

## SB 5200, to provide special needs children and children in foster care with up to \$15,000 in scholarship funds to attend a private school

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### Key Findings

1. Senate Bill 5200 would provide special needs children and children in foster care with up to \$15,000 in scholarships to attend private school.
2. SB 5200 would not spend public money; it would create a tax credit for contributions to non-profit organizations that grant these scholarships.
3. The legislature intends this tax credit to enable parents to independently determine which school best meets the education needs of their children.
4. Providing public assistance to private schools for the benefit of children is routine and common.
5. The state Office of Superintendent of Public Instruction maintains a list of approved private schools, including religious schools, which currently provide learning services to special needs children with public financing.
6. SB 5200 would add an important educational program to benefit children with special needs and children in foster care.
7. The bill would not cut current state K-12 funding and would have no fiscal impact on state education spending.

### Introduction

Many local public schools are not well equipped to provide adequate learning services to special needs children. Yet, because most students are assigned to public schools based on zip code, their families are not always able to access the services their children require to reach their fullest potential.

Often private schools in the same neighborhood provide exactly the kind of individual attention many special needs and foster care children require, but these children are denied access to high-quality services because of Washington's arbitrary ban on allowing students to use the public funds to which they are entitled to attend a private school.

### Providing scholarships to special needs children

Senate Bill 5200 would solve this problem by creating a state tax credit for contributions made to non-profit organizations that provide private scholarships to special needs children and to children in state-sponsored foster care, so they could attend private school. The bill was introduced by Senator Mark Schoesler (R-Ritzville), with co-sponsors including Senators Perry Dozier (R-Waitsburg), Chris Gildon (R-Puyallup), Jeff Holy (R-Spokane) and Jim Honeyford (R-Sunnyside).<sup>1</sup> This bill would implement a long-standing recommendation of Washington Policy Center.

SB 5200 would allow student scholarship organizations to provide eligible children with up to \$15,000 in private scholarships to attend a private school. Eligible children are defined as those who receive special education services,

<sup>1</sup> Senate Bill 5200, Relating to establishing a tax credit for contributions to student scholarship organizations, Section 1, filed January 13, 2021 at <http://lawfilesexternal.wa.gov/biennium/2021-22/Pdf/Bills/Senate%20Bills/5200.pdf?q=20210127155605>.

children in foster care, and children who are candidates for foster care.

The Intent section of the bill says:

“The legislature intends to expand parent and student choice in education by authorizing a tax credit for private contributions to student scholarship organizations. With this tax credit, the legislature intends to enable parents to independently determine which school best meets the educational needs of their children.”<sup>2</sup>

### **Limited general budget impact**

The bill provides a total dollar limit in tax credits in any one year. SB 5200 would allow individuals and businesses to claim a tax credit for contributions to student scholarship organizations. The tax credit would reduce the amount the donor owes in taxes to the state.

Total credits allowed each year would not exceed \$750,000; however, if the total of credits claimed exceed 90 percent of \$750,000, this amount would be increased by 25 percent the following year.

The bill would have no fiscal impact on state education spending. The children who would receive private scholarships are already entitled to a fully-funded public school education. Under the bill these entitlement educational services would simply be provided by a private school, while the level of per-student spending for the state would remain the same.

### **Special needs children**

Special needs children are legally entitled to an education that allows them to fulfill their potential, despite hearing and sight losses, autism, Down syndrome, dyslexia, and other problems.

Many families with special needs children are underserved by Washington’s special education system, which is highly centralized, wasteful and bureaucratic. Federal law requires school districts to provide each special needs

child a “free, appropriate public education.” To comply with federal law, districts write a detailed Individual Education Plans (IEP) for each child.

Yet in practice, parents often find that school officials resist evaluating their children for an IEP, that IEPs contain vague goals and objectives, and that their children do not receive a suitable education.

Families also say the methods commonly used in the public schools to teach reading are ineffective for many children and are especially difficult and confusing for children with dyslexia.

As a result, in 2019, nearly 40 percent of special needs students failed to graduate from public high school in Washington state. The graduation rate in private schools, however, is much higher.

### **Educating foster children**

Washington has separated about 10,000 children from their parents and placed them in foster care. About 2,100 of these children have no home to return to and are awaiting adoption. About 4,500 of Washington foster children are of school age and, as required by state law, have been placed by case workers in local public schools based on the zip code of the child’s latest placement.

The education of foster children is often disrupted by changing residences, changing schools, lack of stable adult relationships, and being assigned to a low-performing public school. As a result, in 2019, less than half of students in foster care in Washington state graduated from high school on time, resulting in increased social disruption and reduced chances for success in life.

Foster children need more options to develop close and trusting relationships with their foster families and teachers. A tax-credit scholarship to a private school would likely provide a foster child the consistent, individual attention he or she needs from his teachers to succeed in school.

### **Conclusion**

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<sup>2</sup> Ibid.

Senate Bill 5200 would serve the public interest by providing \$15,000 a year of direct education aid in the form of a tax credit scholarship so families can access specialized education services for their special needs children, and for foster children who are under state care.

Providing public assistance to private schools for the benefit of children is routine and common. A number of state programs already provide public funds to private schools for special needs children. The state Office of Superintendent of Public Instruction recommends a list of approved private schools, including religious schools, which currently provide learning services to special needs children with public financing.

The Washington constitution requires that the state provide ample provision for the education of all children residing within its borders. The state budget already contains several publicly funded programs that allow children to access private services, and every child is already entitled to a state-funded education. SB 5200 would add an important educational program by ensuring that children with special needs and children in foster care benefit from a supportive learning environment and receive the personalized instruction they need.

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