



Keep Public Funds in Public Education

Members of Congress are urged 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 families 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.
- Oppose the Education Freedom Scholarships and Opportunity Act, S. 634 (Cruz, R-TX), that would expand elementary, secondary and vocational education opportunities for students by providing a federal tax credit to encourage individuals and business to donate to nonprofit scholarship funds.

ISSUE BRIEF

Background

Public education is the great equalizer for an ever more diverse student population. The establishment of programs wherein families access public funds to pay for 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—is contrary to the best interests of students and their families, high-quality public education, local communities, and taxpayers.

Research indicates voucher programs 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.

Public funds should not be used to subsidize 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. In fact, recent studies from the Institute of Education Sciences indicate that there is a lower level of availability of programs for students with disabilities in private school settings than in their public counterparts. Mission-based entrance policies describing students who “match” a private school’s mission often discriminate against children and youth with disabilities. There is evidence of discriminatory practice within this context based on race, ability, English learner status, and socioeconomic status. Any education organization or agency 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/licensure.

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.

All of these measures are closely linked to student success and are missing from private education.

No guarantee of a free appropriate public education (FAPE) and procedural safeguards. When a family decides to enroll a 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 provided 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 families may not be aware that they are in effect discarding their rights and, in doing so, also discarding the child's right to FAPE.

The absence of public accountability, public supervision, and public oversight for private schools receiving public funds effectively negates any assurance of compliance with the procedural guarantees of IDEA. Therefore, participation in the education program is limited for children and youth with disabilities in private schools when families use public dollars.

Subsidizing private schools with public funds does irreparable harm to students with disabilities. Access to equitable public opportunities and positive educational outcomes is based on 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.

Public education is the great equalizer for an ever more diverse student population. Vouchers and other publicly supported private education result in racial, ethnic, economic, religious, gender, and disability segregation.