



ATPE

ASSOCIATION OF TEXAS PROFESSIONAL EDUCATORS

Written Testimony on Voucher Legislation: Senate Bills 183, 1301 and 2204

Submitted to the Senate Education Committee
April 7, 2009

The Association of Texas Professional Educators (ATPE) opposes private school vouchers that would take state funds away from public schools and give them to unregulated private schools under the pretense of helping students with special needs. Even if referred to as "scholarship" or "enhancement" programs for students with disabilities, the voucher proposals being presented to the Senate Education Committee in Senate Bills 183, 1301 and 2204 would do a tremendous disservice to public schools and the special education students they serve.

- **Voucher proposals in which funds that would otherwise go to a public school are transferred to a private school are detrimental to the special needs students who remain in public school.** Federal and state laws require Texas public schools to provide services for children with special needs, such as children with autism, regardless of how many students enroll at each school. If the Legislature were to adopt the proposed legislation, all public schools would continue to be required to provide special education services, but they would have to do so with less funding from the state. For example, even if nine out of 10 students were to leave a public school program and enroll in a private school, the school district would still have a duty to hire certified personnel and provide the same services for the one student remaining in the public school. The only difference is that the public school would receive just 10 percent of the funding it previously received.
- In the case of SB 2204, the **public schools not only would lose funding for students who transfer to private schools, but they would also be hit with a new unfunded mandate.** The bill would require the school district in which the student formerly attended public school to participate in an "autism interdisciplinary enhancement team" that would be responsible for planning and developing services to the student, monitoring the student's progress, setting goals, and even training educators, all without the benefit of state funding to the original school district.
- **Families who enroll their special needs children in private schools are NOT entitled to the same legal rights that are currently afforded to them within the public education system.** These include the right to file a complaint or pursue legal action if the child does not receive appropriate services from the school. Parents of students in private schools do not enjoy the same protections under the law.
- **Private schools serving students with special needs are NOT required to comply with state and federal regulations that are designed to protect students.** Public schools are regulated by such laws as the Individual with Disabilities Education Act (IDEA) and the Family Educational Rights and Privacy Act (FERPA), but **private schools are not held accountable** under these and other laws.
- **Voucher proposals such as SB 183, SB 1301 and SB 2204 would not hold private schools accountable for the academic progress of the students they would serve.** The bills purport to include "accountability" measures by requiring the private schools to administer tests, but individual test results are released only to the parents of the enrolled students. Aggregated results made available to the public would not give the state reliable data on the effectiveness of the private schools' academic programs. The Legislature would never adopt such meager academic standards for public schools and then claim to be holding them "accountable."

- Perhaps the most significant predictor of student success is an appropriately trained and certified teacher. **Private schools are NOT required to hire educators who are specially trained and certified to teach special education students.** Public schools must hire certified educators to work with students with special needs. The state has the authority to ensure high standards in the preparation and staff development of educators who teach students in special education programs, but that authority does not extend to private schools.
- Proponents of vouchers claim that bills such as SB 183, SB 1301 and SB 2204 offer students and parents a choice. However, **private programs for students with disabilities in rural areas are few and far between.** Therefore, these voucher proposals do not offer students in the most isolated parts of Texas a real choice.
- Vouchers might cover a portion of the cost of educating a student with special needs, but **many parents still would not be able to afford the additional costs of enrolling their children in specialized private schools.** Some studies have suggested that parents who choose private school placement for a student with autism, for example, would incur out-of-pocket expenses averaging at least \$10,000 more than the amount of a typical state-provided voucher.
- Furthermore, transportation is costly and burdensome for families who send their children to private school, because **private schools do NOT have to provide transportation** like public schools are required to provide.
- Unlike public schools, **private schools are NOT required to accept all special education students.** Costs and/or profit considerations would motivate private operators to accept only those students functioning at a higher level. Lower-functioning students requiring more costly care are likely to be denied admission. Despite including some language that prohibits discrimination in admissions, SB 183, SB 1301 and SB 2204 create loopholes that would enable private providers to exclude applicants that are not deemed to be "qualified."
- **Voucher proposals such as SB 183, SB 1301 and SB 2204 would siphon millions of dollars away from special education programs in public schools and funnel them to unregulated private programs.** The best evidence of the lack of accountability for the funds that would be sent to private schools is in the bills' language that specifically states that the state "may not regulate the educational program" of these private schools for which it would be spending so much money. Such a complete lack of oversight would never be tolerated in conjunction with appropriations of taxpayer funds for public schools.
- **All students with special needs deserve an excellent education.** The best way to help those students is not by taking money away from the public schools, but by concentrating our legislative efforts on improving the services that are available to all students through the public education system. Texas cannot afford to focus only on benefiting the parents of a select few who are able to enroll in the best private programs.
- **Rather than voting for vouchers, legislators should consider other proposals to provide meaningful assistance to students with special needs:** improving and mandating research-based training for teachers; providing better health care coverage for children in need; collecting and disseminating best practices information among educators of students with special needs; empowering parents to discuss the educational needs of their children through the Admission, Review and Dismissal (ARD) committee process; offering grants to school districts to help them cover the cost of educating students with disabilities; and taking advantage of all available federal funding for special education services offered in public schools.

SB 183, SB 1301 and SB 2204 propose to offer choice to students with special needs, but **private school vouchers are the WRONG CHOICE** for the students and taxpayers of Texas. **On behalf of our 112,000 members, ATPE urges you to oppose private school vouchers in any format and to VOTE AGAINST Senate Bills 183, 1301 and 2204.**