

ANALYSIS OF HB 765 CONFERENCE REPORT - Equal Opportunity for All Students with Special Needs Act; create to establish IEFs for certain students

Creates Individualized Education Funds (IEFs) for students with Individualized Education Plans (IEPs). Students with a Section 504 accommodation or students who are home-schooled are not eligible.

Provides \$6,000 per year in \$1,500 quarterly payments through a debit card to any parent or legal guardian who signs an agreement promising not to enroll the eligible student in a public school, to provide the student an organized educational program with measurable goals, and not to home-school the student.

Private voucher schools are not required to provide accommodations called for in the IEP.

Participation is not limited to schools that are capable of serving children with special needs; participating schools are required to inform parents of services that they offer.

Participating students will lose the federal protection afforded them through the IDEA; private schools are not required to provide accommodations, but federal law requires that public schools provide the accommodations outlined in the IEP.

Vouchers are limited to 500 in the first two years of the program, 600 in years three and four, and 700 thereafter. Vouchers will be assigned on a first come, first served basis until enrollment reaches 50% of the enrollment limit. If applications exceed capacity, the remaining 50% of vouchers will be awarded randomly by the Mississippi Department of Education.

IEF funds may be used to cover the cost of:

- A non-public for-profit, virtual, or other participating school;
- Textbooks required by a participating school;
- Payment to a tutor;
- Curriculum and supplemental materials;
- Fees for transportation (Note: If low-income children spend funds on transportation, they will have no funds left to pay tuition, and vice versa);
- Fees for nationally standardized norm-referenced achievement tests, including alternate assessments;
- Fees for Advanced Placement exams or similar courses and college entrance exams;
- Educational services from a licensed or accredited practitioner or provider, including licensed or accredited paraprofessionals or educational aides;
- Services provided by a public school, including individual classes and extracurricular programs;

- Tuition or fees at an eligible postsecondary institution;
- Textbooks required for college courses;
- Insurance or surety bond payments as required by the department;
- Up to Fifty Dollars (\$50.00) annually for school supplies;
- Computer hardware and software and other technological devices

Unspent funds in a student's IEF upon graduation may be used for college tuition. (It appears that parents could spend \$50 on school supplies or \$500 on an online curriculum, both allowable expenditures, carry over the balance of the \$6,000 voucher each year for every year that the child participates, and then use the accumulated IEF balance to pay the cost of college tuition.)

Participating schools are not required to provide any evidence of student achievement or satisfactory performance or to adhere to any quality standards; schools are not held to the accountability standards to which public schools adhere.

The identity of participating private schools must be protected, despite their receiving taxpayer funds through IEFs.

All students, regardless of income, are eligible for the IEF voucher. No preference is given to low-income students.

Once a student is deemed eligible to enroll, the student may remain enrolled in the program through graduation or age 21, whichever occurs first.

The Mississippi Department of Education and the Department of Finance and Administration are charged with administering the IEFs.

Annual audits are required to determine that parents are spending IEF funds in compliance with the statute. No performance measures are included in the audit.

A PEER review is required every two years to determine parent satisfaction, behavior incidents of participating students, graduation and college acceptance rates, and the fiscal impact on resident school districts. The PEER review is to consider student achievement outcomes only when the parent has requested that the student be administered a national achievement exam or if the student is administered an Advanced Placement exam. Typically, only high performing students enroll in Advanced Placement courses and take those exams, and so these outcomes reports will likely not be reflective of the entire population of students receiving the IEFs and will be overwhelmingly skewed toward high achievement.

There are no provisions made in this legislation for objective performance measures that would inform performance-based budgeting requirements associated with other state-funded programs.

Sources:

Mississippi Legislative Web Site