April 30, 2003

U.S. House of Representatives
Washington, DC 20515

Dear Representative:

The undersigned education, disability, religious, civil rights and civil liberties, labor and other advocacy organizations write to urge you to reject both voucher proposals that will be offered as amendments to the Individuals with Disabilities Education Act (IDEA, H.R. 1350), and to oppose final passage of the bill if either of these amendments are adopted.

In a letter distributed to the U.S. House of Representative, Rep. DeMint denies that his proposed amendment is a voucher that will harm education and take resources away from states, schools, and children, because it merely allows vouchers without requiring them. This is a distinction without a difference, since the flaws associated with special education vouchers, outlined below, are the same regardless of how they are implemented.

The Demint voucher proposal would undermine public accountability. One of the basic underpinnings of the No Child Left Behind Act (NCLB) was that the federal government would expect greater accountability from states and local school districts. The Demint amendment would undermine this cornerstone of education reform by providing funding to private schools that would not be held to any of the accountability measures of NCLB. For example, under the proposal, private schools accepting the proposed vouchers would not be required to administer annual assessments, publicly report on student achievement, give parents individual, descriptive reports on their children’s yearly progress toward proficiency in reading and math, or employ highly qualified teachers. Public schools must meet all of these requirements and more.

The Demint voucher proposal would not improve student achievement. It would be inappropriate to fund any voucher program, since they lack scientific, research-based evidence of effectiveness. Under the McKay voucher program in Florida, for example, the state evades responsibility for the academic achievement of voucher students. The only recourse parents have if a private school fails to provide appropriate education or special services is to transfer their child to another school.

The Demint voucher proposal threatens students’ and parental rights. Under IDEA, local school districts can place students with disabilities in private schools if the local school district is unable to meet the student’s Individual Education Program (IEP). In those cases, the student must receive a program of special education and related services at the private school at no cost to the parents. This placement decision is arrived at by a collective decision of the student’s IEP team, which includes the child’s parents, educators, and related services providers (where appropriate). As a result of this agreement, the child and his or her parents have all the rights that they would have if the student were served by a public school. In other words, because authority remains with
the school district to ensure that the student receives the needed services, public accountability is retained and parental rights are preserved. The DeMint amendment offers no assurance that such accountability will be retained, or that students’ and parents’ rights will be preserved.

**The DeMint voucher proposal undermines children’s IDEA rights.**
Under the amendment, once a private school has accepted the voucher, it is “deemed, for both the programs and services delivered to the child, to be providing a free appropriate public education and to be in compliance with . . . the Rehabilitation Act of 1973 (29 U.S.C. 794).” In other words, participating private schools WOULD be deemed legally in compliance with both IDEA and the Rehabilitation Act, and yet not be required to fulfill the requirements of either law, and neither the parents nor the public would have recourse to challenge a denial of services or failure to accommodate a child with disabilities. Indeed, according to the U.S. Department of Education’s Office of Civil Rights, parents give up their rights to a “free appropriate public education” when they use a voucher to send their child to private school.¹

**The DeMint voucher proposal undermines civil rights.**
The amendment is also silent on the question of whether private schools accepting federal dollars must comply with other civil rights laws. While it would prohibit participating private schools from discriminating against students receiving the vouchers on the basis of race, color, or national origin, it is silent regarding religion, gender, and disability.

**The Musgrave voucher amendment is similarly flawed.**
The second voucher amendment will be offered by Rep. Musgrave. It too would divert public funds to private schools and private providers that may discriminate against students, while doing nothing to improve the quality of special education or increase the related services provided to students attending either public or private schools, and undermining the targeting of equitable services.

The original purposes of IDEA, reiterated in the reauthorization proposed by Reps. Castle and Boehner (HR 1350), are to ensure that all students with disabilities have available to them a free appropriate public education that emphasizes special education and related services in the least restrictive environment, and to ensure that the rights of students with disabilities and parents of such children are protected. The undersigned groups urge you to respect that original purpose and the principles of NCLB, and reject efforts, such as the DeMint and Musgrave voucher proposals, that contradict and undermine them. If any voucher amendment is adopted, we urge you to oppose final passage of H.R. 1350.

Sincerely,

American Art Therapy Association  
American Association of School Administrators  
American Association of University Women  
American Association on Mental Retardation  
American Civil Liberties Union

Americans for Democratic Action
American Federation for the Blind
American Federation of State, County, and Municipal Employees (AFSCME)
American Federation of Teachers
American Humanist Association
American Jewish Committee
American Jewish Congress
American Music Therapy Association
Americans for Religious Liberty
Americans United for Separation of Church and State
The Arc of the U.S.
ASPIRA
Association for Career and Technical Education
Association for Supervision and Curriculum Development
Association of University Centers on Disabilities (formerly American Association of University Affiliated Programs)
Baptist Joint Committee
Central Conference of American Rabbis
Chicago Public Schools
Council of the Great City Schools
Council for Exceptional Children
Council for Learning Disabilities
Division for Learning Disabilities
Easter Seals
Federation of Families for Children's Mental Health
General Board of Church & Society of the United Methodist Church
Hadassah, the Women's Zionist Organization of America
Higher Education Consortium for Special Education
International Reading Association
International Union, United Auto Workers
Labor Council for Latin American Advancement
LDA, the Learning Disabilities Association of America
Leadership Conference on Civil Rights
NAACP
NA'AMAT USA
National Alliance of Black School Educators
National Association for Bilingual Education
National Association of Elementary School Principals
National Association of Protection and Advocacy Systems
National Association of School Psychologists
National Association of Secondary School Principals
National Association of Social Workers
National Association of State Boards of Education
National Association of State Directors of Special Education
National Black Child Development Institute
National Center for Learning Disabilities
National Coalition of Parent Centers
National Coalition of Title I Chapter 1 Parents
National Council of Jewish Women
National Education Association
National Organization for Women
National PTA
National School Boards Association
New York City Department of Education
New York State Education Department
National Urban League
PACER Center
People For the American Way
Presbyterian Church (U.S.A), Washington Office
Public Education Network
School Social Work Association of America
Service Employees International Union AFL-CIO
TASH
Teacher Education Division of the Council for Exceptional Children.
Union of American Hebrew Congregations
Unitarian Universalist Association of Congregations
United Cerebral Palsy Associations (UCP)
United Church of Christ, Justice and Witness Ministries
Women of Reform Judaism