

House Standing Committee on Education

Written Testimony: HB 2263

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Honorable Chair Kelley and members of the Committee,

Both as a local Director of Special Education and as the Kansas CAN representative--- (Children and Youth Action Network for the Kansas Council for Exceptional Children), I am providing opposition to HB 2263.

As noted in both the KASEA (Kansas Association of Special Education Administrators) and KASB (Kansas Association of School Boards) position on this bill--- I cannot support the use of public funds for private schools. Additionally I find many of the items addressed within HB 2263 to be incompatible with the IDEA (Individuals with Disabilities Education Act).

For example, HB 2263 states that participating public schools will not be required to abide by an IEP, which appears to violate federal regulations toward the provision of special education services when accepting federal dollars.

Additionally, the bill allows dissatisfied parents to attend private schools on tax dollars without allowing the public school due process in demonstrating that they maybe providing an appropriate education. Finally, in terms of finances for schools, I can only see a “dis-economy of scale” which will drive up overall costs in providing services.

In conclusion I have attached a policy position in opposition to special education vouchers from The Council for Exceptional Children (CEC), a premier education organization, internationally renowned for its expertise and leadership, working collaboratively with strategic partners to ensure that children and youth with exceptionalities are valued and full participating members of society. As a diverse and vibrant professional community, CEC is a trusted voice in shaping education practice and policy.

Thank you for allowing me this opportunity to provide written testimony on the important topic.

(attachment)

CEC's Position on School Vouchers

The Council for Exceptional Children (CEC) recognizes that children and youth with disabilities are entitled to equal access to the public education system and to all rights guaranteed by law. CEC advocates to ensure that children and youth with disabilities receive the equal access and opportunity that they deserve. By definition, vouchers provide for the distribution of public education funds in the form of monetary vouchers to parents of school-age children to be used toward the cost of tuition at private schools, both sectarian and nonsectarian. Ever since the current debate about education vouchers was sparked in the 1950s, legislators at every level of government have proposed and enacted school voucher and voucher type initiatives for children and youth, and those with disabilities.

It is the position of CEC that:

- CEC opposes school vouchers for children and youth and those with disabilities as being contrary to the best interests of children and youth and their families, the public school system, local communities, and taxpayers. Further, CEC believes that vouchers both contradict and undermine central purposes of civil rights laws designed to protect children and youth with disabilities.
- CEC considers vouchers inappropriate for children and youth and those with disabilities for at least the following reasons:

Absence of Necessary Accountability

- Public accountability is notably lacking for private schools, whereas local education agencies are held accountable by federal and state laws and regulations. Public schools must adhere to requirements for highly qualified staff, but private schools typically are not held to these requirements. Private schools are not obligated to participate in the regular assessments toward measuring student achievement, nor are they even bound to the requirement of an individualized education program (IEP). Further, no on-going general supervision of the educational program is conducted by the state and local education agency, thus providing no assurance that special education and related services are being fully provided. Lastly, the regular reporting on individual student progress is not required.

Several civil rights laws, including, IDEA, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act (ADA), guarantee a host of long-standing protections for families that can be invoked on any and all aspects of educational programming, including mediation, due process hearings, state-level appeal, "stay put" guarantee, discipline timelines, on-going evaluations, and assurance of alternative placements when required. Though private schools receiving voucher payments may simply be declared in compliance with the procedural guarantees of IDEA and related civil rights laws, the absence of public accountability, public supervision, and public oversight effectively negates such an assertion.

No Guarantee of FAPE

- A central guarantee of the Individuals with Disabilities Education Act (IDEA) is the right to a free appropriate public education (FAPE). Evidence indicates that vouchers fail to guarantee an education at no cost to a student's family. Beyond the initial voucher payment, private schools are charging parents additional amounts. This reality ultimately makes vouchers quite appealing to middle-income and upper middle-income families, but at the same time effectively eliminates lower-income families.

Segregation Within the Private School

- A fundamental tenet of IDEA is the requirement of education within the least restrictive environment (LRE), starting with the absolute presumption of the general education classroom and proceeding to a continuum of service options only when demonstrated to be necessary. Since private schools are not subject to this tenet, the potential for in-school segregation of children and youth with special learning needs predictably accelerates.

Families Opt Out of Procedural Protections

- Though they may not at first realize it and may in fact be told otherwise, parents in effect discard their due process and other rights by accepting vouchers.

No Guarantee of Equal Access

- A hallmark of public education is its availability to all children, regardless of their individual learning needs. Despite some initial efforts to provide full accessibility to all children, private schools receiving vouchers are now allowed to pick and choose whom they will enroll, and which children they will retain even after initial enrollment. For example, evidence indicates that

children and youth with more severe disabilities, or those with higher cost needs or behavioral challenges, are typically not enrolled, and, if enrolled, not retained.

Promotes Re-Segregation Rather Than Diversity

- Public education is a great unifier of an ever more diverse student population. But research indicates that vouchers could point us in the other direction by in fact facilitating racial, ethnic, economic, religious, gender, and disability segregation.

Use of Public Education Funds For Private Schools

- Public education funds should fund public education, not private education. There is a lack of fiscal protections to guarantee that public education funds are not diverted to vouchers at the expense of the children and youth remaining in the public schools.

To access CEC's Policy on Children with Exceptionalities in Charter Schools online, go to www.cec.sped.org>Policy & Advocacy>CEC Professional Policies. For further information, contact Deborah A. Ziegler, Associate Executive Director, Policy and Advocacy Services, Council for Exceptional Children at 703-264-9406 or debz@cec.sped.org. To contact the CEC offices: (P) 703-620-3660; (Toll free) 866-915-5000; (TTY) 866-915-5000; (F) 703-243-0410.

Reference

Council for Exceptional Children Policy Manual; Section Four, Part 3

Date Adopted

Approved by the Council for Exceptional Children Board of Directors June 2011