



Federal School Choice Issue Brief

BACKGROUND:

A child's zip code should not determine the quality of a child's education. Operating under this principle, 29 states have created 62 school choice programs that provide parents the resources they need to see their child reach his or her potential through the educational setting that best meets the child's needs. These programs vary in type and size, with some states using a voucher program, others following the tax credit scholarship model, and more recently, some states creating education savings accounts for families.

The most successful programs have proved to be those that allow parents to direct a portion of the public funding for education to the best school choice for their children. These programs are successfully ensuring that participating private schools are not direct recipients of government funds that inevitably come attached with burdensome regulations. Since studies show that religious beliefs and moral formation are top priorities in parents' choice of education, states that operate successful programs protect the religious or philosophical mission of participating schools. This enables any school—regardless of whether its mission is a program of religious study, music, science, military readiness, or one for special needs students—still to live out its mission fully.

Despite the success of the school choice programs in states, the only school choice that has been enacted at the federal level is a program for families within the District of Columbia. President Trump campaigned on school choice, and now his administration has made educational freedom a top priority. Key discussions have taken place over the last two years trying to determine what a national school choice program would look like, since a federal school choice program should be carefully designed to protect principles of federalism and private school autonomy. Principles of school choice should allow states and localities to be the primary arbiters of education, while parents should be free to make choices on the best options for educating their children. Primarily, any federal program must protect the interests of parents' choices and the mission of private schools.

Two pieces of legislation have been introduced this Congress that follow principles of federalism, provide parental choice, and protect the missions of private schools. These will effectively expand school choice options across America.

EDUCATION FREEDOM SCHOLARSHIPS AND OPPORTUNITY ACT (S. 634, H.R. 1434)

A collaborative effort between the Secretary of Education Betsy DeVos, Sen. Ted Cruz (TX), and Rep. Bradley Byrne (AL) has resulted in a new federal school choice initiative called the Education Freedom Scholarships and Opportunity Act (EFSOA). The bill would, for the first time, establish a federal tax credit program to encourage education choice and thus promote better and more widespread education choice in the states.

The Cruz-Byrne bill would give a dollar-for-dollar federal tax credit for donations made to state scholarship granting organizations (SGO). States are free to join or abstain from the program and to determine how the state program is organized and executed. The bill allows for up to \$5 billion in tax credits for K-12 choice programs in states that participate.

One advantage of the EFSOA is its potential to reach children in states that have not set up school choice programs. States where choice advocates have found it difficult to get programs set up may be reluctant to leave potential education dollars on the table by not developing a choice program within their state. This bill fairly balances concerns of federalism, by creating the program under the federal government's authority to determine tax policy and not as another federally controlled education program housed in the Department of Education. Also, because states must opt-in to the program, they are free to design programs that meet the demands of state

stakeholders or to forgo creating any program at all. Although entrenched interests in the educational complex resist school choice, experience is beginning to show that families exposed to school choice realize its benefits and this creates demand for more access. Programs that expose more families to the benefit of choice will help drive momentum for more school choice options and the growth of existing options.

The EFSOA recognizes that religious schools and SGOs are an important part of providing educational choice, and so it contains language that clarifies that states may not disadvantage religious schools from participating in the programs created under this bill.

EDUCATION SAVINGS ACCOUNTS FOR MILITARY FAMILIES ACT OF 2019

Introduced by Rep. Jim Banks (IN) and Sen. Ben Sasse (NE), this bill would provide school choice for military families by creating an education savings account program. Approximately 80% of military children are enrolled in public schools, but only a third of military parents are satisfied that the public school is the best choice for their child. According to a Military Times survey, roughly 35% of respondents indicated they considered leaving the military or declining career advancements because they lacked good educational options for their children.

The program would ensure that children of military families get a quality education no matter where the military needs the services of their parents. The bill provides a benefit of up to \$6,000 annually for military parents to use on educational services for their children, including private school tuition, online courses, tutoring, curriculum and textbooks, and special education services. At the end of each year, unused funds could be rolled over to the next year or rolled into a college savings account program. Under this bill, the Department of Education will direct the funds and administer the program. Unlike the previous version of this bill, the current bill does not use Impact Aid to fund the program.

COSPONSORS:

Education Freedom Scholarship and Opportunity Act (S. 634, H.R. 1434)

Rep. Wright, Ron [R-TX-6]	Rep. Huizenga, Bill [R-MI-2]	Rep. Duncan, Jeff [R-SC-3]
Rep. LaMalfa, Doug [R-CA-1]	Rep. Biggs, Andy [R-AZ-5]	Rep. Kustoff, David [R-TN-8]
Rep. Foxx, Virginia [R-NC-5]	Rep. Walberg, Tim [R-MI-7]	Rep. Guthrie, Brett [R-KY-2]
Rep. Rooney, Francis [R-FL-19]	Rep. Timmons, William R. IV [R-SC-4]	Rep. Rice, Tom [R-SC-7]
Rep. Lesko, Debbie [R-AZ-8]	Rep. Weber, Randy K., Sr. [R-TX-14]	Rep. Moolenaar, John R. [R-MI-4]
Rep. Banks, Jim [R-IN-3]	Rep. Newhouse, Dan [R-WA-4]	Rep. Hartzler, Vicky [R-MO-4]
Rep. Gaetz, Matt [R-FL-1]	Rep. Norman, Ralph [R-SC-5]	Rep. Hice, Jody B. [R-GA-10]
Rep. Mitchell, Paul [R-MI-10]	Rep. Scalise, Steve [R-LA-1]	Rep. Lamborn, Doug [R-CO-5]
Rep. Walorski, Jackie [R-IN-2]	Rep. Flores, Bill [R-TX-17]	Rep. Bucshon, Larry [R-IN-8]
Rep. Allen, Rick W. [R-GA-12]	Rep. Rogers, Mike D. [R-AL-3]	Rep. Spano, Ross [R-FL-15]
Rep. Posey, Bill [R-FL-8]	Rep. Smith, Adrian [R-NE-3]	
Rep. Budd, Ted [R-NC-13]	Rep. Harris, Andy [R-MD-1]	Sen. Scott, Tim [R-SC]
Rep. Stivers, Steve [R-OH-15]	Rep. Roby, Martha [R-AL-2]	Sen. Alexander, Lamar [R-TN]
Rep. Gosar, Paul A. [R-AZ-4]	Rep. Wilson, Joe [R-SC-2]	Sen. Ernst, Joni [R-IA]
Rep. Bishop, Rob [R-UT-1]	Rep. Yoho, Ted S. [R-FL-3]	Sen. Cotton, Tom [R-AR]
Rep. Mooney, Alexander X. [R-WV-2]	Rep. Loudermilk, Barry [R-GA-11]	Sen. Toomey, Pat [R-PA]
Rep. Meadows, Mark [R-NC-11]	Rep. Chabot, Steve [R-OH-1]	Sen. Lankford, James [R-OK]
Rep. Hagedorn, Jim [R-MN-1]	Rep. Babin, Brian [R-TX-36]	
Rep. Gianforte, Greg [R-MT-At Large]	Rep. Barr, Andy [R-KY-6]	

Education Savings Accounts for Military Families Act

Sponsors of this bill are currently obtaining cosponsors. In the 115th Congress, this bill had 77 cosponsors in the House (H.R. 5199) and 2 cosponsors in the Senate (S. 2517).