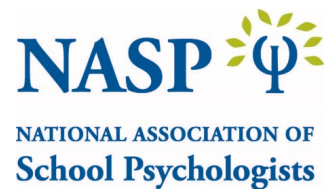


Press Release

FOR IMMEDIATE RELEASE

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Contact: Katherine Cowan, Director, Communications
301-347-1665 • kcowan@naspweb.org



***Espinoza* Decision Undercuts Public Education and Expands Taxpayer-Funded Discrimination**

Bethesda, MD—The National Association of School Psychologists (NASP) believes that all children and youth are entitled to a free, appropriate, and high-quality public education. But, yesterday’s 5–4 decision by the Supreme Court in *Espinoza v. Montana Department of Revenue* constitutes a major blow to public schools and significantly increases the risk that students with disabilities and other historically marginalized groups will lose fundamental access and services.

Yesterday’s decision allows for the expansion of taxpayer-funded discrimination.

Maintaining a high-quality public education system is one of the greatest responsibilities of the United States and one of the wisest investments in the nation’s future. The *Espinoza* decision will harm public schools by paving the way to divert desperately needed funding from public schools, which serve 90 percent of students, into private school voucher programs, when state and local budgets are already in crisis due to revenue shortfalls from the COVID-19 pandemic.

Congress enacted the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act, and the Americans With Disabilities Act, to stop schools from discriminating against students with disabilities. Unfortunately, these protections do not apply to most private schools participating in voucher programs. As a result, students with disabilities who use vouchers or tax credits to attend private schools on the promise of an improved educational experience lose most of the fundamental protections and services guaranteed by federal law—including the individual right to an appropriate education, the right to be educated in the least restrictive environment, most antidiscrimination protections, and safeguards against disability-based discipline. The voucher system includes no protections against private schools that routinely exclude students with disabilities, fail to provide an adequate education to those who enroll, and subject students to the same discriminatory treatment that these laws sought to end. Even worse, parents are rarely told—and seldom are otherwise aware—that their children with disabilities will lose these core protections if they leave public schools and use vouchers to attend private schools.

Further, due to the lack of civil rights protection laws for LGBTQ+ people in this country, it is legal in many states for private schools to discriminate against LGBTQ+ students and educators. Some even promote the dangerous and harmful practice of “conversion therapy.” This type of treatment could have a profoundly negative effect on school achievement, self-efficacy, and social–emotional growth.

To be clear, we oppose any educational funding system that funnels public money to pre-K–12 schools that lack public accountability, require the loss or declination of rights afforded to students or families, or enable discriminatory practices. The *Espinoza* decision, which enables a program that is historically rooted in racism and continues to undermine civil rights, is a blow to public schools and the principle that education is a public good.

We commit to continuing to work with policy makers and other stakeholders to advance policies that support increased availability of high-quality public schools that support the students who continue to be marginalized by our broken system.

NASP represents 25,000 school psychologists throughout the United States and abroad. NASP empowers school psychologists to promote the learning, behavior, and mental health of all children and youth. Learn more at www.nasponline.org.

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