

School “Choice” For Students with Disabilities?

FREQUENTLY ASKED QUESTIONS

- ***Are teachers required to be certified?***

Open Enrollment and Charter Schools: Teachers must have a license or permit to teach issued by the Department of Public Instruction (DPI). Special education teachers who teach core academic subjects to students with disabilities must be "highly qualified" in special education and also be highly qualified in the academic subjects they teach.

Voucher Schools: Teachers are not required to be licensed or certified by DPI, but they must hold Bachelors degrees. The degrees may be in any subject; teachers are not required to hold degrees in education or special education.

- ***Is the school required to follow a curriculum?***

Open Enrollment: Yes, each school board will provide curriculum requirements to schools consistent with statewide educational goals and expectations.

Charter Schools: Yes, a charter school must follow the educational program described in its charter contract; it is not required to follow the curriculum developed by the local school board.

Voucher Schools: Yes, state law requires private schools to provide a “sequentially progressive curriculum of fundamental instruction in reading, language arts, mathematics, social studies and health.” However, the school may include or exclude topics, concepts and practices according to its doctrines.

- ***How are schools monitored by DPI?***

Open Enrollment: Schools must submit an annual performance report to the State Superintendent that includes information about student academic achievement, and other indicators of school and district performance. This includes information about the progress of students with disabilities. Parents may request copies of these reports.

Charter Schools: Schools’ charters must include provisions for annual audits of the school’s financial and programmatic operations; schools must also provide standardized testing results to DPI. A school’s charter may be revoked if DPI finds it has violated the terms of its charter or that the school’s students failed to make sufficient academic progress. Certain charter schools must be included in the school district’s annual performance report.

Voucher Schools: To participate in the current Wisconsin voucher program, schools must show DPI that they satisfy one of the following standards: At least 70% of students in the program advance one grade level each year; the average attendance rate for pupils in the program is at least 90%, at least 80% of pupils in the program demonstrate significant academic progress; or at least 70% of families in the program meet the school’s parent involvement criteria. Schools are not required to collect or report data related to special education. AB 110, the current special needs voucher proposal, does not require any proof of academic progress for students with disabilities.

IDEA

- ***Are schools required to provide Special Education services?***

Open Enrollment and Charter Schools: Yes - schools are required by law to provide free appropriate academic and related services to meet every student’s needs. Special education services must be based upon peer-reviewed research.

Voucher Schools: No - schools must be physically accessible, but they are not required to provide any specialized academic or related supports to students with disabilities.

- ***Are schools required to develop and implement a child's Individualized Education Program (IEP)?***

Open Enrollment and Charter Schools: Yes – state and federal law requires that parents work with school staff to develop a child's IEP, a plan that outlines the services the school will provide to meet a child's agreed upon educational needs.

Voucher Schools: No - even if a student had an IEP at their former public school, private schools are not required to develop or implement a student's IEP.

- ***Are schools required to measure a student's progress?***

Open Enrollment and Charter Schools: Students' progress is evaluated when they participate in annual district-wide standardized testing and when their IEP teams meet for evaluations and reevaluations. A school must demonstrate that a child with a disability has meaningful educational benefit and parents may challenge a school's provision of supports to achieve meaningful progress.

Voucher Schools: Students' progress is evaluated when they participate in annual standardized testing. Parents have no legal right to challenge the school's measurement of their child's meaningful progress.

- ***Are children entitled to learn in an integrated setting?***

Open Enrollment and Charter Schools: Yes. Schools are required by law to educate students with disabilities in the least restrictive environment possible. Schools must publicly report on the number of students with disabilities educated in the regular classroom 80% or more of the day.

Voucher Schools: No. There is no requirement that students be taught in the least restrictive environment possible. Students at private school do not have a legally protected right to be integrated into the regular classroom setting.

Admissions and Accessibility

- ***May schools discriminate against students with disabilities in the application process?***

Open Enrollment: A school may deny a student's open enrollment application if there is not enough space in the nonresident school's special education program, or if a child's special education services are deemed "an undue financial burden" by the nonresident school district.

Charter and Voucher Schools: Schools may not reject a qualified student's application based on their disability. However, schools may set academic or behavioral admissions criteria that have the effect of preventing students with certain disabilities from successfully enrolling. In the Milwaukee voucher program current enrollment data shows 1.6% of students are students with disabilities compared to 19.5% in the Milwaukee public school student population.

- ***Who is responsible for providing transportation to students?***

Charter Schools and Open Enrollment: These school districts are not required to provide transportation to charter or nonresident district schools unless transportation is required by a child's IEP. This cost may be figured into the school's evaluation of whether the student's attendance would create an "undue financial burden."

Voucher Schools: Under the Special Needs Voucher Program proposed in AB 110, school districts would be required to provide transportation to any private school anywhere, at the district's expense. In currently operating voucher programs, the school district will provide and pay for transportation to a private school if 1) the school is within 5 miles of the district's boundaries, 2) the student lives 2 or more miles from the private school, 3) the student lives within the private school's attendance area. If the school district is not required to provide transportation, the private school may charge students for the cost of any transportation it provides.