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**Reaching Higher Analysis: SB 193 May Disadvantage Students with Disabilities**

**December 21, 2017** -- Reaching Higher New Hampshire, a nonpartisan education policy nonprofit, released an analysis of [SB 193](#), a bill to create a statewide education savings account (ESA or voucher) program, that finds the program could place students with disabilities at a disadvantage relative to their peers who are not considered to have a disability. The analysis focuses on New Hampshire data showing that students with disabilities, as defined by the Individuals with Disabilities Education Act (IDEA), constitute a much smaller fraction of private school enrollment than is the case with public school enrollment.

“The data show a stark disparity in terms of private school enrollment between students with disabilities and their peers,” said Dan Vallone, Reaching Higher’s Policy Director. “The magnitude and persistence of the disparities in enrollment raise questions about the structural factors that account for those disparities and also about how SB 193 could put those students at disadvantage.”

Key findings include:

- Overall around **8%** of New Hampshire’s students attend private school; however, **less than 1%** of students with disabilities are parentally-placed in private schools; and
- Students with disabilities make up around **15%** of the public-school population for grades 1-12 (~ages 6-21); however, students with disabilities (ages 6-21) who are parentally-placed in private schools, constitute only around **1%** of the private school population in New Hampshire.

The analysis draws on data submitted by the New Hampshire Department of Education to the US Department of Education as required under IDEA, Part B, Section 618, as well as enrollment data published by the New Hampshire Department of Education. Under Part B, Section 618 of IDEA, states are required to report (among other things) the number and educational environments of children ages 3-5 and students ages 6-21 with disabilities as identified on an annual basis.

“The data underscores the fact that when it comes to special education, the differences between public schools and private schools are vast and complex and should be fully considered in the context of SB 193,” Vallone continued.

SB 193 includes a provision that says participating in the program has the same effect as parental-placement under IDEA. Parental-placement refers to situations where students are enrolled by their parents or guardians in private school and basic education is paid through private resources. This is distinct from situations where a school district, in consultation with parents / guardians and a student’s Individualized Education Program (IEP) team, enrolls a student in a private school and the school district pays the educational expenses. In situations of parental-placement, students and families waive the majority of civil rights protections and potential services provided by IDEA.

The analysis comes on the heels of the release of two major national reports relative to special education. On December 7, the US Department of Education released a [FAQ document](#) describing the major impacts of the March 2017 Supreme Court Case, *Endrew F. v. Douglas County School District (Endrew F.)*. The FAQ explains how *Endrew F.* clarified school districts' obligations to provide a free, appropriate public education (FAPE) under IDEA. On November 30, the US Government Accountability Office (GAO) released an [analysis](#) of private school choice programs (comparable to SB 193) across the country. The GAO found that participants in private school choice programs may not always be aware of the changes in how special education is treated under parental-placement. The GAO recommended that Congress require states to notify parents and guardians about changes in federal special education provisions under parental-placement.

See the full analysis [here](#).

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***Reaching Higher NH is a nonpartisan 501c3 public education policy resource for NH families, educators, and elected officials. Our mission is to support high-quality public education and the infinite potential of every child in New Hampshire. Learn more at [ReachingHigherNH.org](http://ReachingHigherNH.org).***