



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, WASB Government Relations Director
RE: WASB Opposition to Senate Bill 525, relating to Special Needs Scholarships/Vouchers
DATE: February 13, 2014

Good afternoon Chairman Olsen and members of the committee. My name is Dan Rossmiller. I am the Director of Government Relations for the Wisconsin Association of School Boards (WASB), representing the 424 locally elected school boards in our state. We oppose Senate Bill 525.

While the bill before you represents an improvement over the proposal that was before this committee last session, it remains badly flawed. It lacks adequate protections for students and parents, lacks accountability, discriminates among students with disabilities, and it would have negative financial impacts on public schools. Senate Bill 525, although well-intended, will: deprive special education students and their parents of important due process rights and enforceable legal rights to be provided with special education services; increase costs to the state for providing special education, while at the same time resulting in increased property taxes at the local level in most school districts; and, ironically, could result in fewer resources being available to local school districts to educate both special and regular education students.

The WASB and other public education groups have been meeting with disability rights advocates and parents of students with disabilities to explore ways to improve access to open enrollment for students with special needs. Unlike the approach offered by Senate Bill 525, the approach we are pursuing would provide parents with options to the special education program offered by their district of residence without sacrificing the due process rights of parents and students or special education students' legal entitlement to services outlined in the student's individual education plan (IEP).

While we are sympathetic to the concerns of parents who have children with special needs who are not progressing or thriving to the extent one would wish them to, we are also concerned for the children who would remain in the public schools if this bill were to pass. Private schools would have no obligation to accept students with disabilities under this bill. That decision remains entirely up to the private school. However, because of the funding structure this bill sets up, when private schools *do* decide to accept students with disabilities, it is unlikely that those private schools will accept students with significant disabilities. Because the amount of the scholarship is limited, there is a disincentive to accept students with significant disabilities that can be costly to educate. As a result, public schools would be likely to see a higher concentration of students with significant disabilities.

In order to pay for special needs vouchers Senate Bill 525 specifically reduces the amount of general aids that would be made available to all public school districts. The bill does not increase the amount appropriated for general aids but would continue a disturbing legislative pattern of creating a sum-sufficient allocation that would

receive a first draw on the general aid appropriation in order to serve a narrow segment of students who attend schools outside of public school districts.

The WASB protested the use of such a funding mechanism when independent charter school expansion legislation was before this committee and we will continue to protest the creation or expansion of sum-sufficient draws on the general aids appropriation that reduce the amount of state aid received by local school districts. If the Legislature determines special education vouchers are indeed one of its policy priorities, it should fund those vouchers through a stand-alone appropriation.

Because the bill would make no change to revenue limits or the calculation of state aids and because it would reduce the amount of state general aids distributed to school districts, under revenue limits, if school districts use their available revenue limit authority, this will result in a property tax increase. If school districts do not use all their available revenue limit authority, this bill will result in cuts to educational programs and staff for regular education students.

Further, under Senate Bill 525 resident school districts could no longer count students who leave their districts under a Special Needs Voucher for aid or revenue limit purposes. Under the school aid formula, all other things being equal, fewer students equates to having more property wealth per pupil, which under the school aid formula resulting in less general equalization aid to the district. (This is essentially the same problem declining enrollment districts face.) However, under Senate Bill 525, even though the resident district of the departing student would receive less aid and its special education costs would be spread across fewer students, it would have to absorb significant costs related to that student, such as annual state testing and all necessary accommodations (if requested by parent) and all testing and staff costs associated with the three-year Individualized Education Program (IEP) review (if allowed by parent).

Furthermore, if Special Needs Voucher students return to their resident school district due to their needs not being met at the eligible school or being dismissed by the private school, the public school district to which they return will have to absorb any costs associated with retesting, reevaluation, and intensive services needed to restore students to prior functioning levels. Depending on when the student returned, the public school district could be in a situation in which it would be both unable to claim that student for general school aids and prevented from levying property taxes on that student under revenue limits.

An unusual feature in the federal law governing special education, the Individuals with Disabilities Education Act (otherwise known as IDEA) related to what are called "equitable participation" requirements places a burden on the school district in which a private school is located in which children with disabilities are privately placed by their parents. These children may or may not have ever lived within the school district in which the private school is located, yet the federal law imposes a burden on the district in which the private school is located to set aside federal funds and provide special education services to those private school students. As the number of students with disabilities attending a private school (or schools) located within a district increases, as it likely would if this bill were passed, the amount of federal IDEA funds a district has to set aside and spend on services for special education voucher students in the private school rather than on its own resident public school students in need of special education services. Again, these districts may not be districts from which the outgoing special needs voucher students originated.

In short, while Senate Bill 525 purports to offer a solution to some dissatisfied parents of children with special needs, it would create significant problems for other children with special needs and their parents and for public school districts. For the variety of reasons indicated, we oppose Senate Bill 525.

We would, however, welcome and work toward efforts to improve the public school open enrollment process for all students, and especially for those with special needs.