

## FAMILY GUIDE

# Using SGO Scholarships and Other School Choice Programs: What Families of Students with ADHD Should Know

CHADD's Advocacy & Public Policy Committee



## Why CHADD Created This Guide

*Please note: This guide is provided for educational purposes and does not constitute legal advice.*

School voucher and scholarship programs are expanding across the United States. **Roughly 60% of states have their own programs as of 2026.** Additionally, in 2025, Congress enacted the Educational Choice for Children Act (ECCA), which allows donors to receive federal tax credits for contributions to Scholarship Granting Organizations (SGOs) in any state that opts into the program. These organizations provide scholarships that families can use for **private school tuition and, in some cases, other educational expenses such as tutoring, instructional materials, or specialized services**, depending on the program.

As these programs grow, more families of children with ADHD will encounter them when considering school options.

CHADD does not take a position for or against voucher or scholarship programs as a matter of education policy. However, CHADD recognizes that these programs can affect students' rights and the school supports and services available to students with ADHD.

This guide is intended to help families make informed decisions by understanding:

- how public and private school environments differ
- what legal protections apply—and where they do not
- how to evaluate whether a school can meet a child's needs
- what steps families can take if problems arise

The information provided here is general and applies broadly across states.

# What Changes When Using an SGO Scholarship

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Families sometimes assume that moving from a public school to a private school will not significantly affect their child's rights or available services. **In most cases, it significantly changes both rights and available supports.**

## Public School Protections

Public schools **must comply** with federal and state laws governing the education of students with disabilities, including:

- [Individuals with Disabilities Education Act](#)
- [Section 504 of the Rehabilitation Act of 1973](#)
- [Americans with Disabilities Act](#)

These laws establish enforceable rights related to:

- disability evaluations
- individualized education programs (IEPs) or accommodation plans
- access to services
- formal protections and processes for resolving disagreements

## Private School Settings

Private schools operate under different rules and legal requirements and **are not required to provide the same level of services or protections as public schools.**

They generally have greater control over:

- admissions decisions
- curriculum and instruction
- discipline policies
- whether and how they provide accommodations or support services

Some private schools offer robust supports for students with ADHD. Others provide limited or no accommodations.

## **What This Means for Families**

When a student moves from a public school to a private school using a scholarship, families should expect that:

- **IDEA protections generally do not follow the student**
- **the school is not required to provide an IEP**
- **families may have limited options for requiring the school to provide services and supports**
- **available supports depend primarily on the individual school, not on legal entitlement**

This is one of the most important differences families should understand before enrolling.

# Which Laws Apply—and When

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## Individuals with Disabilities Education Act (IDEA)

IDEA **applies to public schools** and guarantees eligible students:

- evaluations
- IEPs
- specialized instruction
- procedural safeguards

Students enrolled by their families in private schools **do not have an individual right to IDEA services**, although public school districts may provide limited services under “equitable participation” rules.

## Section 504 of the Rehabilitation Act

Section 504 applies to **schools that receive federal financial assistance**.

- All public schools are covered
- Some private schools are covered—but many are not
- Whether a private school is covered depends on how it is funded, not whether a student uses a scholarship

**Any institution that receives federal financial assistance must comply with Section 504 of the Rehabilitation Act of 1973, which prohibits disability-based discrimination. Because scholarships provided through SGOs are typically paid to the student—that is, the family—rather than directly to the school, they do not constitute federal funding and would not trigger Section 504 coverage for the school.**

## Americans with Disabilities Act (ADA)

The ADA applies more broadly to private schools as places of public accommodation.

- Many private schools must comply with ADA nondiscrimination requirements
- **Religious schools are generally exempt from ADA Title III**

Even when ADA applies, it:

- focuses on access and nondiscrimination
- does not require IEPs or specialized instruction

## Why These Distinctions Matter

Because these laws apply differently:

- **the right to accommodations is not guaranteed in the same way**
- **evaluation and support systems vary widely**
- **formal processes for resolving disagreements may be limited or unavailable**

Families should not assume that services available in public school will continue in a private setting.

# Evaluating Whether a School Can Meet Your Child's Needs

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Legal protections matter, but they do not guarantee that a school has the expertise, staffing, or systems needed to support students with ADHD.

ADHD can affect:

- attention
- executive functioning
- emotional regulation
- behavior

Many students benefit from structured supports and accommodations.

Before enrolling, families should evaluate both:

- **capacity** (*resources and staffing*) and **ability** (*expertise and supports*): Does the school have the necessary resources, staffing, and knowledge?
- **commitment and willingness**: Does the school prioritize and consistently provide these supports?

Families should ask about:

## Instructional Supports

How teachers support students with attention or executive functioning challenges.

## Accommodations

Whether the school provides supports such as extended time, movement breaks, or organizational assistance.

## Behavior and Discipline Policies

How the school addresses behavioral challenges and whether supports are used before disciplinary action.

**Staff Expertise**

Whether staff are trained in learning differences, counseling, or behavioral supports.

**Classroom Environment**

Class size, structure, and teacher availability.

# Checklist Before Enrolling

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## Review School Policies

Ask to review:

- student handbook
- discipline policies
- accommodation procedures
- enrollment agreements, which may be legally binding

## Discuss Your Child's Needs

Share information about your child's needs and ask:

- What supports will be provided?
- What happens if those supports are not sufficient?

## Ask About Communication

Clarify how the school communicates about:

- academic progress
- behavior concerns
- support needs

## Consider Overall Fit

A school's culture, flexibility, and willingness to collaborate are often as important as formal policies.

# What to Do If Problems Occur

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## If Your Child Is Denied Admission

Private schools generally set their own admissions criteria. Families can ask for clarification and explore other options.

## If Accommodations Are Not Provided

Families can:

- request a meeting
- share evaluations or records
- ask what supports are available

Depending on the laws that apply, the **school may not be legally required to provide specific supports or accommodations.**

## If Your Child Is Disciplined

Private schools are typically not bound by the same disciplinary protections as public schools, including requirements related to disability and behavior.

## Where Families Can Seek Help

Families may seek guidance from:

- **The Scholarship Granting Organization (SGO)**
  - Some SGOs provide support or assistance with disputes, but services vary by program.
- **Disability advocacy organizations**, such as
  - [CHADD](#)
  - [Understood](#)

- **Attorneys knowledgeable about disability rights and education law**
  - Families may wish to consult a qualified attorney to better understand their rights and options in specific situations
- **Educational advocates or special education consultants**
  - These professionals generally provide private services. Availability varies, and families may incur out-of-pocket costs.

# School Evaluation Checklist for Families

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Families can use this checklist when speaking with schools.

## School Supports

- ☐ Does the school have experience supporting students with ADHD?
- ☐ Are teachers trained in learning differences or executive functioning challenges?
- ☐ Are tutoring or intervention services available?

## Accommodations

- ☐ Does the school offer written accommodation plans?
- ☐ What types of accommodations are commonly used?
- ☐ Who coordinates accommodations?

## Instructional Environment

- ☐ What is the typical class size?
- ☐ How much individualized attention do teachers provide?

## Behavior and Discipline

- ☐ How does the school respond to attention or impulsivity challenges?
- ☐ Are behavioral supports used before disciplinary action?

## Staffing and Communication

- ☐ Are learning specialists, counselors, or psychologists available?
- ☐ How does the school communicate with families about student progress?

A school's willingness to answer these questions clearly can provide important insight into whether it can support your child.

## **Key Takeaways**

- Scholarship programs can expand educational options for families
- Public and private schools operate under different legal frameworks
- Students with ADHD often experience different levels of protection and support depending on the setting
- It is important to consider both legal protections and what the school can realistically provide
- Asking detailed questions early can help families make informed decisions

# Talking with Schools: Green Flags and Red Flags

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## Green Flags

- ✓ Staff discuss ADHD openly and ask thoughtful questions
- ✓ The school describes specific supports it has used successfully
- ✓ Staff have training or experience with learning differences
- ✓ The school emphasizes collaboration with families
- ✓ Discipline policies include supportive strategies
- ✓ Staff are transparent about what they can and cannot provide



## Red Flags

- ⚠ The school states it does not provide accommodations or supports
- ⚠ Staff dismiss ADHD as a behavior or motivation issue
- ⚠ The school cannot explain how it supports struggling students
- ⚠ Discipline policies rely heavily on suspension or dismissal
- ⚠ Staff avoid discussing policies or supports
- ⚠ The school suggests the child should attend a different school

# Remember

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A school does not need to offer every service to be a good fit. However, openness, transparency, and a willingness to work collaboratively are strong indicators that a school is prepared to support students with ADHD.

**CHADD's Advocacy & Public Policy Committee Family Guide: ECCA Project**

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