



122 W. WASHINGTON AVENUE, MADISON, WI 53703  
PHONE: 608-257-2622-FAX: 608-257-8386

JOHN H. ASHLEY, EXECUTIVE DIRECTOR

**TO:** Members, Senate Committee on Education  
**FROM:** Dan Rossmiller, Government Relations Director  
**DATE:** February 28, 2012  
**RE:** Senate Bill 486, relating to creating a Special Needs Voucher Program for disabled pupils

The Wisconsin Association of School Boards (WASB) strongly opposes Senate Bill 486. We join with other child-advocacy and public education groups in opposing this bill, which we believe is significantly flawed.

We have serious concerns over how special education pupils are treated under the bill, including the lack of periodic reevaluation or testing of special needs pupils, the lack of certified staff to teach special needs pupils, and the potential that special needs pupils in private schools will be segregated or “warehoused” under the bill.

We have significant concerns about the mechanics of how vouchers are determined under the bill, including the sequence of events from how pupils are accepted into private schools to how voucher amounts are calculated and maintained over the course of the pupils’ enrollment in private schools. It appears, for example, that the DPI must award the voucher prior to determining its amount.

And we have deep concerns that Senate Bill 486 treats public schools inequitably with regard to special education funding. Special education has long been an underfunded mandate on public schools and SB 486 would exacerbate this problem.

Public school districts receive only a partial reimbursement (currently about 26 percent) of the cost of providing special education services from a “*sum certain*” appropriation. In contrast, private schools receiving vouchers under Senate Bill 486 could receive full funding (100 percent) of the cost of providing special education services to voucher pupils up to a set amount, with *per pupil* funding provided from a *sum sufficient* appropriation.

Wisconsin **does not** provide *per pupil* payments to public schools for special education funding; instead, it *reimburses* a portion (currently about 26 percent) of a school district’s prior year costs for providing special education services. Thus, there is a one year lag between what a public school district spends and its reimbursement.

Senate Bill 486 would provide a maximum voucher amount of \$13,593 per student. This amount is almost double the current choice program voucher amount of \$6,442. And it is almost three times the amount (\$4,842) the state currently provides in general aids per public school student.

Curiously, under the bill, a participating parental choice pupil could reenroll, and if they qualify, could receive a special education voucher. If so, a private school participating in the choice program could receive more than twice what they currently receive to educate the same pupil.

Senate Bill 486 would fund these special needs vouchers by reducing general aid to public school districts by the amount of each special needs voucher provided to a pupil who resides in that district. Some districts could lose far more of their students than others and suffer heavy losses in general aid, leaving fewer resources for services needed by the disabled students who remain in the public school district's schools.

The bill is silent about how to handle costs a school might incur for staff they must continue to pay if a special needs pupil leaves. Under the bill, special needs pupils can leave their resident school district at any time of year. It is not uncommon for school districts to hire someone to work with just one special needs pupil. If that person is a teacher he or she would still be under contract with the district even if his or her services were no longer needed.

The bill is also silent on whether a school district would continue to have its general aid reduced if a pupil moves out of that district and into another public school district.

Under the bill, public school districts would also have to pay the costs of transporting the voucher students with disabilities to private schools, no matter where in the state these private schools are located. State transportation aid reimburses less than 9 percent of statewide student transportation aids. The remainder of these costs are paid from local property taxes, and general aid, which would be reduced to each affected district by the amount of the vouchers paid.

General aid to public school districts was just reduced by over \$390 million in 2011-12 alone. Because Senate Bill 486 fully funds the special needs voucher paid to eligible schools, its enactment could result in another huge reduction in general aid for public school districts. School districts will be unable to recoup any of this lost aid through local school levies.

We are troubled that there is no provision in Senate Bill 486 requiring a private school to periodically reevaluate the individualized education program (IEP) of a child with special needs.

Under state and federal law, public schools must review a child's IEP at least annually and must conduct a re-evaluation every three years. Under Senate Bill 486, once the voucher amount is set, it appears fixed until the child graduates from high school or turns 21, whichever comes first. The bill appears to assume that the same set of services will be needed and will be provided over the course of the pupil's education, which may or may not be the case.

While the voucher amount is to be based on the cost of implementing the pupil's IEP, language in the bill allows parents and private schools to agree to modify the services actually provided, which might reduce the private school's costs. There is no provision, however, for the state or its taxpayers to recoup any funds from a private school for services not provided to a student if an agreement to modify the services provided reduces the private school's costs. Similarly, there is no provision for a public school district to recoup general aids taken from it for services not provided to a student by a private school because of such an agreement.

Because Senate Bill 486 places no limit on the extent to which a pupil's IEP may be modified, it effectively does not require a private school accepting a voucher to provide the services identified in the student's IEP, nor does it require such private schools to have certified special education or related services personnel on staff. Indeed, it appears from our reading that the bill would not even require those teaching special education voucher students in private schools to hold a college degree.

We would expect proponents of SB 486 will attempt to portray the bill as enhancing public school choice options for students with disabilities through the Open Enrollment program. That program has been criticized on the basis that it does not serve high-cost special education pupils well because non-resident districts can deny open enrollment on the basis of cost. Senate Bill 486 does not really address this because it caps the amount the non-resident district would receive, thus providing no additional incentive for a non-resident district to accept high-cost pupils. Similarly, private schools have little incentive under the bill to accept high-cost special needs pupils. It is doubtful they will accept pupils with significant cognitive impairments given the voucher amount.

Even the study called for by the bill is ill-crafted. It seeks to study whether students with disabilities are "victimized" in public schools without defining "victimization." It does not seek to study whether students receive a better education through the use of vouchers. Indeed, the language on the study is completely silent about studying improved academic performance, improved behavior or improved graduation rates. Most revealing is that the bill insists that those doing the study must have "experience evaluating school choice programs," rather than insisting on researchers who have experience evaluating educational outcomes of special education.

In summary, we view Senate Bill 486 as a "blank check" that would not only drain hundreds of millions of dollars from public schools across the state, but would experiment with some of the most vulnerable members of society and seriously jeopardize the quality education that students with special education needs now receive in public school districts in our state. There are significant problems with this bill that need to be addressed and it should not move forward. We urge your opposition to SB 486.