

Vouchers and Students with Disabilities

Understanding Options and Impact as Vouchers Take Effect

SENATE BILL (SB) 2 – SENATOR BRANDON CREIGHTON

Passed during the 89th Texas Legislature in 2025, SB 2 establishes an Education Savings Account (ESA) program that allows eligible families to use state funds for private school tuition and other educational expenses.



How Much Can Families Receive?

Families can receive the following amounts per child:

- \$2,000 for homeschool
- \$10,000 for private school expenses
- **up to \$30,000** for students with disabilities in private schools



What Can ESA Funds Be Used For?

- Private school tuition
- Educational therapies (occupational, speech, physical therapies)
- Instructional materials and curricula
- Technology, testing fees, and transportation



Who Can Apply?

- Open to all Texas school-age children, including those already in private school
- No income restrictions for participants; priority is given to students from low-income households, students with disabilities, and those attending underperforming schools

Comparison of Educational Setting

Public School

Private School

Acceptance

Accepts and teaches all students, including those with disabilities.

Can set its own admissions policies. Private schools are not required to admit students with disabilities or differing beliefs.

Accountability

Subject to extensive state oversight. Must follow Texas education standards, administer state assessments (like STAAR), and publicly report student performance data.

Not held to the same accountability standards. Not required to follow state curriculum, give state tests, or publicly report academic outcomes.

Legal Protections

Students are protected under the Individuals with Disabilities Education Act (IDEA), Americans with Disabilities Act (ADA), and Section 504 of the Rehabilitation Act of 1973. These protections ensure access to services, accommodations, and legal safeguards like an Individualized Education Program (IEP), Free Appropriate Public Education (FAPE), and due process.

Students are not covered by IDEA, ADA, or Section 504 in the same way. They are not entitled to an IEP, FAPE, or the legal safeguards guaranteed in public schools.

Services

Required to accept and teach all students, with and without disabilities.

May offer special education and related services but are not legally required; availability varies significantly.

Cost

Education is publicly funded; families pay no cost for basic services or support.

ESA funds may not be enough to cover full tuition or services, leaving families to pay the difference.

Frequently Asked Questions About ESAs

Q: Will my child with a disability automatically receive \$30,000 through the ESA?

A: No. Once your child enters private school, the amount varies based on the special education services your child would receive in public school. Students with disabilities may be eligible for **up to \$30,000**, but the full amount is not guaranteed.

Q: Will my child keep their IEP if we use an ESA?

A: No. Once you leave the public school system, your child is no longer entitled to an IEP or any services or protections guaranteed under IDEA or other federal special education laws.

Q: Are private schools required to accept students with disabilities?

A: No. Private schools can set their own admissions policies and are not required to admit or accommodate students with disabilities.

Q: Will ESA funds cover the full cost of private school and services?

A: Not always. Many private schools, especially those with specialized programs, cost more than the ESA award provides. Families would be responsible for the difference.

Q: How will families get access to ESA funds?

A: Families won't receive money directly. A state-approved Educational Assistance Organization (ESO) will manage a family's ESA funds and submit payments to approved vendors.

Q: When can my family start accessing ESAs?

A: The Texas Comptroller's Office will create rules and oversee the program. The ESA rules must be finalized by May 2026. Applications will open before the 2026–27 school year.

Q: What should families of children with disabilities who want to access an ESA do now?

A: Families should review their child's most recent Full and Individual Evaluation (FIE) to ensure it accurately reflects the services and supports their child needs to be successful. The level of support outlined in the evaluation directly affects the ESA amount a student may qualify for. Families should also gather key documents like IEPs and diagnoses, research potential schools or providers that may accept ESA funds, and stay informed through the Texas Comptroller's website. Applications are expected to open in 2026.

Q: How can I stay updated on the ESA program and when to apply?

A: You can stay informed by regularly checking the Texas Comptroller's ESA program webpage, where official updates, timelines, and application instructions will be posted. You can check this information at <https://comptroller.texas.gov/programs/education/esa>.