

## Testimony before Senate Education Committee Regarding Special Education Scholarships

by Brooke Dollens  
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Good afternoon, I am Brooke Dollens Terry, an education policy analyst with the Texas Public Policy Foundation. I am here to testify in favor of SB 183 by Senator Tommy Williams.

### Need

Out of the 4.6 million students in Texas public schools, approximately 465,000 students are students with special needs. This means roughly 10 percent of all public school students in Texas are classified as special education students.<sup>1</sup>

As you know, every student with special needs is unique and has different educational needs. One student may have a mild learning disability while another student may have multiple disabilities including mental retardation and severe physical disabilities. Each student deserves to have their individual needs met.

### Shortage of Special Ed Teachers

Unfortunately, this is not the case for many students with special needs in public schools. Teachers with special education expertise are in short supply in Texas causing special education certification to be classified a critical shortage area by the Texas Education Agency. In fact, in the 2007-08 school year, 12,068 Texas public school teachers taught special education without training in that area, equaling 12.9 percent of all teachers teaching special education.<sup>2</sup>

In addition to out-of-field teaching, many students with special needs are mainstreamed and taught by a teacher with little or no special education training. A 2007 Texas Education Agency survey of parents with special needs children in Texas public schools found that 40 percent of parents said that teachers “*sometimes*” understand their child’s needs. And only 80 percent of parents surveyed said their concerns and recommendations are “*considered*” by the Admission, Review and Dismissal or ARD committee in the development of the Individual Education Plan (IEP).<sup>3</sup> This means that a full 20 percent of parents surveyed feel their concerns and recommendations are ignored by the ARD committee.

Students whose needs go unmet have little recourse in the current system. Parents can hire a lawyer and battle with the school district, move to a different school district, pull their child out and home school them, or pay for their child to attend private school.

In testimony presented to the committee earlier today by parents, you have heard story after story of ridiculous amounts of legal fees spent fighting special education cases. For example, one parent this morning said her child’s case cost half a million dollars. Another case lasted more than three years and cost Conroe ISD \$328,239 according to the *Conroe Courier*.<sup>4</sup> And a 15-month battle over autistic twins

cost the Beaumont school district more than \$100,000 according to the *Beaumont Enterprise*.<sup>5</sup> This is money going to lawyers and law firms that could be spent in the classroom helping students with special needs.

**Other States**

Consensus is growing around the country that students with special needs require individualized education services that not all traditional public schools are equipped to provide. Five states have passed laws to provide scholarships to students with special needs. These states are: Arizona, Florida, Georgia, Ohio, and Utah. In the 2008-09 school year, 22,883 students nationwide received special education scholarships.<sup>6</sup>

Florida was the first state to provide scholarships to students with disabilities. In 1999, the state of Florida passed the McKay Scholarship Program for Students with Disabilities. The scholarships allow children with special needs and their parents to choose the school that best meets their educational needs including public or private schools. In order to be eligible for the scholarship, the student has to have an IEP and have attended public school in Florida the previous year.

Research on the McKay scholarships by the Manhattan Institute found extraordinarily high parental satisfaction, reduction in student behavior problems and harassment, and improvement in academic performance.<sup>7</sup> For example, 92.7 percent of parents with McKay scholarships were satisfied or very satisfied with their McKay schools compared to only 32.7 percent of parents in their government-assigned public schools.

Behavior problems in school decreased from 40.3 percent in their assigned public school to only 18.8 percent in their McKay school. Students with special needs were “victimized far less by other students because of their disabilities in McKay schools. In assigned public schools, 46.8 percent [of students] were bothered often and 24.7 percent [of students] were physically assaulted, while in McKay schools 5.3 percent [of students] were bothered often and 6 percent [of students] were assaulted.” Students received more needed services in McKay schools than in their assigned public schools. Eighty-six percent of students received all the services they required versus 30.2 percent of students in traditional public schools.

Researchers also found that in the 2004-05 school year, the average public school student with a mild disability (specific learning disability) scored 16.31 scale points higher in math and nearly 24 points higher in reading on Florida’s state assessment (Florida Comprehensive Assessment Test) than the student would have without the McKay scholarship program. Research did not find an increase or decrease in scores for students with the most severe disabilities.<sup>8</sup>

The cost of the scholarship varies with the student’s needs and the cost to educate them. Thus, students with more severe disabilities have the chance of receiving a larger scholarship than students with milder disabilities.<sup>9</sup> The scholarships ranged in cost from \$5,039 to \$21,907 with an average of \$7,295 during the 2007-2008 school year.<sup>10</sup>

Increasing numbers of students are taking advantage of McKay scholarships, beginning with two students

Successes of the McKay Scholarship Program		
	Assigned Schools	McKay Schools
Parental Satisfaction	32.7%	92.7%
Behavioral Problems	40.3%	18.8%
Students Harassment	46.8%	5.3%
Physical Assaults	24.7%	6%
Students Receiving all Required Services	30.2%	86%

in the 1999-2000 school year, and expanding to 19,571 students in the 2008-09 school year.<sup>11</sup> In addition, the participation of private school providers has increased from 100 schools in 2000-01 to 873 schools in 2008-09.<sup>12</sup>

Momentum is growing around the country for better options for parents of special needs children. In addition to the five states with special education scholarship programs, the American Legislative Exchange Council,

of which I serve on the education taskforce, recently passed model legislation endorsing special needs scholarships.

Please do not overlook the needs of students with disabilities. Too many of these children are not getting their needs met in their assigned public school. We urge you to provide students with special needs a scholarship to attend the school of their choice. ★

## Endnotes

<sup>1</sup> Actual number of special education students in 2007-2008 school year was 464,789. Texas Education Agency, Division of Performance Reporting, "Pocket Edition: Texas Public School Statistics 2007-2008" (Dec. 2008) <http://www.tea.state.tx.us/perfreport/pocket/2008/pocket0708.pdf>.

<sup>2</sup> "Who is Teaching?" State Board for Educator Certification, Certification Status: Grade Level and Subject Area, Fiscal Year ending August 31, 2008 produced on April 6, 2009 at <http://www.sbec.state.tx.us/reports/default.asp?width=1280&height=800>.

<sup>3</sup> Texas Education Agency, Division of IDEA Coordination, "State Performance Plan: 2005-2010" (Feb. 2008) 11, <http://www.tea.state.tx.us/special.ed/spp/TX-SPP2006.pdf>.

<sup>4</sup> Lucretia Fernandez, "Lawsuits against school districts can prove costly" *Conroe Courier* (9 Apr 2007) <http://www.ednews.org/articles/9967/1/Montgomery-County-School-Districts-speical-education-legal-fees/Page1.html>.

<sup>5</sup> Emily Guevara, "BISD special education legal bill could take heavy hit from autism hearings," *Beaumont Enterprise* (17 July 2008) [http://www.beaumontenterprise.com/news/local/bisd\\_special\\_education\\_legal\\_bill\\_could\\_take\\_heavy\\_hit\\_from\\_autism\\_hearings\\_07-18-2008.html](http://www.beaumontenterprise.com/news/local/bisd_special_education_legal_bill_could_take_heavy_hit_from_autism_hearings_07-18-2008.html).

<sup>6</sup> *School Choice Yearbook 2008-09*, Alliance for School Choice, 7, [http://www.allianceforschoolchoice.org/UploadedFiles/ResearchResources/Yearbook\\_02062009\\_finalWEB.pdf](http://www.allianceforschoolchoice.org/UploadedFiles/ResearchResources/Yearbook_02062009_finalWEB.pdf).

<sup>7</sup> Jay P. Greene, Ph.D. and Greg Forster, Ph.D. "Vouchers for Special Education Students: An Evaluation of Florida's McKay Scholarship Program," Manhattan Institute (June 2003) [http://www.manhattan-institute.org/html/cr\\_38.htm](http://www.manhattan-institute.org/html/cr_38.htm).

<sup>8</sup> Jay P. Greene, Ph.D. and Marcus Winters, "The Effect of Special Education Vouchers on Public School Achievement: Evidence from Florida's McKay Scholarship Program." Manhattan Institute (Apr 2008) [http://www.manhattan-institute.org/html/cr\\_52.htm](http://www.manhattan-institute.org/html/cr_52.htm).

<sup>9</sup> Ibid.

<sup>10</sup> Jay P. Greene, Ph.D., quoting Florida Department of Education 2006-2007 data in "The Effect of Special Education Vouchers on Public School Achievement: Evidence from Florida's McKay Scholarship Program," *School Choice Yearbook 2008-09*, Alliance for School Choice, 7, [http://www.allianceforschoolchoice.org/UploadedFiles/ResearchResources/Yearbook\\_02062009\\_finalWEB.pdf](http://www.allianceforschoolchoice.org/UploadedFiles/ResearchResources/Yearbook_02062009_finalWEB.pdf).

<sup>11</sup> Jay P. Greene, Ph.D. and Marcus Winters, "The Effect of Special Education Vouchers on Public School Achievement: Evidence from Florida's McKay Scholarship Program," Manhattan Institute (Apr. 2008) [http://www.manhattan-institute.org/html/cr\\_52.htm](http://www.manhattan-institute.org/html/cr_52.htm); Geoffery Goodman, "Study Finds Public School Students with Special Needs Benefit from Vouchers," *School Choice Digest*, Alliance for School Choice (June 2008) 7, [http://www.allianceforschoolchoice.org/UploadedFiles/ResearchResources/SCD\\_07222008.pdf](http://www.allianceforschoolchoice.org/UploadedFiles/ResearchResources/SCD_07222008.pdf); *School Choice Yearbook 2008-09*, Alliance for School Choice, 7, [http://www.allianceforschoolchoice.org/UploadedFiles/ResearchResources/Yearbook\\_02062009\\_finalWEB.pdf](http://www.allianceforschoolchoice.org/UploadedFiles/ResearchResources/Yearbook_02062009_finalWEB.pdf).

<sup>12</sup> Florida Department of Education and *School Choice Yearbook 2008-09*, Alliance for School Choice, 7, [http://www.allianceforschoolchoice.org/UploadedFiles/ResearchResources/Yearbook\\_02062009\\_finalWEB.pdf](http://www.allianceforschoolchoice.org/UploadedFiles/ResearchResources/Yearbook_02062009_finalWEB.pdf).

## About the Author

**Brooke Dollens Terry** is an education policy analyst at the Texas Public Policy Foundation. Since joining the Foundation in October of 2006, she has written extensively on the math/science teacher shortage, teacher incentive pay, charter schools, teacher certification, end-of-course assessments, career and technology education, and a host of other k-12 education issues. Her work has been published in numerous publications including the *Dallas Morning News*, the *Houston Chronicle*, the *Fort Worth Star-Telegram*, and the *San Antonio Express-News*. Her research has also been mentioned in *The Economist*, *The Wall Street Journal*, *Education Week*, and other prominent publications. Brooke currently serves on the Education Task Force of the American Legislative Exchange Council.

Before joining the Foundation, she worked at the Texas Workforce Commission in government relations and as a policy analyst for Commissioner Diane Rath. At the Workforce Commission, Brooke researched and analyzed child care, welfare, foster care, food stamps, and a host of other workforce issues.

Brooke spent three years on Capitol Hill in Washington D.C. working for U.S. Senators Phil Gramm, John Cornyn and Richard Lugar as a legislative assistant. During that time she analyzed federal legislation and policy in the areas of abortion, banking, children nutrition, cloning, housing, education, welfare, judiciary, and social issues.

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