

Wisconsin Special Needs Scholarship Assembly Bill 110

The Wisconsin Special Needs Scholarship gives parents the opportunity to send their children with special needs to the public or private school of their choice without having to endure a long and costly administrative and legal process.

In short, the scholarship ensures that parents of special needs children are the sole deciders in where their children go to school.

Bill Summary:

- **Scholarship Amount:** Established by the Department of Public Instruction (DPI) through a review of the eligible student's Individualized Education Program (IEP). Upon review, DPI would determine the scholarship based upon the cost of the education program provided at the resident public school or the cost to the eligible school—whichever is less.
- **Eligible Students:** Must have attended a public school in Wisconsin in the previous year or be starting school in the state for the first time with an Individualized Education Plan.
- **Eligible Schools & Accountability Requirements:** Notify DPI of intent to participate; comply with all applicable health and safety codes and laws; comply with federal nondiscrimination requirements of 42 U.S.C. 2000d; adhere to financial accountability standards; conduct criminal background checks on all employees and exclude from employment any people who might reasonably pose a threat to student safety; provide regular reports to parents on their child's progress.

Background:

- ✓ Seven other states have Special Needs Scholarship Programs (Arizona, Florida, Georgia, Louisiana, Ohio, Oklahoma, and Utah).
- ✓ 26,055 students are benefitting from these scholarships nationwide.
- ✓ The nation's first such program, Florida's McKay Scholarships for Students with Disabilities Program, was created in 1999. It attracted 970 students in its first full school-year (2000-01) and ten years later is now serving 21,742 students, which is more than a 2,140% increase in enrollment.

Frequently Asked Questions:

Q: Why are you introducing this? Is there strong parental support for it?

A: Yes, parents of special needs children don't have the time to march on the Capitol or the resources to hire powerful special interest groups, but one only needs to ask a legislator about constituent contacts or read the headlines to see that traditional special education is not meeting the needs of all special needs children.

From autistic students being restrained or secluded without parental consent to Milwaukee Public School (MPS) being sued for allegedly failing to serve special education students for five years, it is clear that there are those who are not satisfied with the state of special education in Wisconsin.

As long as there are parents of special needs children in our communities who are unhappy with their children's current special education experience, they should have the right to choose the public or private school that best fits their children's needs. They simply don't have time to wait for Madison and Washington to "fix" special education.

Further, many siblings are separated from each other under the current system. For example, one couple is barely able to send their two oldest children to a private school of their choosing but unable to afford the cost of sending their third child with special needs to that same school. The Wisconsin Special Needs Scholarship would help reunite families and allow special needs students to attend the same school as their older siblings.

Q: Can't parents of special needs students already transfer their children to a different school easily enough?

A: No, not unless they are successful in winning through the Open Enrollment process (to transfer their child to another public school) or in winning through a costly and arduous due process hearing that pits them in a legal battle against their school district (to transfer their child to a private school).

When a special needs student falls further and further behind because of bureaucratic obstacles, no one really wins. If parents are unhappy with their special needs students' experience in their current school, they should be able to make the switch that will make a permanent difference in their children's lives without government approval.

In cases where parents want to transfer their special needs children to a private school, they are put in the undesirable position of battling against their child's school through a due process hearing where the burden is on them to prove that their child is not receiving the federally-required free appropriate public education (FAPE).

Worse, perhaps, they have to bear the financial burden of an attorney and expert witnesses. While wealthy families can afford such a process, low- and middle-income families simply cannot.

Q: Don't private schools, like Milwaukee Parental Choice Program (MPCP) schools, regularly deny students with special needs, while public schools cannot deny them?

A: No, both public and private schools aim to serve as many students as they can with the resources they have.

In fact, when comparing the City of Milwaukee's MPCP webpage and MPS' school selection directory, the two contradict this allegation:

- ✓ *City of Milwaukee's MPCP Webpage*: "A Choice school may not discriminate against a child with special needs in the admissions process or elsewhere."
- ✓ *MPS' School Selections Directory*: "All MPS schools serve pupils with special needs; **however, not all services are available at all schools** (emphasis added)."

Recent research seems to confirm that last point. For instance, School Choice Wisconsin has found that only 12 of MPS' 119 elementary schools serve autistic students.

Public schools are slated to receive about \$750 million from the state's Categorical Aid Special Education appropriations in the next budget, which is money in addition to the \$12,000 they spend on each student on average. On the other hand, private schools in the Milwaukee Parental Choice Program receive \$6,442 for each student, regardless of whether the student is a traditional student or special needs student.

One only needs to talk to a parent of a special needs child at MPCP schools like St. Marcus Lutheran School, Lutheran Special School & Education Services, or Messmer High School, for example, in order to learn that even with fiscal

constraints faced by MPCP schools, they go the extra mile to serve special needs students.

School districts across Wisconsin routinely express the concern that they can't serve all of their districts' many special education students with the resources allotted to them. The Wisconsin Special Needs Scholarship will allow more of a school district's special education students to leave that system and make it easier for school districts to educate the *remaining* special education students.

In fact, a Manhattan Institute study found "that students eligible for vouchers who remained in the public schools made greater academic improvements" with the existence of Florida's McKay program.

Q: Would any families take advantage of this? Are private schools equipped to actually serve special needs students?

A: Yes, while special needs scholarships opponents in the 7 states with such opportunities regularly made the argument that they're not, the evidence suggests otherwise.

In Florida, home to the nation's oldest and largest special needs scholarship program, 1,001 of the state's 2,100 private schools are McKay Scholarship participants from urban areas like Dade, Broward, and Palm Beach Counties to rural areas like Dixie, Hendry, and Holmes Counties. From the panhandle to the Lower Peninsula, 21,742 students are enjoying the options that McKay Scholarships afford them.

Further, the Manhattan Institute found that 86 percent of McKay Scholarship parents reported their new school provided all of the service promised, and only 30 percent of them could say the same about their public school.

Q: Many existing private schools do not accept students with significant disabilities. Won't this lead to new private schools that are "autism only," for example, where students do not have opportunities to learn from typically-developing peers?

A: Many existing *public* schools do not accept students with significant disabilities. Milwaukee Public Schools, for example, readily admit that "not all (special education) services are available at all schools."

If this legislation opens the door for additional smaller, private schools that specialize in particular special needs services, and provide a better teacher-to-student ratio, parents should be the ones to decide whether they want their child educated there. It shouldn't be the role of government or well-intentioned advocates to tell such parents, "No, that's not the right learning environment for your child."

The late Dr. Ivar Lovaas (LOW-vahss), a pioneer in studying autism, once said, "If a child cannot learn in the way we teach, we must teach in a way the child can learn." Each special needs child has unique challenges; indeed, two children with autism may react differently in the same educational setting. There is no correct template, and we should therefore provide more options.

Some parents unsatisfied with their special needs child's schooling may still feel that none of the eligible, nearby schools under this scholarship are the right answer for them, and opponents will likely cite this as proof that the legislation should be shelved.

In this vein, scholarship skeptics are basically saying that it's better to save *no* special needs children from an unworkable educational environment than to save *any*.

Scholarship supporters feel differently: We cannot continue to settle for the status quo, while denying parents of special needs children a pathway for a brighter future. We must be ready to teach special needs children in a way they can learn.

Q: Would the amount of the scholarship really be enough to cover the special education costs at a private school? Will low-income families have financial difficulty participating?

A: Based on the experience in Florida, this will not be an issue. McKay Scholarship parent surveys revealed that 71.7 percent of participants and 75.8 percent of former participants report paying either nothing at all or less than \$1,000 per year above the voucher.

Also, most private schools, and religious schools in particular, offer financial assistance or reduced tuition to low-income families and have lower salary and benefit costs.

The Florida McKay experience shows that low-income families disproportionately *benefit* from special needs scholarships. According to the program's February 2011 quarterly report, 46.5 percent of McKay families are eligible for free or reduced-price lunch (38% - free; 8.5% - reduced-price).

Q: Won't this drain resources from public schools that are already cash-strapped?

A: First, this question implies that there are a significant number of parents not satisfied with their current public school; if they were satisfied, no parents would choose to transfer their child to a different school with this scholarship. So, the question suggests that when given a *choice*, parents of special needs children would leave their current public school for one reason or another.

But, to answer the question...No, the money that the state spends on the special needs student's education would follow the student to the school of the parent's choosing. Federal and local education dollars do *not* follow the student under this legislation.

Everyone involved in the administration and instruction of special education, whether it be the Department of Public Instruction, school districts, or teachers, all tend to believe that there is not enough state and federal special education funding for the number of identified special education students.

In essence, they would say that the costs exceed the revenues.

If a parent chooses a Special Needs Scholarship, the state funding spent on that special needs student at his/her resident public school would follow the student to the chosen school. This would leave the resident public school with fewer special needs students to educate.

In other words, the cost *reduction* will exceed the revenue reduction, translating into a likely net gain for any public school that sees a special needs student leave with a scholarship.

Finally, the most important impact on public schools is academic achievement. One peer-reviewed study on McKay Scholarships that was recently published in *Educational Evaluation and Policy Analysis* found that learning disabled students in public schools made "statistically significant test score improvements" in reading and math as private schools nearby began participating in the McKay Scholarship program. The study found that students

with more severe disabilities were neither harmed nor helped by coexistence with McKay.

Q: How is transportation provided under this bill?

A: The bill applies current school transportation law to this bill:
[118.51(14)] – If the student attends a public school with a scholarship, the student’s parent is responsible for transporting the student to and from school unless transportation is required in the student’s IEP. If the latter applies, the school district that the student attends is responsible for transporting the student. It also allows a low-income parent to apply to DPI for reimbursement of transportation costs.

[121.54] – If the student attends a private school with a scholarship, his or her school district of residence must provide transportation to and from the school if the school is located at least two miles from the student’s residence, the student resides in the private school’s attendance area, and the private school is situated within the school district of residence or not more than five miles beyond the boundaries of the school district.

Q: Why is Florida’s McKay Scholarship the model for Wisconsin’s legislation?

A: When a program has attracted more students than any school choice scholarship program in the nation (it recently surpassed MPCP enrollment even though McKay is about a decade “younger”), posts a parental satisfaction rate of 92.7 percent, and provides special needs students a class size that is half that of their public school (12.8 students/class vs. 25.1 students/class), it makes sense to emulate that program.

In addition to these statistics, students in Florida’s McKay program are benefitting in other ways:

- ✓ 46.8 percent were teased or picked-on often in their previous school because of their disability, while 5.3 percent were bothered often in their new, school of choice (a more than 88 percent decrease).
- ✓ 40.3 percent had behavioral problems in their previous school, while 18.8 percent had behavioral problems in McKay schools (a more than 53 percent decrease).

Finally, the program's racial/ethnic and socioeconomic enrollments are extremely diverse: 49.9 percent of McKay Scholarship students are African American or Latino, while 46.5 percent of them are white; 46.5 percent are eligible for free or reduced-price lunch, while 49.0 percent are not or did not apply.

Resources:

Alliance for School Choice. "The Promise of Special Needs Scholarships." July 2008. http://www.allianceforschoolchoice.org/UploadedFiles/ResearchResources/specialNEEDS_07232008.pdf

City of Milwaukee. "Milwaukee Parental Choice Program." <http://city.milwaukee.gov/MilwaukeeParentalSch3361.htm>

Florida Department of Education. "John M. McKay Scholarship Program." February 2011 Quarterly Report. http://www.floridaschoolchoice.org/Information/McKay/quarterly_reports/mckay_report_feb2011.pdf

Florida House of Representatives. "McKay Scholarships for Students with Disabilities Program." *Education Fact Sheet 2010-11*. http://www.myfloridahouse.gov/FileStores/Web/HouseContent/Approved/Web%20Site/education_fact_sheets/2011/documents/2010-11%20McKay%20Scholarships%20for%20Students%20with%20Disabilities%20Program.3.pdf

Greene, Jay P., Manhattan Institute. "The Effect of Special Education Vouchers on Public School Achievement: Evidence from Florida's McKay Scholarship Program." *Civic Report No. 52*. April 2008. http://www.manhattan-institute.org/html/cr_52.htm

Greene, Jay P., Manhattan Institute. "Vouchers for Special Education Students: An Evaluation of Florida's McKay Scholarship Program." *Civic Report No. 38*. June 2003. http://www.manhattan-institute.org/html/cr_38.htm

Greene, Jay P. "The Case for Special Education Vouchers." *EducationNext*. Winter 2010/Vol. 10, No. 1. <http://educationnext.org/the-case-for-special-education-vouchers/>

Milwaukee Public Schools. "School Selections – 2010-2011." <http://mpsportal.milwaukee.k12.wi.us/portal/server.pt/doc/74435/Directions-English.pdf>

School Choice Wisconsin. "School Choice Admission Practices: A Review of the Misinformation Campaign." August 2006. <http://www.schoolchoicewi.org/data/research/School Choice Admission Practices.pdf>