School Choice and Special Education Students

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Executive Summary

• Currently in Manitoba, school divisions receive funding for special education students based upon the number of Level I, II, and III students they have enrolled.
• Because school divisions control this money, parents have limited say over educational programming decisions for their children.
• Bill 13 attempts to rectify this situation by providing for a formal appeal process for parents. Unfortunately, this will only serve to centralize decision-making authority and force parents to work within an increasingly bureaucratic system.
• Several jurisdictions, particularly Florida and Utah, have implemented voucher programs for special education students.
• The McKay Scholarship Program in Florida was established in 1999 and enables parents of special education students to receive vouchers equivalent in value to the cost of one year of schooling in a regular public school. Parents are then free to spend this voucher in a private or public school of their choice.
• A survey of the over 9000 participating parents revealed a high satisfaction rate with this program. In addition, class sizes for special education students in this program were almost cut in half.
• Utah recently passed similar legislation enabling parents of special education students to receive vouchers to spend at schools of their choice.
• Manitoba should consider emulating these successful programs rather than proceeding along the bureaucratic path of Bill 13.
Introduction

Virtually everyone today recognizes the importance of ensuring that all students, including those with special needs, receive an appropriate education. Although everyone agrees upon the importance of this laudable goal, ideas about achieving it differ.

A significant number of educators argue that the best way to ensure the integration of special education students into society is to have them participate as full members of a regular classroom in their neighbourhood school. This concept, known as mainstreaming, is predominant in public schools in Manitoba.

Others have argued that mainstreaming, while beneficial for some special education students, does not work in all cases. In these circumstances, it is important for parents to consider other alternatives. But in Manitoba the only way parents can take direct control of their children’s education is either to pull them out of school altogether and homeschool them, or pay hefty tuition fees at elite private schools. For many parents, neither of these alternatives is acceptable.

Fortunately, another option exists. Several American states, most notably Utah and Florida, have passed legislation enabling parents of special education students to receive large annual grants, also known as vouchers, that can be used to enroll their children at a school of their choice. These grants make it possible for parents to decide on the most appropriate education for their special needs children. Manitoba should emulate this flexibility.

Special Education in Manitoba

The provincial government recognizes three different levels of special needs support, each with certain conditions required for a student to be eligible for that support level:
<table>
<thead>
<tr>
<th><strong>Level I</strong></th>
<th><strong>Level II</strong></th>
<th><strong>Level III</strong></th>
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<tbody>
<tr>
<td>Moderate mental disability (IQ&lt;50)</td>
<td>Severe multiple disabilities</td>
<td>Profound multiple disability</td>
</tr>
<tr>
<td>Severe physical disability</td>
<td>Severely psychotic</td>
<td>Deaf</td>
</tr>
<tr>
<td>Moderate multiple disabilities</td>
<td>Severely autistic</td>
<td>Blind</td>
</tr>
<tr>
<td>Very severely learning disabled</td>
<td>Deaf or hard of hearing</td>
<td>Profoundly emotionally-behaviourally disordered</td>
</tr>
<tr>
<td>Severely emotionally disturbed</td>
<td>Severely visually impaired</td>
<td></td>
</tr>
<tr>
<td>Severe hearing loss</td>
<td>Very severely</td>
<td></td>
</tr>
<tr>
<td>Severely visually impaired</td>
<td>behaviourally/disordered</td>
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The funding provided by the provincial government varies according to the level at which each student is classified. For Level I students, divisions receive a small increase in base support, $265. School divisions with Level II students receive an extra $8,565 per student while each Level III student earns divisions an extra $19,055. Each of these amounts is over and above the regular amount that a school division already receives for that student. The greater the number of students classified at one of these levels, the larger the funding the school division receives.¹

This extra funding is directly transferred from the provincial government to the receiving school division. Parents have no control over this money and are not free to spend it at a different school of their choice. While parents do have the option of transferring to another public school division and having the money transferred as well, this process is cumbersome and awkward. For the most part, if parents are dissatisfied with the education their children receive, they have little recourse.

Bill 13, an amendment to the *Public Schools Act* entitled Appropriate Educational Programming, attempts to rectify this problem by further centralizing control in the Minister of Education’s office. The legislation gives the Minister of Education the authority to order school divisions to make whatever modifications are necessary in order to ensure that special needs students are integrated into regular classrooms. In addition, Bill 13 establishes a formal dispute resolution process in circumstances where there is a disagreement between parents and school division officials regarding appropriate educational programming.²
Instead of giving parents more control over additional funding for special needs children, Bill 13 forces them to participate in a time-consuming bureaucratic process of appeal if they disagree with the programming provided by their school divisions. By making the Minister of Education the ultimate arbiter of appropriate educational programming, parents are one step further removed from the decision-making process.

Florida’s McKay Scholarship Program

Several American states have initiated voucher programs specifically aimed at special needs students. The largest and most notable of these is the McKay Scholarship Program for Students with Disabilities in the state of Florida. Created in 1999 and named after then Florida Senate president John McKay, the McKay program is available to any parent of a special education student who has been enrolled at a public school for at least one year. Parents at any income level are eligible to participate.

The voucher provided by the McKay program is equivalent in value to the total cost of educating that child in a public school and parents are allowed to use that voucher at any public or private school in the state, so long as certain minimum requirements are met. Out of the approximately 375,000 special education students in Florida, almost 14,000 are currently enrolled in the program.

Based upon extensive surveys of the parents of special education students currently or formerly enrolled in the program, it appears to have been a resounding success. Among parents currently enrolled in the program, 93% are satisfied or very satisfied with McKay schools, while only 33% were similarly satisfied with their public schools. Special education students in the McKay program also have significantly lower average class sizes compared with their public school peers—13 students per class compared with 25 students per class.
While almost half of public school parents of special needs students report that their children were often bothered by other students, only about 5% of parents with children in the McKay program reported similar incidents. In addition, even parents who ultimately left the McKay program have positive feelings about the voucher program—90% believe that it should be available to other special education students.

These results have created a strong push in other jurisdictions to implement similar programs for special education students. By giving parents direct control of special education funding for their own children, they are empowered to make choices that give their children the best education possible.

Special Education Vouchers in Utah

In March, 2005, the “Carson Smith Special Needs Scholarship Bill” was officially signed by the Utah governor and became law. All parents of special education students who have an Individual Education Plan (IEP) are eligible to receive vouchers valued up to $5,700 per student. These vouchers may be used at any private school of the parents’ choice.

About 11% of the total student population in Utah, approximately 54,000 students, are participating in the IEP program. As in Florida, parents of special education students have the final say over the education that their children will receive. Unlike Manitoba, parents in Utah do not have to undergo a lengthy formal appeal procedure to the Minister of Education in order to have their voices heard. Instead, they can vote with their feet and transfer the funding their children receive to a school of their choice.
Reforming Special Education in Manitoba

A version of the Florida and Utah special education programs could be implemented in Manitoba. Instead of the provincial government transferring money to school divisions based upon the number of Level I, II, and III students enrolled, the equivalent amount could be given to parents as a voucher. Parents would then have the option of enrolling their children at their neighbourhood school, in a different public school or in a private school of their choice. By having complete control over the special education funding that would have automatically gone to the school division, parents will be in a position to determine what type of programming their children will receive.

This reform would eliminate the need for the heavy-handed initiatives under Bill 13, since parents of special education students would no longer need a formal appeal process to the Minister of Education in order to have their concerns addressed. Instead, parents would have the ability to withdraw their special needs children from public schools and have the Level I, II, or III funding follow them to the schools of their choice. Faced with the potential loss of a significant amount of revenue, school divisions would quickly adapt to the new reality and make themselves more consumer-friendly. The end result would be that special education students could receive appropriate educational programming in a timely manner.

Conclusion

It is clear that the current system of funding special education in Manitoba places a higher priority on funding stability for public school divisions than on guaranteeing that each special education student receives the best quality of educational programming possible. Bill 13 will only make the situation worse by ensuring that decision-making is an additional step removed from parents. By entrenching a formal appeal process to the Minister of Education, parents can expect the system to become an even larger and slower-moving bureaucracy than it was before.

There is another alternative. Manitoba could follow the lead of progressive jurisdictions such as Florida and Utah and provide Level I, II, and III funding directly to parents of special education students. This would enable parents to have control over the education of their children and give them the option of removing their children from the public school system if their needs are not being met.
About the Author

**Dennis Owens** is the Frontier's Senior Policy Analyst. A descendent of homesteaders near Portage la Prairie, he graduated from the University of Winnipeg in 1970 with a Bachelor of Arts in English and Political Science. Over a 20-year career in the transportation business, he rose to the position of operations manager of a Winnipeg-based firm. Since then he has researched and written about Canadian public policy issues for a variety of organizations including the Manitoba Taxpayers Association and the Prairie Centre. His specialties at the Frontier Centre include municipal issues, public education, healthcare and aboriginal policy. His frequent exposure in electronic and print media has included a regular commentary on CBC radio and articles printed in the *Wall Street Journal* and the *National Post*.

Footnotes