

## SCHOOL CHOICE PROGRAMS

### ACTION REQUESTED

Ensure that parent(s)/guardian(s) have access to information about the opportunities and potential consequences of choosing to move their child from a public school to a “choice school” including, but not limited to, the provision of appropriate services, the qualifications of providers, and assurances of due process protections.

**ISSUE: School choice allows public education funds to follow students to the schools that parent(s)/guardian(s) select to meet their child’s educational needs; however, choice schools are not required to provide special education services and supports mandated by federal law.**

- Federal laws (e.g., Individuals with Disabilities Education Act (IDEA), Section 504 of the Americans with Disabilities Act) stipulate that federal funding goes to public schools to provide a free appropriate public education (FAPE) including services and supports to students with disabilities.
- School choice programs may not receive federal funding and are not required to adhere to federal laws that require the provision of special education services, including audiology and speech-language pathology services.
- According to the U.S. Department of Education, speech or language impairment is the second or third most prevalent disability category for students ages 6 through 21 in every racial/ethnic group served under IDEA Part B.<sup>1</sup>
- Parent(s)/guardian(s) of children who have disabilities may choose to enroll their child in a school choice program based on educational opportunities but later learn that services and supports are not provided. If a student enters a choice school and later returns to the public school, the public funds supporting the choice program may no longer be available to the public program.
- Recent efforts by the U.S. Department of Education to support school choice programs may take funding from public schools that are required to provide FAPE under federal law.

**SOLUTION: Ensure that school choice programs meet the same requirements as public schools and that parent(s)/guardian(s) have the resources to make an informed decision.**

- Educate parent(s)/guardian(s) about the possible consequences of school choice programs for children with disabilities and their families.
- Ensure that any public funding used for education outside of the public school system follows the student, including those returning to public schools.
- Require school choice programs to provide access to the full range of both special education and general education services, including equal access to education for families and children with disabilities, by complying with IDEA, Section 504, and other civil rights laws that apply to public school systems.
- Ensure school choice programs employ instructional staff who meet state education agency credentialing requirements, including educational audiologists and speech-language pathologists.
- Require school choice programs to administer the same statewide assessments as public schools and comply with federal privacy laws.

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<sup>1</sup> U.S. Department of Education. (2018). *40th Annual Report to Congress on the Implementation of the Individuals with Disabilities Education Act, 2018*. <https://www2.ed.gov/about/reports/annual/osep/2018/parts-b-c/40th-arc-for-idea.pdf>.