



936 E Green Street #113

Pasadena, CA 91106

626.792.1772

info@californiaschoolchoice.org

<http://californiaschoolchoice.org>

Educational Freedom Act 2022 Summary

[Californians for School Choice](#) has submitted a California constitutional ballot initiative for the November, 2022 election. Our website is <http://californiaschoolchoice.org>.

The full text of the Act is available at <http://efa.cascf.com>, answers to Frequently Asked Questions are available at <http://efafaq.cascf.com>

Beginning in October, 2021 we will begin collecting the required 1 millions signature (preferably over 1.5 million raw signatures) over 180 days to qualify the ballot initiative.

Under the Educational Freedom Act:

1. Any K-12 child in California can have an Education Savings Account (ESA) established at the request of the parent or guardian (parents must Opt-In to the ESA program).
2. Each ESA account will receive an equal share of Prop 98 state educational dollars – currently \$14,000 per pupil per year.
3. Parents can use those ESA funds to enroll and pay tuition at any accredited private or parochial school. This is not taxable to the parent. Parents who chose private education would pay any additional private educational expenses above the amount funded.
4. Students in the public school or charter schools cannot receive funding for an ESA account.
5. Homeschool students can also have an ESA to pay for K-12 qualified educational expenses if they educate through an accredited private school independent study program.
6. Homeschool students receiving education through a private school affidavit can establish an ESA and accrue funds there, but cannot access those funds until their child enrolls in an accredited school.
7. Unspent ESA funds accrue in a low-risk portfolio. The student may use those funds up to age 30 for any accredited college or vocational training program (in-state, out-of-state, private or public). If the student moves out of state, the ESA no longer receives funding but the balance is preserved and is available for college or vocational training to age 30.

Blaine Amendment – Because the initiative is an amendment to the CA state constitution, it will override the Blaine Amendment currently in the CA state constitution. The 2020 SCOTUS Espinoza vs. Montana Dept. of Revenue decision states that if a state passes a school choice law, it cannot exclude use of funds for a private education through a religious school.

Student eligibility – any child who is eligible to be enrolled in a CA public school grades K-12 can have an ESA account. There will be no means-testing or discrimination. Undocumented students who are residents of CA cannot be excluded. There will be no phase-in of the program.

Private School participation – Private school participation in the ESA program is voluntary, so not all private schools will choose to participate. However, ESA participation will strengthen the school’s finances, allow greater enrollment, teacher hiring and more competitive salaries.

Protection of private schools - The state will not be allowed to impose on private schools any conditions of eligibility except:

- a) Periodic certification that an eligible child is enrolled in and attending the school.
- b) Periodic certification that the amount paid is used for tuition and eligible education expenses.
- c) Annual certification of accreditation (which requires standardized testing).
- d) Annual, independent audit to be submitted to the state.
- e) The general health and safety standards applicable to all CA private schools.

The state shall not impose on private schools - curriculum mandates, student / faculty disciplinary policies, admission policies, or teacher credentialing requirements. The state shall not prohibit private schools from enforcing any religious or faith requirements of the students and faculty.

Student Protections - The state shall not withhold or interrupt funding or expenditure of the student’s ESA account for ANY reason (such as vaccine mandates) except that the child becomes ineligible or student / parents engage in prohibited transaction or conduct as specified in this act.

Faith-based curriculum - The state shall not prohibit the use of faith-based curriculum by private schools or private homeschooling as a condition of ESA participation.

New Private Schools – We anticipate the establishment of a large number of new private schools to meet the parental demand. In addition, many charter schools will likely convert to private schools. For-profit private schools may also participate in the ESA program.

Protection of Private Homeschools – The initiative will make no direct changes to the current private school affidavit (PSA) program. PSA Homeschoolers may have an ESA established and accrue funds but cannot use those funds until the student enrolls in an accredited school (such as private high school or post secondary education - college or vocational training). The state is currently prohibited from requiring any curriculum mandates or parental teaching accreditation requirements upon private homeschools.

Post-secondary educational expenses – Any remaining funds in the student’s ESA can be used for qualified education expenses in college, vocational training or graduate school up until the age of 30. This includes tuition, fees, room and board, tutoring, books, school supplies and equipment.

Admission to school – There is no guaranteed admission to the private or parochial school of the parent’s choice. The admission policies and standards of the school must be met. Parents still may have to pay any additional tuition costs that exceed the child’s ESA funding.

Ad paid for by Californians for School Choice
Committee major funding from
Dale Broome