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Empowerment Scholarship Accounts

The Trade-Offs of Empowerment Scholarship Accounts (ESAs)
for Students with Disabilities

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Empowerment Scholarship Accounts (ESAs) are growing in popularity among parents of students with disabilities, providing options to choose how and where to educate their children with state financial assistance. The number of ESA enrollees, the majority of whom are students with disabilities, have exploded by over 800% in just five years, with expenditures for this program growing by more than 1600%.¹ These accounts essentially cede all decisions about a child's education to their parents, and for many parents this is liberating. Many parents now feel they don't have to struggle to achieve every accommodation needed for their child's education and they appreciate having the flexibility to do what is needed.

Flexibility and control does come at a cost for some parents. The most recent available Arizona Department of Education (ADE) numbers reveal that of the 3,316 new applicants there were 2,278 approvals (68%), but of those approvals only 63% chose to participate in the program for the 2016-2017 school year.² Many parents did not fully understand the program, including all the responsibilities they had to assume. There is a web page available outlining ESA merits, including how ESA funds can be spent and how to enroll (<http://www.azed.gov/esa/>), but there remains confusion about how ESAs affect students with disabilities. In 2014, Raising Special Kids released information on their website³ describing the program for parents of children with disabilities. It is important that parents understand the pros and cons of the program before deciding whether the program is the best fit for their student.

1. ESAs are not targeted to educating students in "least restrictive environments."

Since its inception, ESAs for students with disabilities have been primarily spent on segregated options, including education at home, private day programs for students with disabilities and other specialized private school programs, and/or private tutors.

¹ Empowerment Scholarship Account Program. Retrieved from Arizona State Department of Education: <https://cms.azed.gov/home/GetDocumentFile?id=589cc8e91130c00d4c087c32>. According to the Arizona Department of Education, they received 3,316 new applications for the 2017 fiscal year. 949 applicants (28 percent) were denied, 2,278 Contracts were issued, and 1,429 contracts were received. ADE. (2017, January 26). Empowerment Scholarship Account Program. Retrieved from Arizona State Department of Education: <https://cms.azed.gov/home/GetDocumentFile?id=589cc8e91130c00d4c087c32>

² The remaining 28% of initial applicants were issued denials, <https://cms.azed.gov/home/GetDocumentFile?id=589cc8e91130c00d4c087c32>

³ <http://www.raisingpecialkids.org/rsk-news/empowerment-scholarship-accounts-esas/>

Disadvantages: Before the Individuals with Disabilities Education Act (IDEA) was adopted in 1975, students with disabilities were typically educated in specialized schools for children with disabilities, at home, or in some cases, not at all. In response, IDEA mandates that the student's instruction be provided in a general education setting, to the extent possible, or in the least restrictive environment. Numerous studies have demonstrated the benefits of being included in the general education classroom alongside students without disabilities.⁴ Regardless of the social, economic, and long-term benefits of classroom inclusion, the ESA options parents most often select are similar to those offered pre-1975, before civil rights protections were in place. In most cases, the ESA option does not typically meet the vision of educating students in the least restricted environment.

Advantages: Some parents believe that ESAs are their only non-public school option. They believe a smaller, specialized private school for students with disabilities with adequately trained staff or educating at home offers their child a safer environment where their needs can be more easily met. Furthermore, for some in the public education system, the student may have been spending most of his or her time in a separate resource room or segregated classes before the decision to enroll in an ESA was ever made.

2. Parents gain flexibility, but opt out of IDEA protections and federal and state academic accountability requirements.

By accepting an ESA agreement, parents release the school district from all obligations to educate their child and the parents becomes the administrators of their child's education. This means they no longer have the IDEA protections attached to public schools that ensure students' rights to a Free and Appropriate Public Education (FAPE).⁵ Under FAPE, public schools are required to provide children with disabilities the same support provided to students without disabilities free of charge, and schools must adhere to the child's individualized education plan (IEP). ESAs also do not have to adhere to federal or state education mandates requiring standardized testing to measure a student's academic performance.

Disadvantages: It is unclear whether ESAs are either improving education or saving the state money. Furthermore, there is no way to determine how private school programs are performing without accountability measures in place. Private schools are not legally required to provide supports or accommodations for students with disabilities that may be necessary to assure educational progress or benefit. Without adequate resources, most private schools that do not specialize in disabilities don't admit these students. As a result, the choice of private schools the parents can access is limited. Instead, they are selecting education at home or specialized programs for students with disabilities.

⁴Bunch, G., & Valeo, A. (2004). Student attitudes towards peers with disabilities in inclusive and special education schools. *Disability and Society*, 1(1), 61–78; Frederickson, N., Simmonds, E., Evans, L., & Soulsby, C. (2007). Assessing the social and affective outcomes of inclusion. *British Journal of Special Education*, 34(2), 105–115; Freeman, S. (2000). Academic and social attainments of children with mental retardation in general and special education. *Remedial and Special Education*, 21(1), 3–26.; Lawrence-Brown, D. (2004). Meeting the needs of all students through differentiated instruction: Helping every child reach and exceed standards. *American Secondary Education*, 32(3), 34–62; McPhail, J.C., & Freeman, J. G. (2005). Beyond Prejudice: Thinking toward genuine inclusion. *Learning Disabilities Research and Practice*, 20(4), 254–267. Wiener, J., & Tardif, C. (2004). Social and emotional functioning of children with learning disabilities: Does special education class placement make a difference. *Learning Disabilities Research and Practice*, 19(1), 20–32.

⁵FAPE requires public schools to employ special education and other disability-related services designed to *meet a students' unique needs and prepare them for further education, employment, and independent living...*" 20 U.S.C. 1400(d) <http://www2.ed.gov/about/offices/list/ocr/docs/edlite-FAPE504.html>

Moreover, parents who are dissatisfied with their child's ESA funded education services do not have the same access to the grievance procedures afforded to them in the IDEA protected public school system. The only appeals process available to parents is disputing removal from the program, at which time they may request an administrative hearing. The judge's decision is forwarded to the ADE which decides to accept, reject, or modify the recommended decision. Since ESAs are funded by public dollars, final decisions over education spending rests solely with the ADE.

Advantages: Some parents feel they aren't receiving FAPE protections under the current public school system. They believe ESAs offer more flexibility and control to secure the accommodations they would have received if the IEP was followed. In addition, some parents don't think standardized testing is an adequate way to measure their child's skills and talents. Many parents use ESAs to send their children to specialized private schools that can better understand and be more responsive to their child, thereby eliminating the need for IDEA.

3. ESAs prioritize academics over vocational preparation.

ESAs focus on academics, and they do not provide reimbursement or incentives for participation in vocational programs and apprenticeships. According to the ADE, allowing anything other than academics, such as vocational education and transition classes as an approved funding category, would potentially be so expensive that the decision to include them would require legislative action. In short, the ESA program cannot afford vocational preparation funding.

Disadvantages: Although students with disabilities may remain enrolled in public schools until age 22 to allow them additional time to acquire the employment and life skills needed to succeed, many of Arizona's transition programs are failing. Arizona schools have focused largely on academics until children turn 16, the age in which a transition plan is developed. As a result, 34% of youth with disabilities are either not employed or not enrolled in a post-secondary education option.⁶ For some students with disabilities, focusing on academics does not prepare them for success after they complete high school. Many would benefit more from job preparation training and independent living-skills training they could receive from a transition or employment program. Quite simply, ESA's focus on academics is often a mismatch for students with disabilities.

Advantages: The ESA program offers students striving to meet academic goals an opportunity to learn using various techniques, (e.g. tutors, on-line, specialized programs). The ADE also provides some flexibility in determining what content a student may be tutored in to help him or her reach academic goals. Revised Arizona Statute §15-2402 allows qualified students with a disability to remain in the program until age 22 when providing the department a written report from an independent evaluation team by July 31st of the student's second to last remaining year in the program. Additional policy and guidance for this process is currently under development. Furthermore, students who have unspent ESA funds after they graduate high school are allowed to spend them over an additional four years if they are enrolled in a post-secondary academic program.⁷

⁶ ACS, 2015, 16-24 year old Arizona PUNS Person File

⁷ Career or technical education or vocational programs are not included.

4. There is an option to exit ESAs mid-year, but the option is not guaranteed.

If parents decide ESAs are not the correct choice for their child, they may not be able to re-enroll their children in the public school system during the same school year the ESA was received.

Disadvantages: If the parent signs a contract with a private school, the family could potentially be locked into that contract for the duration of the agreement. It is the prerogative of the school to determine if a student can be released from that contract. Applicants may also be asked to repay funds that have been used.

Advantages: Although the ESA agreement is for one full year, parents may be able to exit the program sooner. ESA staff make their decisions on early exits on a case-by-case basis after reviewing the individual's account. After ESA staff determines all funds have been expended appropriately, they will close the account. The student may then be allowed to return to public school, but this is usually the school's prerogative.

Conclusion

Parents become superintendents of their children's education when they sign up for an ESA. They are allocated the funding that would've been spent on that child if he or she was enrolled at a public school. For some parents, this option has been beneficial; for others, it is not the desired option, and for some families, they simply do not fully understand how ESAs work and cannot take full advantage of them. They enroll, become disenchanted or overwhelmed, and abandon them within a year. There is no singular, correct solution for how parents should educate their children. It is incumbent upon the family to assess the strengths and weaknesses of the ESA before selecting or rejecting the option. To do this adequately, many parents need to better understand ESAs.

For more information about the program, visit <http://www.azed.gov/esa/>

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