

Research Evidence Against Dismantling the U.S. Education Department: How to Support Students with Disabilities

WHAT'S AT RISK FOR STUDENTS WITH DISABILITIES UNDER THE FEDERAL VOUCHER PROGRAM?

Fact Sheet

Key Takeaway

The One Big Beautiful Bill Act created the first nationwide federal private school voucher program in U.S. history. Through a tax credit mechanism that routes federal dollars to private and public school students via scholarship granting organizations (SGO), the law will result in public funds reaching private schools that face far more limited requirements under the Individuals with Disabilities Education Act (IDEA) than public schools face. **The evidence suggests that students with disabilities would lose key accountability structures and legal protections under the federal voucher program while also failing to gain any discernable academic benefits.** State policymakers must also consider that they will have little influence over the policies that govern the federal voucher program, with limited, if any, ability to insert guardrails intended to protect the rights of vulnerable children or install accountability measures for the participating private schools or the SGOs that will hand out the vouchers.

The Issue

States are being asked to make a consequential decision about whether to opt in to the Federal Scholarship Tax Credit (FSTC), a decision that could be difficult to reverse once families begin participating, and institutional infrastructure takes hold. State participation in the federal voucher program will have significant educational consequences for students with disabilities, who will experience a dramatically different legal and educational environment in private schools than they would in public schools

The Evidence

- Research on outcomes for students with disabilities participating in state voucher programs is limited, but existing evidence does not support claims of positive academic effects.
- Students are less likely to be identified as having a disability in private school settings. Disability identification rates in private schools are substantially lower than in public schools, even when looking at the same students. Private schools face no legal obligation to identify students as disabled and have no financial incentive to do so.

- Students enrolled in private schools lose core protections under IDEA and other laws, including teacher qualification standards and discipline safeguards as well as the right to a free appropriate public education in the least restrictive environment and dispute resolution processes.
- Families often do not receive complete and accurate information about the legal rights they are waiving when they enroll in a private school voucher program. Not surprisingly, access to information is tied to a family's social network, which is in turn tied to race and class.

We offer the following recommendations for state policymakers as they make this decision:

- States should decline to opt in to the federal voucher program because it is unlikely to improve educational outcomes and will significantly reduce rights for students with disabilities.
- Instead of diverting resources into the unaccountable private sector, states should work to improve funding, programs, and accountability for special education and related services required under IDEA and other laws protecting students with disabilities.
- Voucher programs should require that private schools receiving vouchers administer state standardized assessments and publicly report results. Without this data it is difficult, if not impossible, for researchers to evaluate and assess voucher program outcomes.
- Voucher programs should mandate that private schools participating in voucher programs disclose relevant information to parents of students with disabilities. Private schools should be required, as a condition of participation in a voucher program, to publicly disclose the disability categories they serve, the services they provide, and the credentials held by staff working directly with students with disabilities.
- Voucher programs should require civil rights data reporting from participating private schools so they can assess claims that private school placements are safer or more supportive for students with disabilities and determine whether private schools are engaging in discriminatory discipline practices.