



Action Alert #9

Education Savings Accounts and the Impacts on Students with Disabilities

April 23, 2022

This year, the legislature is considering multiple instruments that would create Education Savings Accounts (ESA) in Louisiana. ESAs are being promoted as an option for parents to ensure the educational needs of their child are being met. Essentially, those eligible for an ESA would be able to utilize public funding to attend non-public schools and acquire other approved educational services.

While many individuals who support school choice are happy to see possible ESA expansion in LA, there are many individuals and groups who are concerned about the impacts ESAs may have on children with disabilities, children from low-income families and the public education system as a whole.

Concern #1 - Waiving Civil Rights Protections

A majority of the ESA programs being discussed before the legislature contain specific language that would require parents to waive their children's rights to any special education services afforded to them under federal law while attending a public school. They would have to agree to accept only those services the school or program they opt to attend is willing to provide. Specifically, [HB33](#) states

- *“If a participating student enrolled in a participating school would have been entitled to receive special education services in the resident school system, his parent shall acknowledge in writing, as part of the program enrollment process, that the parent agrees to accept only such services as are available to all students enrolled in the participating school... a participating school is required to offer only those services that it already provides or such services as necessary to assist students with special needs that it can provide with minor adjustments.”*

[HB452](#), [HB824](#), [HB838](#) and [SB203](#) contain the same or similar language. If this language and practice is included in the enrollment process for an ESA, it is inevitable that children with disabilities, especially those with significant disabilities, **will not have equal and fair access** to participate in these programs and risk losing many protections afforded to them through the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act, and quite possibly the Americans with Disabilities Act (ADA).

It is worth noting there are other instruments filed creating ESAs ([HB194](#) and [HB227](#)), but thus far, language requiring parents to waive their children's rights to special education services has not been included. The following two concerns are still present, however.

Concern #2 - Funding

ESAs will also take funding away from the public school system. This is the same system that has been plagued with budget cuts in previous years due to other state departments' constitutional protections. It is difficult to determine how significant of an impact this will have on public schools due

to the various funding each district receives from its local authority. Regardless, schools will have less funding but their fixed expenses will remain the same. Schools still have to

- Provide the same level of supports, resources and opportunities to all students,
- Retain qualified teachers and staff, and
- Maintain their buildings and grounds

One thing is certain. ESAs will require public schools to do more with less funding, and this will have negative impacts on all students, especially those with disabilities.

Concern #3 - Inequitable Access

There are also concerns that ESAs may not be accessible to all public school students especially those with disabilities, from low-income families and/or English as a second language learners. It was estimated in both House and Senate committees approximately \$5,500 would be provided each year.

- Many families who have children with disabilities will find it difficult, if not impossible, to find the specialized services their child needs for only \$5,500 especially when services are not guaranteed from the school.
- This amount rarely covers the cost of tuition and fees at non-public schools forcing low-income families to make tough decisions about how to cover the remaining balance to participate in an ESA.
- Non-public schools are not required to offer transportation to and from school which may also create additional hardships on families.

Other groups that have expressed similar concerns during various public forums for all or some of the instruments listed above include the Louisiana School Board Association, Louisiana Federation of Teachers, Louisiana Association of Educators, Louisiana Association of Superintendents and the Governor's Advisory Council on Disability Affairs.

If you would like to watch committee archives where ESAs were discussed, you can watch the [House Education committee meeting](#) on April 6th beginning at 3:13 and the [Senate Education committee meeting](#) on April 21st beginning at time 59:36.

The issue of ESAs is still moving through the legislature, so there is still time for your voice to be heard!

How to Take Action

Share with your State Representative and State Senator how Education Savings Accounts would affect you or someone you know.

1. **Email or call** your State Representative and State Senator NOW!
 - [State Representative](#) and [State Senator](#) full contact information
 - Don't know your State Representative or State Senator? Click [here](#) and enter your home address. The first person listed will be your State Representative. The second will be your State Senator.
 - With your comments, please ensure to include your name, address, phone number, email address, and bill numbers (HB33, HB452, HB824, HB838 and SB203).
 - Don't forget to thank your State Representative and State Senator for considering the needs of individuals with intellectual and developmental disabilities and their families.

If you need more information or would like help contacting your State Representative and/or State Senator, reach out to your [LaCAN Leader](#) today!

Get Involved Virtually!

- Watch committee meetings live from the [legislature's website](#). When the meeting is in progress, click the camera icon to access the broadcast.
- Host committee watch parties on social media and/or post a video sharing your personal story
 - Tag your friends, representatives, senators, and policymakers
 - Use hashtags #LaDDC, #lalege, #LaCAN
- Email, tweet, message, etc. members of the committee before and during the committee meeting and share how the issues above will impact you/your loved ones

Tips & Tools for Advocacy

Looking for tips and tools to help you in your advocacy? Check out the Council's [Advocacy 101](#) page. You can also find tips for:

- [Writing/emailing your legislators](#)
- [Calling your legislators](#)
- [Writing your story](#)

Confirm Your Action

- Email your [LaCAN Leader](#) after you take action or just respond to this email.
- Why confirm your action? This helps the Council know how effective we are reaching you with important information and engaging members across our state in advocacy for systems change.

Contact Us

LaCAN is an initiative of the LA Developmental Disabilities Council. If there are any questions about the information in this email, contact the Council by replying to this email, or calling the toll free number listed below:

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