



October 30, 2020

The Honorable Greg Abbott - Governor of Texas
Office of the Governor
PO Box 12428
Austin, Texas 78711-2428

Dear Governor Abbott:

Members of The Coalition for Public Schools, which includes more than 40 organizations representing over three-million Texans, respectfully wish to address the recent establishment of the Supplemental Special Education Services Program (SSES).

The program provides targeted education funds for families of eligible students with low incidence disabilities. Through the SSES, up to \$1500 per student will be provided to families to purchase supplemental services from vendors approved by the Texas Education Agency (TEA).

We would like to affirm your desire to ensure that the needs of such students do not go unmet. Many of our member organizations routinely focus on the needs of those students who are some of the most vulnerable in our state, so your intention does not go unnoticed. While we appreciate this good intention, the SSES program establishes a special education voucher system by providing individual parents the sole discretion on spending taxpayer funds on private vendors. We would like to point out several deficiencies these vouchers present as a means to benefit students with special needs:

- By removing educators experienced in working with special needs students from the decision-making process, it will be difficult to determine whether or not the supplemental services provided are developmentally appropriate for students and coordinated with the student's Individualized Education Program (IEP) under the Individuals with Disabilities Education Act (IDEA).
- The SSES program removes an interdisciplinary team approach and gives authority to a pre-approved list of vendors with no regard as to whether those funds are being efficiently and optimally spent in the best interest of the student. Vendors seeking to maximize profits may court parents with false or misleading claims that parents may not be able to verify, thereby leading to a loss of educational opportunity for students and a waste of taxpayer funds.
- We believe that the SSES program as proposed circumvents the authority and the responsibility of the Texas Legislature to provide for the educational needs of our children through the public-school system. The Texas Legislature has consistently repudiated voucher programs, including special education voucher systems.



- Setting up and running another complex state level system that expends taxpayer funds is an inefficient diversion of limited resources away from the very special education services students, and their parents, are seeking.
- Under federal law Local Education Agencies (LEAs) are required to provide all children with a free appropriate public education (FAPE). For children with special needs this includes providing them with services, regardless of cost, that will allow those children to access FAPE. A small arbitrarily set amount of funding cannot hope to adequately satisfy the state's legal responsibility to these children. Setting up a secondary system that circumvents LEAs outside of the well-established system utilized by LEAs to ensure that students are receiving FAPE does, however, make the provision of FAPE more difficult.

While we applaud the desire to assist these students, we believe that the SSES program as established is not the best way to do so. We would like to offer the following suggestions:

- In the short term, deliver all COVID-19 relief funding spent to assist children receiving special education services through an appropriate public (LEA) in accordance with the Texas Constitution and the federal Individual with Disabilities Education Act (IDEA) and in a manner that does not create a special education voucher.
- Include the LEA in the decision-making process for how funds are allocated and spent. The Admissions, Review, and Dismissal (ARD) Committee is the best method for this. By law, parents are included in this committee and will have input into the decision-making for how supplemental funds will be spent.
- In the longer term, move toward a system of public education funding that more fully provides LEAs with the funds necessary to provide Texas students the services they need to be able to fully access the free public education to which they are entitled.

If followed, these recommendations will allow for an interdisciplinary approach that will best benefit students and will provide appropriate accountability for educational decisions and for how taxpayer funds are spent.

We certainly appreciate your desire to help students with low incidence disabilities and we believe that our recommendations will help you to do that in the most effective way. We welcome any communication with you or your staff to discuss these issues. Please feel free to contact me, as the Coordinator for the Coalition by phone or email with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Gabe". The signature is fluid and cursive, with a large initial letter.



Charles Luke, Ed.D.
Coalition for Public Schools
M: 940-768-8594
Email: charlesluke43@gmail.com

cc: Senate Committee on Education
House Committee on Public Education
House Appropriations Committee
Senate Finance Committee
Office of the Governor, Greg Abbott
Office of the Lt. Governor, Dan Patrick
Office of the Speaker, Dennis Bonnen
Commissioner of Education, Mike Morath

Members

American Association of University Women
American Civil Liberties Union of Texas
American Jewish Committee
American Jewish Congress
Americans for Religious Liberty
Americans United for Separation of Church and State
Association of Texas Professional Educators
Center for Public Policy Priorities
Coalition of Texans with Disabilities
Delta Kappa Gamma Texas
Equity Center
Fast Growth School Coalition
Fellowship Southwest
Friends of Texas Public Schools
Jewish Federation of San Antonio Community Relations Council
League of Women Voters of Texas
Mexican American Legal Defense and Educational Fund
National Council of Jewish Women
Pastors for Texas Children
People for the American Way Foundation
Raise Your Hand Texas
Save Texas Schools – Austin Voices for Education and Youth
Texas AFL-CIO



Texas AFT
Texas Association for the Gifted and Talented
Texas Association of Community Schools
Texas Association of Mid-Sized Schools
Texas Association of Rural Schools
Texas Association of School Administrators
Texas Association of School Boards
Texas Association of Secondary School Principals
Texas Baptist Christian Life Commission
Texas Classroom Teachers Association
Texas Council of Administrators of Special Education
Texas Elementary Principals and Supervisors Association
Texas Freedom Network
Texas Impact
Texas Retired Teachers Association
Texas School Coalition
Texas School Public Relations Association
Texas Speech-Language-Hearing-Association
Texas State Teachers Association
United Educators Association