

# ISSUE BRIEF

## Keep Public Funds in Public Education



### RECOMMENDATIONS

#### CEC urges Congress to:

- **Support efforts that maintain and enhance the use of public funds for public education and services offered through public school districts.**
- **Oppose the use of public funds for parents to access private education through private school vouchers, tuition tax credits, direct tuition payments, taxpayer savings accounts, scholarships, and portability of public funds to private education entities for all students, including students with disabilities, as they are contrary to the best interests of students and their families, the public school system, local communities, and taxpayers.**

### BACKGROUND

The Council for Exceptional Children (CEC) opposes the use of public funds for parents to access private education through:

- private school vouchers,
- tuition tax credits,
- direct tuition payments,
- taxpayer savings accounts,
- scholarships, and
- portability of public funds to private education entities.

We oppose this for all students, including students with disabilities, as the establishment of these programs are contrary to the best interests of students and their families, high-quality public education, local communities, and taxpayers.

Public education is a great equalizer of an ever more diverse student population. But research indicates vouchers and other publicly supported private

education have resulted in racial, ethnic, economic, religious, gender, and disability segregation. Taxpayers should fund public education, not private education. It is important to have fiscal protections that guarantee public education funds are not diverted to pay for private education at the expense of the children and youth remaining in the public schools.

CEC opposes public subsidy of private education for the following reasons:

**No guarantee of equal access to private schools for students with disabilities.** A hallmark of public education is that it is available to ALL students through open enrollment practices. No students are excluded from public school. Private schools do not provide that guarantee, even if they accept public funds. Mission-based entrance policies which describe students who “match” a private school’s mission are

often discriminatory against children and youth with disabilities. There is evidence of discriminatory practice within this context based on race, disability, and socioeconomic status. Any educational organization receiving public funds must be required to offer equal access to its programs.

**No guarantee of accountability.** Public schools must meet federal requirements regarding implementation of an individualized education program (IEP) and comply with regulations that ensure equitable access and opportunity for students with disabilities. These regulations include:

- standardized assessment,
- student achievement targets,
- funding oversight,
- education in the least restrictive environment, and
- special education teacher certification.

In addition, public schools must meet reporting requirements in the areas of:

- discipline,
- incidents of restraint and seclusion,
- transition outcomes,
- disproportionality,
- maintenance of effort, and
- evaluation timelines.

These measures are linked to success and are missing from private education.

**No guarantee of a free appropriate public education (FAPE) and procedural safeguards.** When parents decide to enroll their child in a private school using public funds (voucher, tuition tax credit payment, savings account, scholarship), they lose the right to special education services and

due process rights afforded under the Individuals with Disabilities Education Act (IDEA). These include implementation of an IEP, related services, mediation, dispute resolution, and other due process rights. Many parents may not be aware that they are in effect discarding their parental rights and, in doing so, also discarding their child's right to a free appropriate public education.

Although private schools receiving public funds may simply be declared in compliance with the procedural guarantees of IDEA, the absence of public accountability, public supervision, and public oversight effectively negates such an assertion. Therefore, participation in the educational program is limited for students with disabilities in private schools when parents use public dollars.

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**Subsidizing private schools with public funds does irreparable harm to students with disabilities.** Access to equitable public opportunities and positive educational outcomes are based on a strong local, state and federal investment in public education. Use of public dollars to pay for private education decreases the funding available to ensure a strong public school system, which is essential to quality educational opportunities for all students, including students with disabilities. A parallel system of education publicly funded in the private sector is unsustainable for taxpayers and harmful to students with disabilities.