

The National Coalition *for* Public Education

March 13, 2003

Education Reform Subcommittee
Committee on Education and the Workforce
U.S. House of Representatives
Washington, DC 20515

Dear Representative:

The undersigned education, religious, civil rights and civil liberties, and labor organizations write to urge this Subcommittee to reject any effort to fund special education and services for children with disabilities through vouchers or other similar funding mechanisms. There is no need to expand current law to include a voucher program that diverts responsibility for public funds to private and religious schools, and undermines accountability, while doing nothing to improve access to special education or related services, or achievement of students with special needs.

Under the Individuals with Disabilities Education Act (IDEA), local school districts can place children with disabilities in private schools if the local school district is unable to meet the child's individual education plan (IEP). In those cases, the child must receive a program of special education and related services at the private school at no cost to the parents. The child and his or her parents have all the rights that they would have if the child were served by a public school. Because authority remains with the school district, public accountability is also retained. Additionally, parents have the option of enrolling their disabled child in a private school at their own expense. In those cases, there is no individual entitlement to special education or related services. No tuition payments are made to parents or to the private school. A voucher program would sacrifice the accountability of current law, without improving access or student achievement.

The touchstone of the education reforms enacted in the No Child Left Behind Act is accountability. In addition to the traditional requirements that public schools hold open meetings; make records such as test scores, dropout rates and other information open and available to the public; and comply with civil rights laws; public schools must also meet federal accountability requirements by

adopting standards and implementing assessments to determine whether students, including those with disabilities, are making adequate yearly progress.

Assessments

The new testing requirements included in the No Child Left Behind Act present an opportunity to ensure that schools and districts are held accountable for educating children with disabilities. Private schools, however, are specifically exempted from implementing state academic achievement standards and administering assessments that are mandatory for public schools. The McKay voucher program in Florida, for example, does not require participating private school to administer that state's assessments. A voucher system that diverts public education funds to private schools would undermine the ability to evaluate the effectiveness of this use of public funds.

Teacher Quality

The No Child Left Behind Act requires a highly qualified teacher in every public school classroom. These requirements apply to both regular education and special education teachers, but do not reach private schools. Private schools participating in the McKay voucher program, for example, may employ teachers who do not even have a bachelor's degree, provided they have undefined "special skills, knowledge or expertise that qualifies them to provide instruction in subjects taught." Because the state Department of Education does not license or regulate private schools, it is impossible to determine what these special skills might be, how they are evaluated, and whether they are related to the skills and training needed to teach children with disabilities.

Fiscal management

Public schools are subject to open meetings requirements, have budgets that are subject to public scrutiny and criticism, and are subject to audits. None of these accountability measures apply to private schools. This lack of oversight has led to fiscal mismanagement of public funds by voucher programs in Cleveland and Milwaukee. In Florida, the Department of Law Enforcement is investigating allegations of misconduct associated with several voucher schools, although the Department of Education has no oversight into these charges.

Civil Rights

Children with disabilities who are enrolled in public school, or who are served by public agency programs in private schools are protected by legal rights stemming from their status under IDEA as well as all federal, state, and local civil rights laws that apply to public schools. In a voucher program, these rights would not necessarily apply. Private schools participating in the McKay voucher program in Florida may maintain faith-based curricula, and may discriminate in their admissions practices. A voucher program could thus strip a child with disabilities of legal protection, and leave that child's parents without any legal recourse against the private school.

In addition to lacking accountability, a voucher program for children with special needs would not improve access by these children to education or special services. Private schools may reject applicants for any reason, including the presence of special needs such as learning or physical disabilities, limited English proficiency, behavior or testing deficiencies. Under the McKay voucher program, private schools may discriminate in their admissions policies based on religion, gender, and disability.

Furthermore, in order to make an informed decision regarding the ability of a school to meet their child's needs, it is important for parents to have as much information as possible. Public schools must issue report cards detailing school and student performance on state assessments, graduation rates, and teacher qualifications, among other things. Private schools are not required to reveal such information. While the state of Florida provides information on its website regarding schools participating in the McKay voucher program, that information does not include test scores, teacher credentials, curriculum, or special services provided.

Finally, there is no solid evidence that private school vouchers improve student achievement. It would be inappropriate to fund any voucher program, since they lack scientific, research-based evidence of effectiveness. Under the McKay voucher program in Florida, students and parents are exclusively responsible for student achievement. Participating schools must be academically accountable to the parents for meeting the educational needs of the child, but the only recourse parents have for failure to provide appropriate education or special services is to transfer their child to another school. This disruption would wreak further havoc with a student's education, while doing nothing to improve the education being provided to other special needs students at public expense.

If improving access, achievement, and accountability are the goals of IDEA reauthorization, we believe this Subcommittee must reject any efforts to fund special education through vouchers or similar funding mechanisms. Current law provides sufficient flexibility, while retaining public oversight and protecting the legal rights of our most vulnerable children. Thank you for your consideration.

Sincerely,

American Association of School Administrators
American Association of University Women
Association of Educational Service Agencies
American Federation of State, County, and Municipal Employees
American Federation of Teachers
American Jewish Committee
American Jewish Congress
Americans United for Separation of Church and State

The Arc of the U.S.
Association for Supervision and Curriculum Development
Central Conference of American Rabbis
Council of Chief State School Officers
Council for Exceptional Children
Council of the Great City Schools
Hadassah, the Women's Zionist Organization of America
Jewish Council for Public Affairs
Leadership Conference on Civil Rights
NA'AMAT USA
National Association of Elementary School Principals
National Association of School Psychologists
National Association of State Directors of Special Education
 National Black Child Development Institute
 National Council of Jewish Women
National Education Association
National Rural Education Association
National PTA
National School Boards Association
National Urban League
People For the American Way
 Presbyterian Church (U.S.A.), Washington Office
 School Social Work Association
 Service Employees International Union (SEIU)
 Union of American Hebrew Congregations
 Unitarian Universalist Association of Congregations
 United Cerebral Palsy Associations (UCP)
 United Church of Christ Justice and Witness Ministries
 Women of Reform Judaism