/07/29/arizona-school-voucher-program-ignored-state-audit-law-for-nearly-a-year-officials-say/>
- ⁴⁷ Douglas N. Harris and Gabriel Olivier, Tulane University, (2025). "The Effects of Universal School Vouchers on Private School Tuition and Enrollment: A National Analysis."
- ⁴⁸ <https://hechingerreport.org/arizona-gave-families-public-money-for-private-schools-then-private-schools-raised-tuition/>
- ⁴⁹ NCES, *ibid*.
- ⁵⁰ Equitable services provide students with disabilities in private schools with comparable but not identical services to those in public schools, ensuring they can access a Free Appropriate Public Education (FAPE). They are paid for using a proportionate share of federal funds set aside specifically for these students.
- ⁵¹ <https://www.expressnews.com/politics/article/voucher-special-education-evaluations-20286939.php>

⁵² <https://www.edweek.org/policy-politics/private-school-choice-what-the-research-says/2024/10>

⁵³ https://www.nola.com/news/education/louisiana-school-vouchers-academic-results-lagator/article_06eaec14-e8a2-11ef-82b9-d75d434eaa34.html

⁵⁴ Future-Ed, *ibid.*

⁵⁵ COPAA, *ibid.*

⁵⁶ David N. Figlio, Cassandra M.D. Hart, and Krzysztof Karbownik, "Effects of Scaling Up Private School Choice Programs on Public School Students," NBER Working Paper 26758 (2020), <https://doi.org/10.3386/w26758>.

⁵⁷ Shand, R., & Levin, H.M., National Education Policy Center (2021). "Estimating a price tag for school vouchers."

⁵⁸ <https://www.propublica.org/article/school-vouchers-2024-election-trump>.

⁵⁹ <https://www.the74million.org/article/teachers-union-lawsuits-in-5-states-challenge-private-school-vouchers/>