



IDAHO COUNCIL ON  
**DEVELOPMENTAL**  
**DISABILITIES**

# Students Using Private School Vouchers Lose Antidiscrimination Protections

*If Idaho Funds Vouchers, the State Will Fund Discrimination*

**March 2024**

Every student in Idaho deserves to have an equal opportunity for a quality education. Many of the legal rights and protections that apply to students in public schools do not apply to those who attend private schools.<sup>1</sup> Thus, students often face discrimination when they try to enroll in a private school or after they are admitted.

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Voucher programs typically lack protections for students with disabilities and English learners, who give up crucial rights under antidiscrimination laws and the laws that guarantee services to meet their specific learning needs, such as the federal Individuals with Disabilities Education Act (IDEA).<sup>2</sup>

In fact, many voucher laws, including legislation currently being considered in Idaho, make explicit that students using vouchers waive important IDEA rights.<sup>3</sup> Moreover, in Idaho, numerous private schools have policies explicitly stating that they will not accept some or all students with disabilities and/or that they do not provide special education.<sup>4</sup> While public schools must admit all students and provide special education programs and services free of charge, parents who accept vouchers for children with disabilities must find schools willing to admit these students and provide the services they require (or families must seek additional services elsewhere). When a voucher doesn't cover the full cost of tuition and additional services, families must dig into their own pockets.

Additionally, voucher programs generally do not prohibit discrimination based on religion or LGBTQ+ status.<sup>5</sup> Private schools frequently discriminate against students and families based on these characteristics. There are several examples of Idaho private school policies stating, for example, that LGBTQ+ students will not be admitted.<sup>6</sup> LGBTQ+ students may also face discriminatory discipline policies, up to and including expulsion from private schools.

Funding vouchers promotes discrimination in education. Private schools may deny admission or disenroll students for any number of reasons. In reality, “school choice” programs give the choice to private schools, not to families. In contrast, public schools are required to welcome and serve every student and are prohibited from discriminating on the basis of a student’s background or personal characteristics, including religion, race, national origin, disability, and LGBTQ+ status.

***It is crucial that public funds stay in Idaho’s public schools and lawmakers continue to reject voucher proposals. Idaho should use taxpayer funds to ensure all students have access to a high-quality education free from discrimination and receive the programs and services that meet their educational needs.***

*[Public Funds Public Schools](#) (PFPS) is a national campaign directed by [Education Law Center](#) to ensure that public funds for education are used to support and strengthen public schools. To access additional PFPS tools for advocates, including reports, policy briefs, fact sheets, and webinars, visit the [Advocacy](#) webpage.*

*The [Idaho Council on Developmental Disabilities](#) monitors service systems and policies to improve the lives of people with intellectual and developmental disabilities (I/DD) and their families. The Council advocates, with and on behalf of Idahoans with I/DD, for better services that allow them to live meaningful lives in their home communities. The Council is comprised of 23 volunteers appointed by the Governor, most of whom are adults with intellectual and developmental disabilities and family members.*

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## **Endnotes**

1 Bayliss Fiddiman & Jessica Yin, [The Danger Private School Voucher Programs Pose to Civil Rights](#), Center for American Progress (May 13, 2019).

2 Julie F. Mead & Suzanne E. Eckes, [How School Privatization Opens the Door for Discrimination](#), National Education Policy Center (Dec. 2018).

3 E.g., [Idaho House Bill 447](#).

4 Public Funds Public Schools review of Idaho private schools’ policies.

5 Kevin G. Welner & Preston C. Green, [Private School Vouchers: Legal Challenges and Civil Rights Protections](#), UCLA Civil Rights Project (Mar. 5, 2018).

6 Public Funds Public Schools review of Idaho private schools’ policies.