



National Conference of State Legislatures

LEGISBRIEF

BRIEFING PAPERS ON THE IMPORTANT ISSUES OF THE DAY

MARCH 2013

VOL. 21, No. 11

Private School Choice for Students with Disabilities

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As states continue to study and enact private school choice laws, students with disabilities are increasingly on their radar. Balancing state policies with federal laws and regulations can be challenging for lawmakers as they consider offering more choices to these students. The federal Individuals with Disabilities Education Act (IDEA) guarantees students with disabilities a Free and Appropriate Public Education (FAPE). This guarantee can be a significant expense for states and local districts because [federal funding for special education consistently falls short](#) of the added costs of educating students with disabilities. It also can be an administrative burden because states must meet many federal requirements in order to receive that funding.

Policies such as [special needs vouchers](#) and [tuition tax credit programs](#) allow parents who are dissatisfied with their neighborhood schools to instead enroll their children with disabilities in private schools. Vouchers pose both challenges and opportunities for policymakers. It can be difficult to navigate federal laws and regulations relating to federal funding and entitlements for students with disabilities. However, states can save money by offering vouchers.

Arizona and Louisiana offer a voucher worth less than the amount the state otherwise would spend on educating a student with disabilities in a public school. Although private school tuition often is less than the cost of educating a public school student, parents would be responsible for any tuition exceeding the value of the voucher. As a result, the states save money.

School choice policies also can allow these parents to seek more individualized options such as schools specializing in teaching students with autism. [Some researchers contend](#) that, in general, when public schools are forced to compete with nearby private schools for funding, student achievement in those schools will improve.

By shifting students with disabilities out of the public school system, the administrative burden of tracking and reporting student progress is reduced at both the local and state levels. States can choose to require similar tracking and reporting by the participating private schools, but federal law does not mandate it and some policymakers believe over-regulating private schools impairs their success.

One risk parents take when choosing special needs vouchers is that [their children lose their federal entitlement to FAPE](#). While school districts may refer a student with disabilities to a private school for various reasons and use federal funds to pay for it, doing so simply because

Did You Know?

- Ten states offer private school choices to students with disabilities.
- States can reduce their education spending by offering vouchers worth less than the public school per-pupil allocation.
- Students with disabilities who accept vouchers lose federal funding and other federal protections given to students in public schools.

the parent prefers the private school is not allowed under federal regulations. So no federal funding is available to special needs voucher recipients, and parents are responsible for paying any tuition in excess of the voucher.

Some economists are concerned that if states do not impose thorough enrollment standards for private schools participating in the voucher programs, the schools may have an incentive to provide low-quality services to avoid attracting high-cost students. In essence, private schools receive the same funding from the state for a low-cost student as they would for a high-cost student. The result may be that choices for students with more severe disabilities may be limited, compared to choices for students who have less severe disabilities.

In addition, research largely encourages integration of students with disabilities within the general school population. Special needs voucher programs may result in further segregation of students with disabilities if parents choose specialized schools or are attracted to a limited number of private schools.

State Action

Ten states offer private school choices to students with disabilities: Arizona, Florida, Georgia, Louisiana, Mississippi, New Hampshire, Ohio, Oklahoma, Utah and Virginia. Of these, eight award state-funded vouchers, and four have tuition tax credit programs that cover students with disabilities. Arizona and Oklahoma have both voucher and tuition tax credit programs. Each state defines which students with disabilities qualify. Some states have programs for specific disabilities. These include Mississippi's Dyslexia Therapy Scholarship for Students with Dyslexia Program and Ohio's Autism Scholarship Program. Other states list in statute a number of different conditions that qualify. Oklahoma and Ohio programs are available to any student with an individual education plan, as defined by the federal Individuals with Disabilities Education Act (IDEA).

Federal Action

Federal law dealing with special education does not include a definition of school voucher. The U.S. Department of Education views any parent who accepts a special needs voucher the same as any other parent who voluntarily enrolls a child in private school. These parents waive many of their federal rights and protections. They do not receive any federal funding for education, and the children lose the individual education plan to which they otherwise would be entitled in a public school.

NCSL Contact and Resources

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[State-by-State Comparison of Voucher Laws](#)

Additional Resources

[Friedman Foundation for Educational Choice](#)

[National Education Association - Voucher Schemes: A Bad IDEA for Students with Disabilities](#)