

Vouchers Often Fail Students with Disabilities

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,

¹ Selene Almazan & Denise Stile Marshall, Council of Parent Attorneys & Advocates, [School Vouchers and Students with Disabilities: Examining Impact in the Name of Choice](#) (June 2016).

² Patrick J. Wolf et al., School Choice Demonstration Project, Univ. of Ark., [Special Education and the Milwaukee Parental Choice Program](#) 17 (2012).

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.

⁴ U.S. Dep’t of Educ., [Evaluation of the D.C. Opportunity Scholarship Program: Final Report](#), 24-26 (June 2010).

⁵ Joint Committee on Performance Evaluation and Expenditure Review, [A Statutory Review of Mississippi’s Education Scholarship Account \(ESA\) Program](#) (2018).

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.

⁶ National Council on Disability, [School Choice Series: Choice & Vouchers – Implications for Students with Disabilities](#) (2018).

⁷ U.S. Gov't Accountability Office, GAO-18-94, [Federal Actions Needed to Ensure Parents Are Notified About Changes in Rights for Students with Disabilities](#) 20-26 (2018).



The **National Coalition for Public Education** comprises more than 50 education, civic, civil rights, and religious organizations devoted to the support of public schools. Founded in 1978, NCPE opposes the funneling of public money to private and religious schools through such mechanisms as tuition tax credits and vouchers.