



## School Choice—Issue Brief

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### BACKGROUND AND STATUS:

Parents have the vital role of ensuring their children are well educated. Civilized societies work to ensure all children have an education. Operating under these principles, 32 states plus the District of Columbia have created school choice programs that allow parents to direct community funds set aside for children's education to the school of their choosing. These programs vary in type and size, with some states using voucher programs, some following the tax-credit scholarship model, with additional states creating education savings accounts.

The most successful programs are those that **allow parents to direct a portion of the community funding for education to the best school for their children**. Nearly all state programs now ensure **participating private schools are not considered direct recipients of government funds and are structured to limit burdensome or unnecessary regulations**. Since studies show that religious beliefs and moral formation are top priorities in parents' choice of education, successful programs **protect the religious or philosophical mission of participating schools**. This enables schools to still live out their mission fully, whether their mission is religious study, general education, music, science, military readiness, or special needs.

Despite the success of state-level school choice programs, the only school choice option currently enacted at the federal level is a program for families within the District of Columbia. **A federal school choice program should be carefully designed to protect principles of federalism and private school autonomy**. After all, parents should be free to choose the best educational option for their child. Primarily, **any federal program must protect the interests of parents' choices and the mission of private schools**.

### PRINCIPLES TO ENSURE *MAXIMUM FLEXIBILITY* AND *MINIMUM REGULATIONS* SHOULD:

1. **Increase Opportunities**—Program funding should increase opportunities, not limit them. Funding should be delivered to parents who then direct the funding to the school of their choice. The best programs are those that allow eligibility for most, if not all, families in the state. If a limit is necessary, families with incomes up to 400% of the federal poverty level or 300% of the area median gross income should be eligible. This benchmark includes most families. Additionally, legislation should exempt families from paying taxes on any designated scholarship funds.
2. **Protect the Autonomy of Schools**—Any school operating legally under state statute should be eligible to participate in the program. Scholarships or funding to the school should be delivered at the parent's direction. No further certification or approvals should be required. This autonomy allows private and religious schools to participate while maintaining their mission without burdensome regulations.
3. **Encourage Donors to Fund Scholarship Programs**—Individuals or businesses contributing to a scholarship granting organization (SGO) should receive a tax credit or deduction for that contribution. A donor's wishes should be respected, and donors should have the option to choose which individual school (including individual students) or association of schools their donation helps.
4. **Protect the Autonomy of Scholarship Organizations (SGOs)**—In programs that use tax-credit scholarships, SGOs should have the freedom to be sector-specific including religious schools (such as Jewish, Catholic, Christian, or other). If the government prohibits groups of similar schools with mission-specific or faith-based programs from being established, the government limits the number of faith-based participating schools and donors—limiting the number of options for parents.

In recent months, several bills that advance school choice have been proposed by Congress to provide families with more educational options. A second bill would provide school choice to military families. These bills follow the above-mentioned principles and effectively expand school choice options across America.

## **EDUCATIONAL CHOICE FOR CHILDREN ACT (H.R. 531/S. 120)**

Introduced by Rep. Adrian Smith of New Hampshire and Sen. Bill Cassidy of Louisiana, the Educational Choice for Children Act (ECCA) provides a tax credit for individuals and corporations that donate to a nonprofit scholarship granting organization (SGO). These organizations would work with eligible parents to pay for expenses such as tuition, tutoring for learning loss, education technology, and special-needs services. This bill would establish for the first time a federal tax credit program to encourage educational freedom, thus promoting better and more widespread education choice in the states.

This bill ensures maximum freedom and minimum regulations:

- First, the ECCA increases opportunity by encouraging freedom of choice. By allowing families who make up to 300% of the area median gross income to participate, the ECCA ensures more families can access the scholarships—and opportunities—that best fits their child.
- Second, the ECCA protects the autonomy of schools. The bill prohibits the government from controlling, coercing, or excluding private and religious schools. Because the SGOs distribute the money, private religious schools can continue educating children about faith-based principles without fearing government repercussion or penalty. Unlike voucher programs, which use tax money from the state to fund students at private schools, this bill offers a federal tax incentive for qualified contributions, operating much like a charitable deduction.
- Third, the ECCA encourages donors to give. Donors will receive a tax benefit and the knowledge that they furthered a child's education. Donors can choose to give to a specific sector-based SGO knowing their funds will further a cause they are passionate about.
- Fourth, the ECCA protects the autonomy of SGOs by prohibiting government control. Because the government is barred from controlling any aspect of SGOs, the organizations can be sector specific. Families are free to join or abstain from the program, and individuals and groups can organize and form new SGOS to best serve students' needs.
- Finally, the ECCA recognizes the priority of religious liberty and contains language that broadly protects a school's or SGO's religious character, affiliation, mission, policies, and practices.

## **ACHIEVING CHOICE IN EDUCATION ACT (H.R. 6795/S. 3520)**

Introduced Sen. Mike Lee of Utah and Rep. Eric Burlison of Missouri, this bill would encourage states to adopt or expand their school choice programs by using tax incentives. This bill would double the contribution amount for 529 plans each taxable year from \$10,000 to \$20,000. The bill would also leverage municipal bonds. Currently, states, cities, and counties can issue tax-free municipal bonds to pay for projects such as local infrastructure projects. In states with full school choice programs, the bonds would continue to be tax exempt. However, in states with limited or no school choice, the tax exemption of the bonds will be either limited or revoked. This bill would encourage states to implement or expand school choice because of the financial consequences.

### **COSPONSORS, EDUCATIONAL CHOICE FOR CHILDREN ACT**

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## **COSPONSORS, ACHIEVING CHOICE IN EDUCATION ACT**

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