

**Mark Desetti, Testimony
House Education Committee
February 18, 2013**

House Bill 2263

Madame Chair, members of the committee, thank you for the opportunity to come before you today to discuss House Bill 2263.

Our public schools have been working under the requirements of the Individuals with Disabilities Education Act since the 1970's to meet the needs of students with special needs. What does the state hope to gain by moving some children out of public schools and into private institutions?

One of the things of which we are most proud in the public education system is that we turn no child away. Regardless of what a child brings to our schools, we take that child in. If we have no more desks, we take the child in. If the child speaks no English, we take the child in. If the child is gifted or severely handicapped, we take the child in. It is our mission to serve every child within our borders and we do it gladly.

That is the great difference between public and private education. The private school can and does discriminate. The private school can set admissions criteria to turn away students who are likely not to meet high standards and HB 2263 allows this. The private school can turn away a child with a discipline history or expel a child for a disciplinary infraction and HB 2263 allows this. A private school can cap its enrollment and turn children away and HB 2263 allows this. The private school can charge tuition above and beyond the voucher granted and HB 2263 allows this. Then, HB 2263 takes money away from public schools to do all this.

Is there a fiscal note?

This bill is carefully crafted to ensure that you can never get an accurate fiscal note. On page 2, lines 14 through 16, it says the Department of Education shall determine the voucher amount by looking at the IEP – every voucher is different. Lines 20 through 22 on the same page say the amount shall be “equivalent to the cost of the educational program that would have been provided for the student in the resident school district.” It goes a little further though on lines 20 and 21 to say that, while the voucher is equivalent to the cost of implementing the IEP, the private school has no obligation to honor the IEP at all. The school gets paid for all the services, but is obligated to provide none of them.

The proponents I am sure will argue that there is no fiscal note to the state. I suppose that's because the money for the voucher comes from the resident school district, not the state. The child is enrolled in the resident school district but it is not clear whether the district would get just Base State Aid or also receive special education funding for the child. It does imply that the resident district will get base state aid but the voucher can be significantly more than that amount. On page 2, lines 33 through 35, the bill says, “the funds needed to provide a scholarship shall be subtracted from the state financial aid payable to the student's resident school district.” The cost of this voucher is drained directly off the general education program of the resident district.

There's a big fiscal note to the resident school district.

HB 2263 lays out at least three additional areas where the resident school district will be left to pick up the expenses of the child.

- Section 5 (c) bills the resident school district for transportation. Yes, the district gets transportation weighting for the child but the costs could significantly outweigh the funding if one considers that transporting one student to a distant private school could require private transportation arrangements. Perhaps a private school bus, a taxi, or a daily ride from a district employee is the solution. (p3, lines 7-10)
- Section 5 (d) bills the resident school district if the parent wants the child to take the state assessment. (p3, lines 12-16)
- Section 8 (c) says that participation in this program is “a nonpublic placement for purposes of the individuals with disabilities education act.” You know that public schools, under IDEA, must provide special education services to resident students in private schools. This bill drains the money away from the resident school district, giving it to the private school, and then holds the public school responsible for providing services. (p5, lines 6-8)

All those resources and no accountability.

Surely with this dramatic amount of resources being drained from the resident school district for the benefit of a private school, the accountability measures must be great. That’s what one would think, however, the opposite is true.

Section 7 (a) beginning on page 3, line 37, spells out what a school must do to be eligible. There are 12 requirements. And there is one telling omission. ***The school does not have to be accredited.*** We assumed that back in section 5 (d) in which we learned these schools were under no obligation to give state assessments (p3, lines 12-16). Accredited schools must give state assessments.

This is further spelled out in section 7 (b) where the authors say, “The department and any other state agency may not in any way regulate the educational program of a participating school that accepts a special needs scholarship.”

And how will the state know this is a successful program. That is assured by the carefully crafted “study of the program.”

Four of the six issues to be assessed are designed to show perfect results.

1. Are the students satisfied?
2. Are their parents satisfied?
3. “The percentage of participating students who were victimized because of their special needs status at their resident school compared to the percentage so victimized at their participating school.”
4. “The percentage of participating students who exhibited behavioral problems at their resident school compared to the percentage exhibiting behavioral problems at their participating school.” That one is easy to calculate since section 8 (b) allows the voucher school to throw out any student who does not “comply fully with a participating school’s written code of conduct.” We can tell you now, it will be 0% at the voucher school.

House Bill 2263 is a terrible idea. Its sole purpose is to drain funds from public schools under the guise of helping special needs students. And those funds will go to unaccredited, unaccountable private schools – perhaps private schools that wish to bring in a few extra gifted children and their accompanying state aid. It is bad public policy and we urge you to reject House Bill 2263.