



March 5, 2012

Assembly Speaker Jeff Fitzgerald
State Capitol Building, Room 211 W
Madison, WI
Via email to Rep.Fitzgerald@legis.wisconsin.gov
CC: Wisconsin State Assembly Representatives via email

Dear Speaker Fitzgerald:

On Tuesday AB 110, which would expand school vouchers for students with disabilities, will be considered for a vote.

We ask legislators to reject AB 110/SB 486 which will not help Wisconsin actually provide an equal and adequate education for all students with disabilities. All students have an equal right to schools that adequately serve their educational needs. Students with disabilities also have the right to an equal education. However, this bill is structured in a way that will weaken the adequacy of public schools while at the same time giving a greater share of monetary support to religious and private schools that do not have the same standards of accountability.

First, this bill will siphon funds away from neighborhood schools and provide a subsidy for religious and private schools.

Because the public school system is supported by tax dollars, our neighborhood schools have standards for serving all students in a non-discriminatory manner. However this bill, as with the overall voucher system, furthers the siphoning of tax dollars to support religious and private schools that are not being held to the same non-discriminatory standards. Tax dollars should not support parochial education, and private schools should not rely on subsidies from vouchers if they do not want to change their mission or educational practices to compare to the same accountability standards of public schools.

The ACLU of Wisconsin has had a long-held position against the school voucher or Milwaukee Parental Choice Program because it is a failed scheme that is a misuse of tax dollars and doesn't advance Wisconsin toward providing equal and adequate public education for all students. Due to continued cuts to education spending in our state, an expansion of the voucher program would further weaken our public schools rather than advance meaningful education reform. With education cuts, state and federal funds do not sufficiently cover all educational costs for students with disabilities in the public education system. This bill will make education for disabled students worse by taking a greater (or sum sufficient) share of limited tax dollars away from public schools and sending the check to religious and private schools. This will have the effect of making public schools do the same work with fewer resources.

But even if parents choose a religious or private school voucher program, this bill does not provide assurances that those schools will provide those students with an adequate education.

This bill allows religious and private schools to accept a student's Individualized Education Plan, but does not require the school to implement the plan or even to provide certified staff or services. There are no requirements for the education plans to be reviewed annually, as they would be in public schools, which runs the risk of students being incorrectly assessed for the duration of their education at the voucher-subsidized school. And religious and private schools are increasing their dependence on vouchers, yet they insist on making their own assessments of not only the results of their educational performance, but this bill would allow them to make their own assessments of what special education as student needs. This bill will weaken assurances for parents that their children will be receiving the support they need in their education.

Finally, this bill has the potential of creating untended consequences for Wisconsin's education system, including systemic discrimination against students with disabilities.

From its creation, school vouchers in Wisconsin have caused systemic discrimination against students with disabilities. Religious and private schools that rely on voucher subsidies have ignored their obligations to educate and accommodate children with disabilities. Under the guise of cost-savings, religious and private schools in the Milwaukee Parental Choice Program have not had sufficient staffing to accommodate students with disabilities and have systematically rejected students with disabilities from their acceptance or retention policies. Milwaukee public schools, however, accept all students and must then meet all students' needs with increasingly limited resources to do so. This has created a segregated school system.

But this bill, instead of funding families with the greatest needs, will increase the segregation further. Without a tuition cap, this bill will broaden voucher availability to wealthier families rather than being a subsidy for low-income families which was a part of the original intention of the voucher system. This bill also defaults to an average cost limit per pupil (\$13,000) which would shut out families who have children with disabilities that are more costly to accommodate. These parents will then be forced to choose between giving up services for their child at a voucher-subsidized school versus keeping their child at an increasingly underfunded public school. This will further the systemic discrimination that was the basis of an ACLU of Wisconsin and Disability Rights Wisconsin federal disability discrimination claim against the Milwaukee Parental Choice Program.

The ACLU of Wisconsin urges lawmakers to reject AB 110/SB 486 and instead revisit the school funding formula to find away to ensure that our neighborhood schools have the financial resources they need in order to truly advance education reform and provide an equal and adequate education for all students.