

FAQs Virginia Education Excellence for All (HB1164/SB533)

What is the Education Excellence for All Program?

The Virginia Education for Excellence Program allows parents, for eligible students, to receive one-third of a student's education funds (on average \$5,000) into a personal, parent-controlled education savings account (ESA). Parents are then empowered to customize an education experience that meets the individual needs of their child. Parents can use their account to pay for approved services like tuition, therapy, tutoring, textbooks, and more.

Already successful in other states, ESAs are a powerful, proven innovation that creates one more critical pathway for Virginia students to have a customized education that equips them to reach their full education potential.

Who will be eligible for an ESA?

Virginia's current legislation blends the approaches of other successful state ESA laws. In its current form, the bill will extend ESAs to low-income, at-risk students who are enrolled in a public elementary or secondary school in Virginia or are eligible to enroll in a kindergarten, pre-kindergarten program or enroll in first grade for the first time. The program is limited to students in families whose income is less than or equal to 300% (400% for Individualized Education Program (IEP) students) of [Federal Poverty Guidelines](#).

Will the ESAs impact homeschooling in Virginia?

The entry of ESAs onto the Virginia educational landscape will not affect the rights of parents and students using the existing options for homeschooling in any way. Homeschoolers will have the same freedoms and be unaffected by the ESA program. Protections for education service providers can be found in Section § 22.1-222.5 of the [current bill before the legislature](#).

Will ESAs create government interference or mandates for private schools?

No. First, there is no obligation for any school to participate in the program. Second, unlike a voucher program, the state transfers funds to an account in the name of the student and managed by the parent. The state does not directly pay any education vendors, including private or religious schools. Whether the parent spends ESA funds on private school tuition or some other form of other approved education expense is up to them. This keeps government out of independent schools and personal education decisions.

Will ESAs create financial hardships for traditional public schools?

No. [Public schools in states that have ESA programs have not been harmed.](#) For each ESA student, only one-third of the state's per pupil expenditure (PPE) funds the ESA. Two-thirds of the ESA student's PPE (viz., All Federal and local funds and a percentage of state funds) remain available to the public school system. The public school no longer bears the cost of educating the ESA student. The PPE funding which is not taken by the ESA student and remains in the school system is sufficient to cover budgeted public-school fixed and overhead costs, with a small savings left over. Bottom Line: (1) parents receive funds they can use to educate their child at a private school or through in-home instruction; (2) public school student-to-teacher ratio goes down; and for the students who remain in public school, per pupil expenditure goes up. A win-win for everyone.

Will ESAs cause a "mass exodus" from traditional public schools?

No. If parents are pleased with the outcomes of their local public school, they have no need for an ESA. Many parents are content with the public school to which their student is assigned.

The best predictor of the ESA's impact on public school enrollment is to compare it to other programs. For example, [in Arizona they started a tax credit program in 1997 and an ESA program in 2011. The percentage of students using both of these programs is 6.5% of the total student population.](#) At the current ESA value, a Friedman Foundation-funded study projects that *Virginia's unrestricted program after 5 to 10 years will enroll about 4% of eligible students (~ 50,000) or approximately 1 student in a 25-student public school classroom.*

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Will ESAs leave traditional public schools with all the “difficult” students?

No. ESAs are specifically designed to benefit students who face medical, personal, or economic challenges. Often, these are the students that fall behind or are not well-served in traditional education environments.

How do you ensure that funds are spent on actual education expenses?

Virginia’s legislation applies lessons learned in other states with specific checks built-in to prevent intentional or unintentional misuse. Parents will only be able to purchase approved items and services. This makes ESAs as—if not more—transparent than any other form of education spending.

Are ESAs too complicated for parents to use?

No. While there is a natural learning curve for everyone using something new, parents of all income levels routinely navigate financial decisions like housing costs, car loans, healthcare expenses and more. Consumer data shows that millennial parents, across all demographics, are well-versed in the use of online banking and similar products. Parents of all income levels in other states have proven it’s possible. ESAs will empower Virginia parents with the same options as their counterparts around the country.

Are ESAs the same as vouchers?

No. The key aspect that distinguishes ESAs from vouchers is the parents’ control over selection of the education option for their student. Instead of the State sending funds directly from the state to a specific private school, the state instead deposits funds into a parent-controlled account. These funds can then be spent on a wide array of approved education services, not just tuition, as in voucher programs.

How can public money be used to fund non-public education?

All money sent to the state is taxpayer money. Nowhere in the Virginia Constitution or the Virginia Code does it say that taxpayer money cannot be returned to the taxpayer. Examples of taxpayer money being returned to the taxpayer for private use are Virginia Tuition Assistance Grants, Pell Grants, GI Bill, Head Start, SNAP, Medicaid and Medicare, and Social Security. For example, SNAP (Supplemental Nutrition Assistance Program) provides food assistance to low-income individuals that allows them to buy a variety of foods at any store. Similarly, ESAs provide funding to parents, whose student is not well served by their assigned public school, to withdraw them and place them in a private school or in home instruction. **ESAs allow a parent to exercise their fundamental right under Virginia Code ([§ 1-240.1. Rights of Parents](#)) to make decisions concerning the upbringing, education, and care of their child. This right is denied them by the State’s assignment of their student to a single school, according to their zip code.**

How will ESAs impact public school resources?

An ESA student receives an education at one-third the public-school per pupil expenditure (PPE). Two-thirds of the PPE remains available for investment in the local public school system. The parents are held accountable because they must comply with compulsory education laws that govern their student’s attendance at a private school or a home school. **ESA parents get the education they want for their child. Public school parents get lower student-to-teacher ratios. Additionally, investment in their student goes up: a win-win for students, parents, and teachers.**

How will the ESA affect public school teachers?

With an ESA, thirty-three percent (33%) of a student’s public-school per pupil expenditure (PPE) funds the ESA and results in a teacher salary impact of 20% of PPE. The 20% PPE teacher salary impact is small relative to the sixty-seven percent (67%) of the student’s PPE that remains in the public school system. **The remaining PPE**

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funding (67%) is more than enough to recover the teacher salary impact (20%) plus other public-school costs (40%).

Does a reduction in public school enrollment mean a reduction in Per Pupil Expenditure (funding)?

No. When a public-school student disenrolls, conventional wisdom says public school funding (Per Pupil Expenditure (PPE)) will decline. However, historically, there has been no correlation between enrollment and funding. Over the period 2011 to 2020, in Virginia, seventy (70) of the 129 local school districts (LSDs) lost enrollment. Yet, eighty-seven (87) saw an increase in funding. **Only 23 (18%) of the LSDs' PPE moved in a direction consistent with the increase or decrease with enrollment. Bottom line, a reduction in enrollment does not correlate with a reduction in public school funding!**

Does the ESA conflict with the Virginia Constitution?

The Virginia Constitution prohibits, with some exceptions, the appropriation of public funds to any school or institution of learning not owned or exclusively controlled by the state. ESAs are not schools or institutions; they are accounts for the educational benefit of a student and controlled by parents – who are legal entities with different rights than organizations or institutions. Parents have power and choice on how to spend the money. **Recent U.S. Supreme Court rulings ([Trinity Lutheran v. Comer \(2016\)](#), [Espinoza v. Montana Department of Revenue \(2019\)](#), and [Carson v. Makin \(2022\)](#)) have made it clear education choice programs are constitutional under the federal and state constitutions when policies and programs are designed properly.**

How is the taxpayer assured that ESA students will receive a high-quality education?

Accountability is an important issue, even in public schools like Richmond City, Petersburg, Portsmouth, and Norfolk where the school systems have been failing children for decades. Like public schools, all private schools (accredited and non-accredited; secular and non-secular) and homeschools must meet standards that are clearly defined in the Virginia Code. In all instances, including public school, parents have principal responsibility for accountability. Public-school parents are accountable when they withdraw their child and send them to private school or home school. Private school parents are accountable when they leave a private school and go to another school or send their child back to public school. Home school parents must objectively demonstrate that their child has reached the next grade level or place their student in a public or private school. **An ESA provides public-school parents, who otherwise cannot afford to move to a different school district, with an accountability option they currently do not have: an affordable option to attend private school or home school.**

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Will an ESA promote racism in Virginia?

In the 1950s and 1960s, Democrat Senator Harry Byrd led an effort, called Massive Resistance, to keep Virginia schools segregated in defiance of Brown v. Board of Education. In the 1990s an education choice movement started to reverse this trend and provide better education outcomes for all students. Eighty-seven of 100 peer reviewed, statistically valid studies since 1998 (Forster, [A Win-Win Solution](#)), have found that school choice positively impacts student academic outcomes (14 of 18 studies), public school academic performance (31 of 33 studies), cost reduction (25 of 28), racial desegregation (9 of 10) , and promotion of civic values and practices (8 of 11). ***In 2022, Parents are not looking for homogeneous school populations in which to embed their children. History proves that the Civil Rights Movement has worked and is working. Education choice provides the most diverse learning environment in education.***