



## **Old Dominion Association of Church Schools**

2026 Virginia General Assembly

**ODACS urges you to support academic freedom by voting NO on HB 359!**

**This broadly written bill appears to seek deliberate harm to all private School Choice programs in the Commonwealth, regardless of mission or funding mechanism.**

**Here are several reasons to oppose HB 359.**

**1. The bill contradicts Supreme Court precedent.**

In the 2011 case *Arizona Christian School Tuition Organization v. Winn*,<sup>1</sup> which challenged the tax credit model School Choice program on Establishment Clause grounds, the U.S. Supreme Court found that the plaintiffs lacked standing because the program was funded with private donations. Additionally, the court found that the “[r]espondents’ contrary position – that Arizonans benefiting from the tax credit in effect are paying their state income tax to STO’s – assumes that all income is government property, even if it has not come into the tax collector’s hands. That premise finds no basis in standing jurisprudence.” Some of the logic used in HB 359 appears to be based on the same faulty premise and therefore on similarly shaky legal ground.

<sup>1</sup> <https://supreme.justia.com/cases/federal/us/563/125/>

**2. School Choice programs save the taxpayers money, rather than costing them money.**

According to the same Supreme Court Decision, although “[t]he costs of education may be a significant portion of Arizona’s annual budget, ...the tax credit, by facilitating the operation of both religious and secular private schools, could relieve the burden on public schools and provide cost savings to the State.”<sup>2</sup> Furthermore, in a statement released on January 25, 2022, the federal House Committee on Education and the Workforce concluded that School Choice programs lower costs for taxpayers, based on an extensive study of many School Choice programs.<sup>3</sup>

<sup>2</sup> <https://supreme.justia.com/cases/federal/us/563/125/>

<sup>3</sup> <https://edworkforce.house.gov/news/documentsingle.aspx?DocumentID=408030>

**3. The bill represents an effort of the state to control curricula of private schools for the first time.**

Virginia has a long-standing policy of separation between public and private education with regard to curricula. Standards of Learning assessments are available to public schools only. Private schools enjoy curricular autonomy. Does the state really desire a direct achievement comparison between public school and private school students by mandating SOL tests to both? Does the Virginia Department of Education have the resources to assume the responsibility of oversight of private school curricula and assessments? What will be the fiscal impact of the bill to VDOE? HB 359 would establish direct VDOE control of private schools for the first time in Virginia history. This policy change would do extreme harm to academic freedom in the Commonwealth.

**4. Religious protections provided in the bill are extremely weak.**

Although HB 359 pays lip service to maintaining the mission of religious private schools, the establishment for the first time of direct VDOE oversight of religious schools renders that promise moot. All ODACS schools are integral ministries of local Independent Baptist churches. An attempt to control our schools is a serious violation of the principle of Separation of Church and State and undermines our freedom under the First Amendment of the United States Constitution. In our view, it is no different from an attempt to establish VDOE control over the teachings of the local church!