

# School Choice for Some???

Deborah A. Ziegler Director of Policy and Advocacy Council for Exceptional Children (CEC)



- Types of Private School Vouchers
- Vouchers in the States
- Vouchers Administration and U.S. Congress
- Reasons to Oppose Vouchers
- CEC's Position on Choice
- Support Public Education

# Types of Vouchers





#### Traditional Vouchers

- All Students
- Targeted
  - Military
  - Disabilities
  - Poverty
  - Poor Performing Schools
  - Foster Child

#### **Backdoor Vouchers**

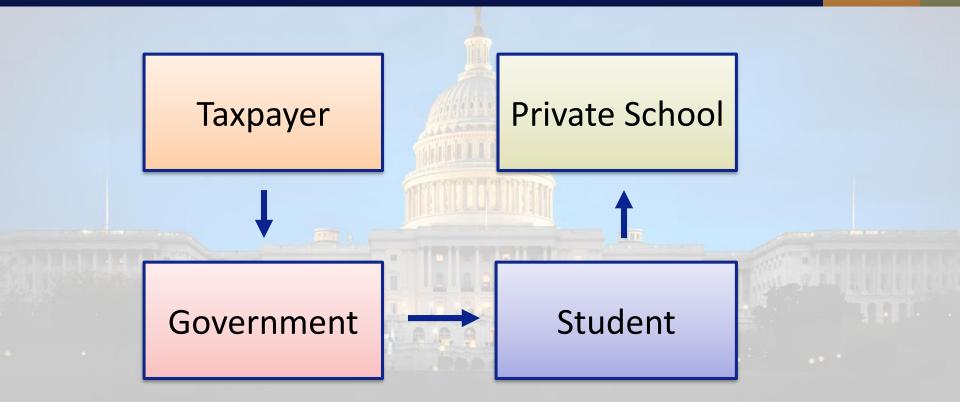
- Tuition Tax Credits
- Education Savings Accounts



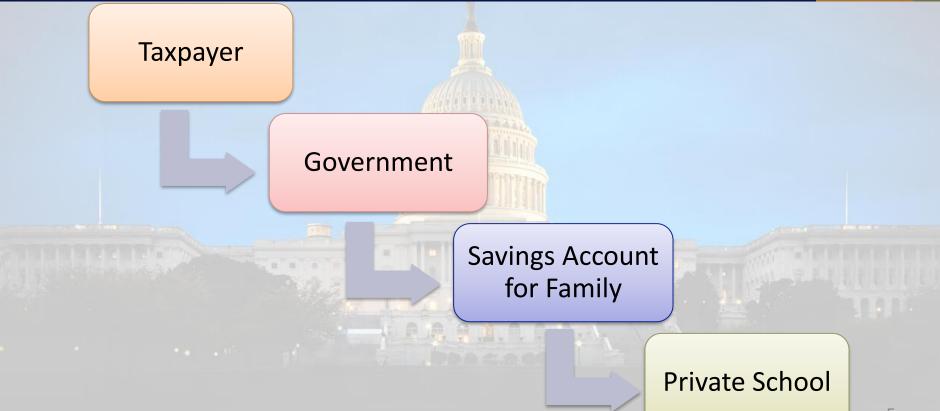
#### Portability

- A Step Towards Vouchers
- Title I funds "follow the student"

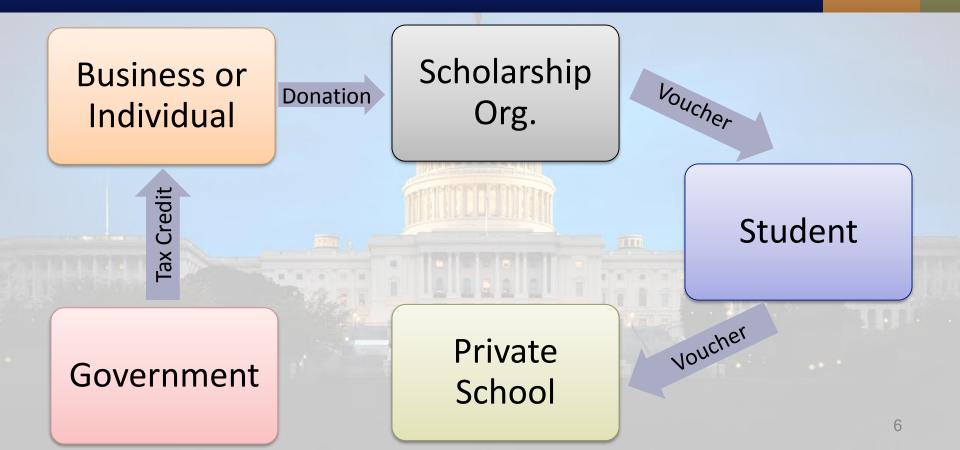
#### **Traditional Voucher**



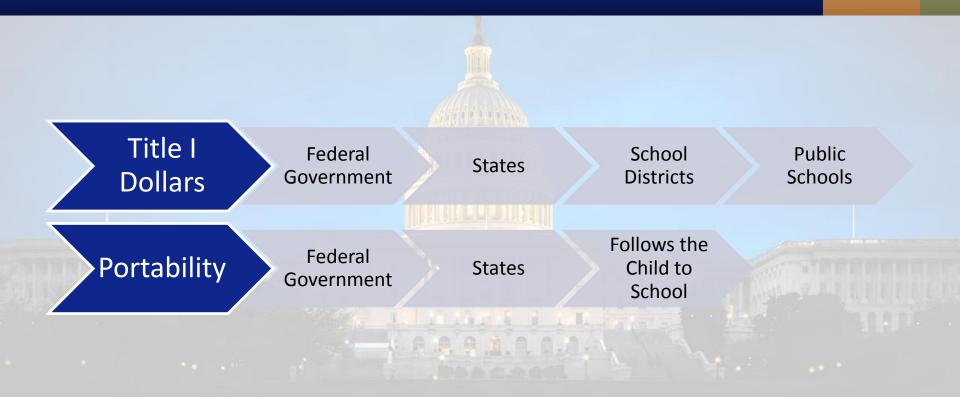
#### **Education Savings Account**



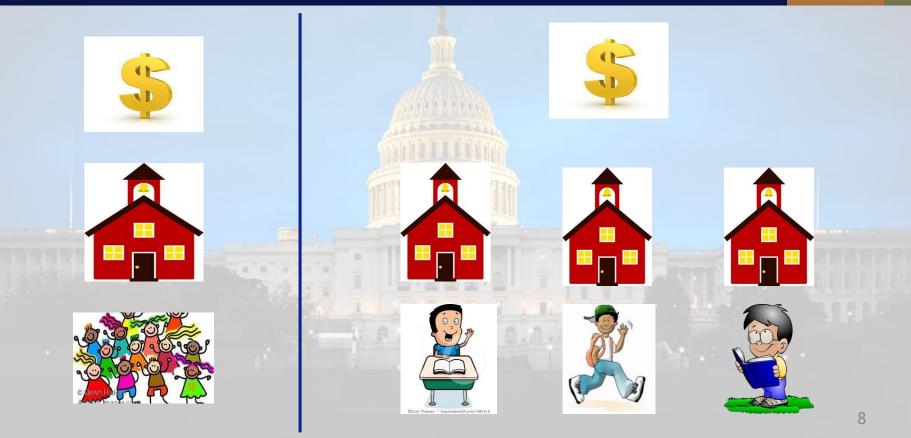
### **Tuition Tax Credits**



# Title I Portability



#### Title I Portability The Money "Follows the Child"

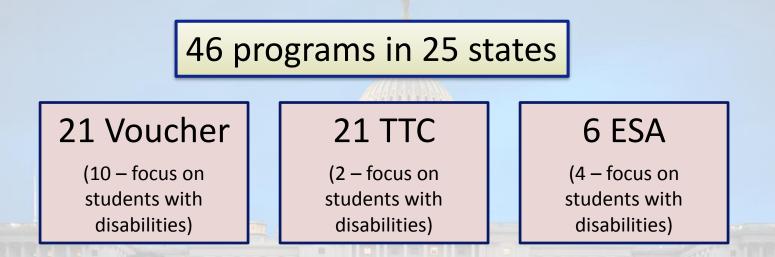


# Title I Portability

# Original attempts allowed money to flow to private schools as well

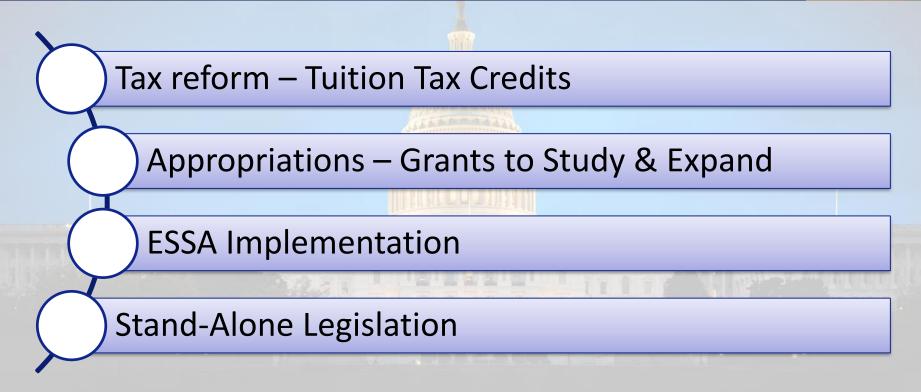
# Once the funding formula is broken, easier to turn it into a voucher

#### Vouchers in the States



Alabama, Arizona, Arkansas, 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



### **Congress - Stand Alone Bills**

#### H.R. 610, Choice in Education Act – King (R-IA).

Creates vouchers using federal funds

#### S. 235, CHOICE Act – Scott (R-SC).

- Expands schools choice for students with disabilities and children from military families.
- Expands existing District of Columbia voucher program.
- CHOICE Act introduced in House Rokita (R-IN)

#### S. 148, Education Opportunities Act – Rubio (R-FL).

- Federal tax credit for private school scholarships.
- Educational Opportunities Act introduced in House Rokita (R-IN).

#### ALL ARE NON-STARTERS IN THE CONGRESS!!!

#### **Congress - Stand Alone Bills**

#### S. 1294, Native American Education Opportunity Act – McCain (R-AZ).

Education savings accounts for Native American tribes.

H.R. 1462, Ending Common Core and Expanding School Choice Act – Biggs (R-AZ).

• Portability – Title I funds – follows student in public or private school.

H.R. 2624, Military Child Educational Freedom Act – Wilson (R-SC).

• Use Coverdell savings accounts for home – schooling activities.

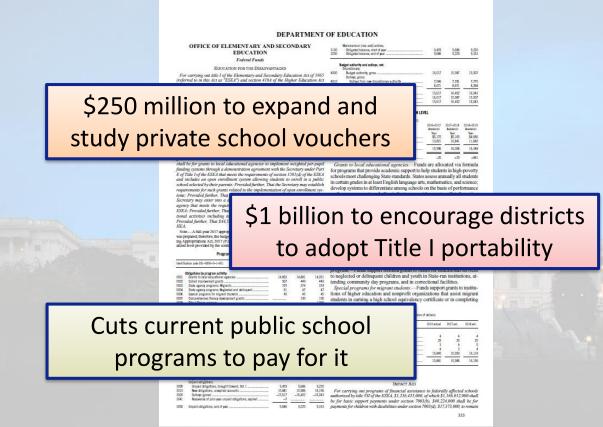
ALL ARE NON-STARTERS IN THE CONGRESS!!!

# **Trump Campaign Promise**

-	POSITIONS	STATES	GET INVOLVED
	- SEPTEMBER oß, a	016 -	

**PROPOSAL:** Mr. Trump's first budget will immediately add an additional federal investment of \$20 billion towards school choice. This will be done by reprioritizing existing federal dollars. Specifically, Mr. Trump's plan will use \$20 billion of existing federal dollars to establish a block grant for the 11 million school age kids living in poverty. Individual states will be given the option as to how these funds will be used.

#### Trump & DeVos Education Budget



### The Congress and Vouchers

- Getting vouchers through Congress might be a very tough sell.
  - Democrats don't like vouchers.
  - Republicans don't like federal programs.
  - Nobody thinks the Congress has the votes to do a federal school choice law.
- Expanding school choice is a nonstarter with House and Senate appropriators!
  - Recently lawmakers in both chambers have failed to fund either of the school choice proposal in the President's FY 2018 budget (with the exception of a small increase for charter schools – language in bill states Secretary must get OK from Congress to create a school choice initiative with the funds).

## The Congress and Vouchers

- Congress not supportive of White House backed first-of-itskind federal tax credit scholarship program.
  - Contentious provision that could complicate already fraught politics of passage.
  - Fiscal hawks are worried it will add to the final cost of a tax bill.
  - School choice will complicate the overarching goal of tax overhaul – streamlining and simplifying the tax code.

## Recent White House on Vouchers?

- Looking less likely the White House will push to include a federal tax credit scholarship program in the sweeping tax overhaul package.
- White House spokesman recently said the president is still "committed to pursuing a robust school choice proposal."
- Another vehicle to pass budget reconciliation??? not likely!

### Recent White House on Vouchers?

- Rumors President's FY 2019 Budget
  - Possible leaked memo (accuracy???) from White House's Domestic Policy Council to the Office of Management and Budget
    - 1. \$1 billion to create an education savings account for military families living on bases.
    - 2. State option funding stream enhance and supplement existing school choice programs or create a new program.

#### U.S. Secretary of Education on Choice and Public Education

- Secretary DeVos championing school choice for more than a decade through advocacy organizations like the American Federation for Children.
- What does the U.S. Secretary of Education say about school choice and public schools?:
  - "Every family should have the ability to choose the learning environment that is right for their child. They shouldn't have to sue their way to the Supreme Court to get it."
  - "School choice "can help" advance God's kingdom."
  - "Dead-end public education system."
  - "If we truly seek to be student-centric we must give families increased choice."

#### U.S. Secretary of Education on Choice and Public Education

- After nine months in office no specifics about how she and her department will "reinvent" education in the nation.
- Heard from an educator "Many of us have been rethinking schooling for years and making significant strides in innovative and effective education in learning models that are different from the "old days"."



#### U.S. Secretary of Education on Choice and Public Education

Three Ways DeVos Could Push Choice Without Congress

- 1. Make it a priority for federal grants
  - Draft federal grant priorities released by ED comments due Nov. 13 big emphasis on choice included
- 2. Use her secretarial megaphone speeches on virtues of choice
- 3. Open up the Every Student Succeeds Act's weighted studentfunding pilot.
  - 1. LEAs to combine federal, state, and local dollars into a single funding stream tied to individual students.

#### Not a Viable Solution for Vast Swaths of America



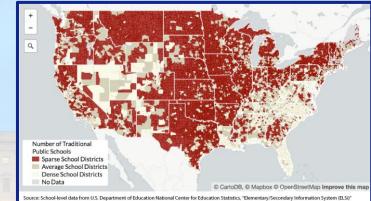
- Severe limitations of the Administration's onesized-fits-all vision of expanding private school voucher nationwide:
  - Rural and suburban areas are either sparsely populated or organized in small districts where there are not enough schools for vouchers to be a viable or effective policy solution.
  - Vouchers could dramatically destabilize public school systems and communities.

#### Not a Viable Solution for Vast Swaths of America

- Senator Mike Enzi (R-WY) used his limited time for questions during DeVos' confirmation hearing to speak about the special challenges facing rural and frontier schools in Wyoming.
- Dense districts New York City, 1 million students, 1,500 public schools.
- Sparse Districts Montana, 150,000 students, 413 districts.

#### Not a Viable Solution for Vast Swaths of America

- 85% of the 11,200 regular school districts fall into two categories of sparse and average districts – vouchers unworkable as a logistical matter.
- The President has advocated for a funding distribution that would favor states that have private school choice.
- States that do not allow private school vouchers, could lose funding as formulas shift funding toward states that do.



Source: School-level data from U.S. Department of Education National Center for Education Statistics, "Elementary/Secondary Information System (ELSI" (2013-2014), available at https://ncse.di.gov/cccd/elsi/tableGenerator.aspx. Methodology for school sparsity analysis from EdBuild, "Data Downloads," available at http://data.edbuild.org/ (last accessed February 2017).

#### **Reasons to Oppose Voucher Schemes**



#### Vouchers Violate the Principle of Religious Freedom

Taxpayers should The government The vast majority not be forced to should not fund of vouchers go to fund religious religious religious schools education with education which it disagrees

# Don't Improve Student Achievements

#### Louisiana:

"Students using an LSP scholarship performed significantly **worse** in math after using their scholarship to attend private schools."

#### **Ohio:**

"Students who use vouchers to attend private schools have fared **worse** academically compared to their closely matched peers attending public schools." Indiana: "Voucher students who transfer to private schools experienced significant losses in achievement."

District of Columbia: "The OSP had a statistically significant negative impact on the mathematics achievement of students offered or using a scholarship."

# Vouchers Don't Improve Public Schools

#### Vouchers aren't school reform

#### They take money away from solving real problems

#### They only go to a few students

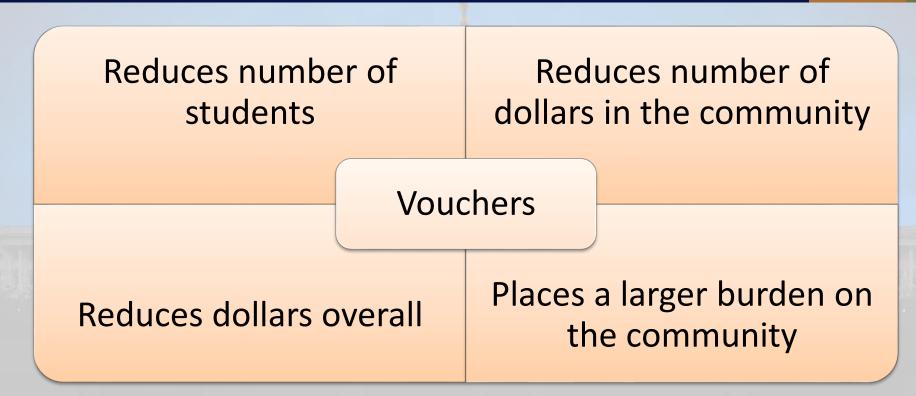
#### Vouchers Drain Funds from Public Schools

Same overhead and administrative costs but less money

Milwaukee raised taxes

Indiana an extra \$16 million

Vouchers Drain Funds from Public Schools



### **Vouchers Lack Accountability**

No reporting

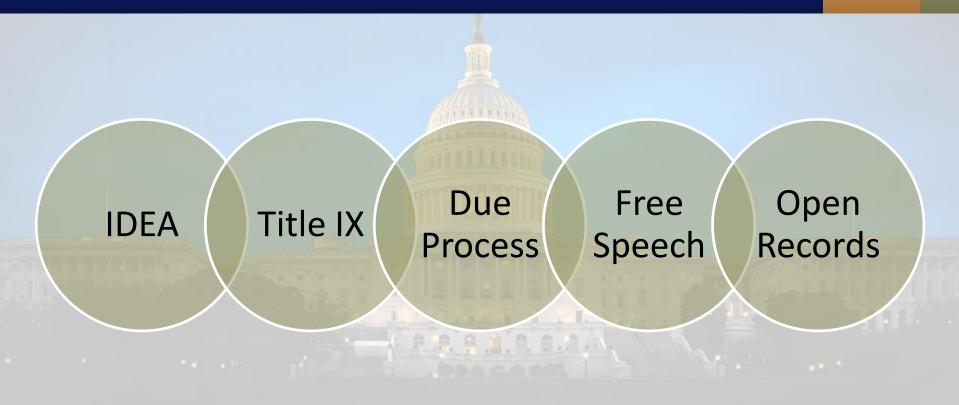
No testing

No accounting for funds

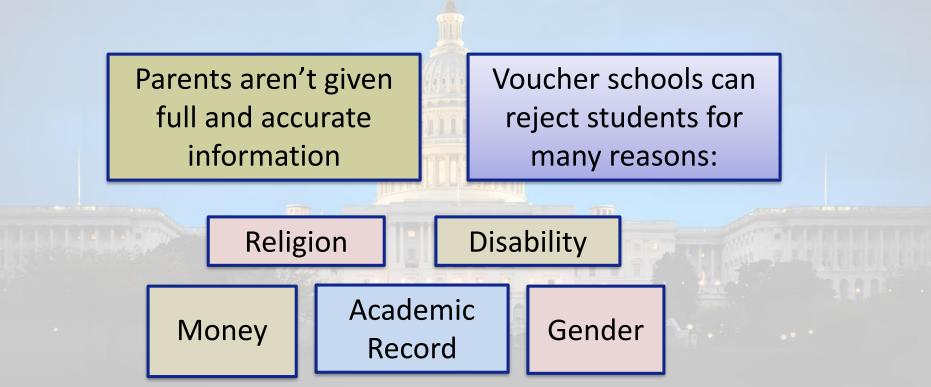
No teacher standards

No curriculum standards (creationism, dinosaurs)

#### Voucher Students Lose Rights



#### Vouchers Don't Allow Parents to Make Better Decisions



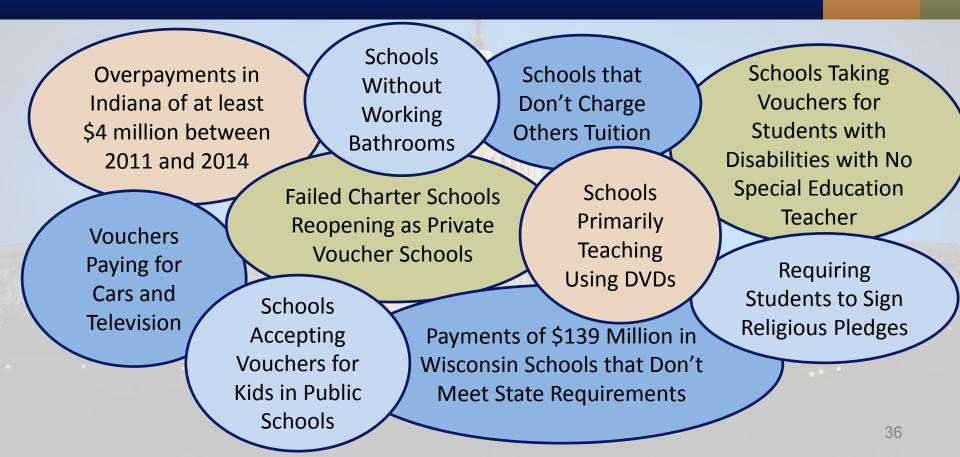
#### Vouchers Don't Help Low Income Students

Vouchers can't pay full tuition for most private schools

In Cleveland, the biggest obstacle to students was not being able to pay any extra money

Indiana program funded mostly students in private schools already, costing an extra \$16 million

#### What Could Go Wrong?



## **CEC's Position on School Vouchers**

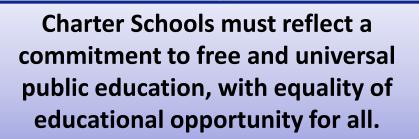




Trump Administration Proposal – CHOICE – FOR SOME!

- CEC opposes private school vouchers:
  - Contrary to best interests of children and youth and their families, the public school system, local communities and taxpayers
  - Contradict and undermine central purposes of civil rights laws (IDEA)
- CEC opposes private school vouchers for these specific reasons:
  - Absence of necessary accountability
  - No guarantee of FAPE
  - Families opt out of procedural protections
  - Segregation within the private school
  - No guarantee of equal access
  - Promotes re-segregation rather then diversity
  - Use of public education funds for private schools

## **CEC's Policy on Charter Schools**



It is the policy of CEC that the following criteria with respect to children and youth with exceptionalities be adhered to when parents, professionals, school authorities, policymakers, and authorizers consider the development of charter school policy, the content of contracts or agreements establishing individual charter schools, the operation of charter schools, and the renewal of a charter:

Council for

## **CEC's Position on Charter Schools**



### Student Access:

 Charter schools must be required to abide by the same nondiscrimination and equal education opportunity laws that apply to other public schools.

### **Provision of Free, Appropriate, Public Education Provided in the Least Restrictive Environment:**

 As public schools, charter schools must be required to provide a free, appropriate, public education provided in the least restrictive environment to students with disabilities, and to ensure all of the other basic fundamental procedural rights in accordance with applicable laws, such as the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act in the United States.

### Financing the Education of Children With Exceptionalities:

 Policies for charter schools and, when appropriate, charter agreements themselves, should explicitly identify responsibility for providing and paying for any special services associated with educating children and youth with exceptionalities in charter schools.

### **Accountability:**

Charter schools must be held accountable by the
highest governmental authority and, when appropriate,
local school programs, for providing special and gifted
education and related services to children with
exceptionalities, consistent with the laws applicable to
public schools. These accountability measures include
participation in assessment and accountability systems
and adherence to personnel qualification requirements.

### Senator Bennet (D-CO) on Parent's Choice





I support parents' choices on high-quality schools and charter schools, and I think it plays a critical role in education. The goal for me has never been in school choice for its own end. The goal is high-quality public schools for every kid in every neighborhood to receive a great education.

> Senator Michael Bennet (D-CO) Nomination Hearing for Betsy DeVos January 17, 2017

### **CEC - Charter Schools and Vouchers**



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#### **CEC's Policy on Children With Exceptionalities in Charter Schools**

the Council for Exceptional Children (CEC) viocrously supports educational reforms within the public schools which promote rigorous learning standards, strong educational outcomes, shared decision making, diverse educational offerinas, and the removal of unnecessary administrative requirements. Charter schools, including virtual charter schools, are a form of public schools, and, as such, they are one approach many believe can be effective in achieving these objectives. However, such schools must reflect a commitment to free and universal public education, with equality of educational opportunity for all.

Regardless of who takes responsibility for the delivery of educational services for children and youth with exceptionalities children and youth with disabilities and those who are gifted and talented - who attend a charter school, the chartering agency and authorizer, and, ultimately, the highest governmental authority, must ensure that the rights of children and youth with exceptionalities are upheld.

It is the policy of CEC that the following criteria with respect to children and youth with exceptionalities be adhered to when parents, professionals, school authorities, policymakers, and authorizers consider the development of charter school policy, the content of contracts or agreements establishing individual charter schools, the operation of charter schools, and the revewal of a charter

#### Student Access

Charter schools must be required to abide by the same nation and equal education oppo that apply to other public schools. Charter schools must inate in their admissions policies, nor should they charge tuition or other mandatory fees. Exceptionality status cannot be used as a criterion for excluding a child or youth with an exceptionality from attending a charter school, and policies governing ons and participation in the school program should not exclude children and youth with exceptionalities. Charter school authorizers must require applicants to provide detailed plans that inc strategies to identify and serve children and youth with exceptionalities and address recruitment and retention of well prepared, successful special and oifled education teachers and related service personnel.

Provision of Free, Appropriate, Public Education Provided in the Least Restrictive Environment

As public schools, charter schools must be required to provide a free, appropriate, public education provided in the least restrictive environment to students with disabilities, and to ensure all of the other basic fundamental procedural rights in accordance with applicable laws, such as the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act in the United States, including children's and youth's physical access to the education program offered. Enrollment in a charter school cannot be used to deny to a student with

CEC's Policy on Children With Exceptionalities in Charter Schools

a disability the free, appropriate, public education provided in the least restrictive environment to which they have a right. Charter schools operating as their own local educational agency must comply with les restrictive environment requirements in the same manner as traditional local educational agencies. ly with least

#### Financing the Education of Children With Exceptionalities

Educational and other services required by children with exceptionalities, including special and oiffed education and related services, can be provided directly by the charter school, or through alternative arrangements with other public schools, with local school programs or the highest governmental authority. Policies for charter schools and, when appropriate, charter agreements themselves, should explicitly identify responsibility for providing and paying for any special services. associated with educating children and youth with excentionalities in charter schools, including the cost of building renovations and the provision of special and gifted education and related services. This information must be considered by authorizers during the initial

chartering process and in the charter renewal process

Accountability

Charter schools must be held accountable by the highest governmental authority and, when appropriate, local school programs, for providing special and gifted education and related services to children with

April 2011/ 1

### **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 desrve. By definition, vouchers provide for the distribution or sublimes receive the equal access and opportunity that they deserve, by deminion, volumers 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 thillion 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.

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 undernine central purposes of civil rights laws designed to protect children and youth

> 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 age ine 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.

#### 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 youchers quite middle-income and upper middle-income families, but at the same time effectively eliminates

#### 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

#### **CEC's Position School Vouchers**

Several civil rights laws, including, IDEA, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act (ADA), guarantee a host of longstanding 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, ongoing evaluations, and assurance of alternative ements 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

#### Segregation Within the Private School

A fundamental tenat of IDEA is the requirement of education within the least restrictive environment (LRE). 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.

#### No Guarantee of Equal Access

A ballmark 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 wouth with more severe disabilities, or those with higher cost needs or behavioral challenges, are brically not enrolled, and, if enrolled, not retained

June 2011/ 1

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## Federal Budget



### **CEC President Mikki Garcia Speaks Out!**



- IDEA underfunded since 1975 currently at 16% of Congressionally promised 40% of excess cost
- Jeopardizes FAPE
- Reduces access to quality <u>PUBLIC</u> schools that provide opportunities for ALL children
- Opposes private school vouchers
- Trump budget neglects an opportunity to answer the calls for greater federal support in key public education programs
- CEC turns to Congress to correct the course!

Tell Congress – Invest in <u>PUBLIC</u> Education! Visit CEC's Legislative Action Center!

## 2017 PDK Poll

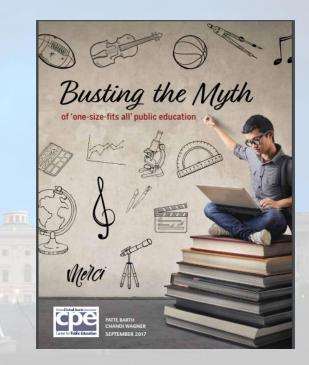
- Do you favor or oppose allowing students and parents to choose a private school to attend at public expense?
  - 52% of Americans opposed
  - 39% of Americans were in favor
- When PDK pollsters followed up with an expanded question, which asked about using public dollars to pay for private schools with religious affiliations?
  - 61% of Americans opposed

## The Public Dollars for Public Schools Act

- The Public Dollars for Public Schools Act Representative Terri Swell (D-AL) – soon to be introduced.
- CEC along with most education and disability organizations support.
- Conversation changer!
- Stopping tuition credits TO closing a major tax shelter that allows wealthy individuals to profit from their "charity" to voucher programs.

### Busting the Myth of One-Size-Fits-ALL Public Education

- National School Boards Association (NSBA) recently released – Busting the Myth of One-Size-Fits-ALL Public Education.
  - Shows that the broadest range of educational choices for our nation's students are found inside public schools.
  - Economies of scale allow school districts to cater to the needs of many children with diverse needs.
  - Choice through a public school building or an educational program within a traditional public school.



## Stay Connected: CEC's *Policy Insider* Blog



06/22/2016

Read more here.

Read more here



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Exceptional Children

#### Registration for CEC's Policy Insider

Thank you for joining the Council for Exceptional Children's Policy Insider. The Insider is a complimentary, weekly email containing the latest policy news concerning students with disabilities and/or gifts and talents and the professionals who work on their behalf. We look forward to keeping you informed. Sincerely, CEC's Policy and Advocacy Team

Email Address

#### First Name

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# CEC's Legislative Action Center

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Tweets by @CECAdvocacy

CEC Advocacy Team @CECAdvocacs

Read CEC's Policy Insider blog post on consequences of a #Medicaid per capita

cap! Urge Congress to Vote NO on #AHCA





#### Welcome to CEC's Legislative Action Center (LAC) Website!

Knowing that you depend on CEC's insight to develop new, innovative ideas and strengthen policy and practice, CEC's Legislative Action center is interactive informative

Take Action on a number of legislative issues that are important to the advancement of policies and opportunities for students with disabilities and gifts and talents and the professionals that work on their behalf.

Find information about your elected officials with ease by simply typing in your zip code

Explore the Issue Pages to learn more in depth information on specific topics featured on the Legislative Action Center.

Navigate our side bar to connect with us on our Social Media pages.

Be sure to bookmark this LAC homeoace and keep being the best CEC advocate can be

### TELL YOUR LEGISLATORS WHAT ISSUES ARE **IMPORTANT TO YOU!**

- Check out our newly designed website featuring CEC's engagement alerts.
- Take action on the latest legislation concerning children and youth with exceptionalities and the professionals who work on their behalf.
- Lookup your elected officials and candidates by simply typing in your zip code.
- Learn more about special education policy on the "Issues" pages.
- Send a letter to Congress on key policy issues: **Register for email alerts!**

### http://cqrcengage.com/cek/home

### 4

## Twitter & Facebook



the-minute policy updates!

Council for





We need men who can dream of things that never were and ask why not.

President John F. Kennedy Address to the Irish National Parliament, June 1963









"A small group of thoughtful people could change the world. Indeed, it's the only thing that ever has."

**Margaret Mead** 

### Table Talk: Use of Public Funds to Pay for Private Schools

CEC lists 7 reasons for opposing the use of public funds to pay for private schools for children with disabilities. Please brainstorm additional reasons for opposition:

- Ideas for continued advocacy in opposition at State and Local Levels:
- Support Public Education!

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Except

# Questions?





# THANK YOU!



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