



January 16th, 2025

Chairman McDonnell
House Education Funding Committee
Subject: Testimony to HB 115

Dear Honorable Chair and Committee Members,

Thank you for the opportunity to testify. I am going to talk to you about the dangers of passing this bill. For the record, my name is Louis Esposito, and I am the Executive Director of ABLE NH. ABLE NH is a disability justice organization and a nonpartisan, nonprofit entity that fights for the civil and human rights of children and adults with disabilities.

As an organization committed to advocating for the rights and well-being of individuals with disabilities of all ages, we firmly believe that this bill is detrimental to the education of children who experience disabilities.

Loss of Legal Protections for Students with Disabilities (SWD)

School choice programs often require families to waive essential legal protections provided under the Individuals with Disabilities Education Act (IDEA). When families use educational vouchers to enroll in private schools:

- **No Guarantee of Inclusion:** Many private institutions are not obligated to provide services that ensure students with disabilities are educated in the least restrictive environment (LRE). This can lead to increased segregation of SWD in separate classrooms or schools (Eckes et al., 2016; Waitoller & Lubienski, 2024).
- **Inconsistent IEP Support:** Private schools may lack the staff and resources to implement IEPs, depriving students of critical supports such as speech therapy, assistive technology, and inclusive teaching practices (Cioè-Peña, 2021).

Risks of Increased Segregation and Restrictive Placements

Universal eligibility could incentivize the use of EFAs for private schools that do not follow inclusion mandates. Research shows:

- **Selective Enrollment Practices:** Some private schools can filter out students with significant needs by requiring entrance exams or excluding students who need additional support (Barnard-Brak et al., 2018).
- **Restrictive Options:** Families may feel pressured to accept schools that only offer self-contained or specialized classrooms, rather than inclusive settings where SWD can learn alongside their peers (Waitoller & Lubienski, 2024).

Disparities in Access to Inclusive Education

School choice programs often exacerbate inequities for families from lower-income backgrounds, particularly those with students who have disabilities:

- **Limited Transparency:** Private schools participating in EFA programs may not disclose their capacity to support SWD, leaving families with incomplete information when making enrollment decisions (Harry & Klingner, 2014).
- **Transportation Barriers:** Public schools typically provide transportation as part of special education services, but many private schools do not, further limiting access to inclusive options for low-income families (Waitoller, 2020).

Conclusion

Expanding EFA eligibility without income criteria could exacerbate educational inequities and lead to greater isolation of SWD in non-inclusive settings. Instead of broadening eligibility, we should focus on strengthening public schools' capacity to provide inclusive education in general education classrooms, ensuring that all students have access to the supports they need to thrive.

Thank you for your time and consideration.

Sincerely,



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References

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