Many Voucher Schools Cannot or Do Not Serve Students with Disabilities

Most voucher programs permit schools to discriminate in their admission policies and do not require schools to accept a student with a disability. As a result, students with disabilities can be systematically excluded from voucher programs.1 For instance, a study of the Milwaukee voucher program revealed that most schools in the program “lack the full complement of educational programs that students with disabilities are entitled to if they receive their education in the public sector,”2 and as a result, students with disabilities have been discouraged or excluded from participating.3

A 2010 US Department of Education report on the DC voucher program showed that a main reason why students did not use a voucher offered to them was that they were unable to find a participating school with services for their disability or other special needs. Indeed, 21.6% of parents who rejected a voucher that was offered to their child did so because the school lacked the special services that their child needed, and, 12.3% of the parents who accepted a voucher for their child but then left the program cited a lack of special needs services at the school they had chosen.4

Programs specifically designed to serve students with disabilities are often no better. A 2018 study of the Mississippi program revealed that the majority of schools participating in the program were not actually designed to serve students with disabilities and that one-third of participating schools did not employ any special education staff.5

Students Using Vouchers Lose Rights Under IDEA

The Individuals with Disabilities Education Act (IDEA) ensures that students with disabilities are provided with a Free Appropriate Public Education (FAPE) that is tailored to their individual needs. Students who leave the public schools with a voucher forfeit many of the protections provided to students under IDEA because they are considered parentally placed in private schools. Accordingly, students accepting vouchers do not necessarily receive all the services listed on their IEP that they are receiving in their public school. Also, under IDEA when members of the IEP team,

3 Ultimately, the Department of Justice had to act, requiring Wisconsin to implement policies and practices to eliminate discrimination against students with disabilities in its administration of the Milwaukee program. Letter to Tony Evers, State Superintendent, Wisc. Dep’t of Pub. Instruction, from U.S. Dep’t of Justice, Civil Rights Div., Educ. Opportunities Section, Apr. 9, 2013.
which includes parents, cannot agree on the services that a child should receive, the
parents have the right to raise their concerns with a hearing officer and ultimately to
take the school district to court if necessary. Students who are parentally placed in a
private school through a voucher do not have these due process protections.

Parents Are Not Informed About the Rights and Services Their Child Will Lose in
a Voucher Program

The National Council on Disability reported that on the whole, state programs and
private schools fail to notify parents of students with disabilities that they are waiving
rights and what that means, leaving parents feeling unprepared to make an informed
decision.⁶ Indeed, a 2017 GAO report found that a lack of information was common
among voucher programs across the country.⁷ The report found that 83% of students
enrolled in a disability voucher program were in a program that provided either no
information or inaccurate information about changes in IDEA rights. It also found that
only 53% of private schools in voucher programs designed for students with disabilities
provided disability-related information on their websites, and only 5% of these programs
provided parents with information about whether teachers were trained to serve
students with disabilities. According to GAO, the lack of information can result in parents
making incorrect assumptions about private school choice programs and schools.

⁷ U.S. Gov’t Accountability Office, GAO-18-94, Federal Actions Needed to Ensure Parents Are Notified About Changes in Rights