

**NEBRASKA TAXPAYERS FOR FREEDOM ISSUE PAPER:**  
**CONG. ADRIAN SMITH ADVANCES SCHOOL CHOICE.**

**BACKGROUND.** Radical leftist teachers' unions continue their battle to stifle school choice in NE and nationwide, fighting to stop parents from enrolling their children and teens in private, parochial, or other public schools. These unions and their leftist members work diligently to quash ballot initiatives and repeal state laws that promote or allow school choice. For years, conservative congressmen have sponsored legislation to permit and expand school choice for parents and their offspring, unfortunately continually defeated by the national and state teachers' unions and their congressional allies. According to the National Assessment of Educational Progress, our national report card, test results for elementary schools have dropped by 5 points in reading and 7 points in math compared to 2020, the worst score decline in reading in 3 decades and the first ever score decline in math. Only 33% and 36% of 4th Graders are proficient in reading and math, respectively. Proficiency for 8th Graders is worse, with only 31% having reading proficiency and 26% having math proficiency. After the Dept. of Justice villainized parental involvement at school board meetings in 2021, it is clear we need to stand up for the educational rights of parents. No one cares more about the academic development and success of their children than parents, and parents should have the ultimate decision-making power to decide what is best for their children.



**THE BILL.** This year, our NE Cong. Adrian Smith, with 126 co-sponsors, including Cong. Mike Flood, has introduced new legislation. **HR 531**, the Educational Choice for Children Act, would allow individuals and corporations a new tax credit after 2023 for charitable contributions to tax-exempt groups that offer scholarships to K-12 students. These students must reside in households with incomes not greater than 300% of the area median gross income and eligible to enroll in a K-12 public school. This bill excludes from gross income the scholarship amount of K-12 expenses. It prohibits government control over scholarship-granting organizations. No federal mandates on states, localities, or school districts. **HR 531** would provide \$10 billion in yearly tax credits to taxpayers, \$20 million for each state, these credits administered by the Treasury Dept. A base amount given each state, then distributed on a first-come, first-served basis. Granting organizations can determine an individual amount of scholarship awards. A non-refundable 100% credit to incentivize individual and corporate contributions to nonprofit scholarship granting organizations. There is no role for the U.S. Dept. of Education and no increase in federal spending.<sup>1</sup> The bill does not create a new federal education program, nor does it compel states to create a new program. An estimated 2 million students in public and home schools eligible, which would triple the number of students currently enrolled in private school choice programs. Eligible use of scholarships includes costs for transportation, tuition, tutoring, fees, books, supplies, and equipment. The act provides students opportunity for scholarships exclusively through individual or corporate philanthropy. It does not infringe on states' rights or the rights of religious and private institutions, and the government cannot intrude into the religious identity or mission of a private school. These protections ensure that private and religious institutions can participate, including almost 6,000 Catholic schools. "This National School Choice Week, the House and Senate have renewed our commitment to parental empowerment and education freedom with this bill," said Rep. Smith, "Parents – not government – should always have the final say in what kind of education their child receives, no matter where they live or their socioeconomic status." His bill currently is in the House Education & Workforce Comm., awaiting a vote to advance it to the full House for debate.

**SUPPORTERS.** Bill endorsements come from the Invest in Education Coalition, American Federation for Children, U.S. Conference of Catholic Bishops, Home School Legal Defense Association, Association of Christian Schools International, Excel in Education, Parental Rights, org., Parents Defending Education, Education Freedom Center, Council on American Private Educations, and Trump Education Sec. Betsy DeVos. An education advocacy group in a new TV ad is urging GOP presidential candidates to endorse the idea that parents deserve a choice in education. The Invest in Education Coalition is part of a new six-figure ad buy encouraging Republican presidential candidates to advocate for the Educational Choice for Children Act. Many states already have passed school choice legislation. Polls show consistent majority support from all races, ethnic groups, and political parties. In Sept., 2022, OnMessage polled 1,000 likely voters that showed over 2-1 support margins. Republicans by 81%, Independents by 60%, Blacks and Latinos 66%, Democrats 49%, and rural voters 67%. The push for expanded school choice reinforces a parallel Republican push for state and federal parental rights policies that allow parents a greater say in school curriculum, library book selections, and materials. The Republican majority in the House includes an unprecedented commitment by the House Republican leadership to

---

<sup>1</sup> Invest in Education Association. undated.

expand parental choice in education to all 50 states. House Republican Education Committee leaders listed this item as their top legislative priority on their education policy agenda, and the House Republican Conference specifically promised expansion of school choice in its “Commitment to America” campaign document.

**OUR REASONING.** This bill will complement current school choice offerings in states and provide needed opportunities nationwide. The scholarships will help with critical learning loss, special needs services, and career and technical education. Every child deserves the best education possible regardless of their socioeconomic background. This bill would not defund public school programs. Scholarships could go to students even if attending a public school. Whether a public, private, or homeschool, parents know the needs of their kids and should have a right to select a school for their kids that reflects their family convictions. A 1925 U.S. Supreme Court decision ruled that the federal government could not force families to send their kids to government schools. This court also upheld the use of public tax dollars for tuition vouchers given parents, even if sending their kids to a religious school. In *Carson v. Makin*, the Supreme Court in 2022 affirmed that the Constitution Free Exercise Clause protects against discrimination based not only on a school status as religious but also on its religious use of public funds.



**HOUSE SUBCOMMITTEE HEARING.** A House subcommittee hearing featured several educational experts: Luke Messer, former Member of Congress and President of Invest in Education Foundation, Derek Black, Professor of Law and Ernest F. Hollings Chair in Constitutional Law at the U. of South Carolina, Denisha Allen, Senior Fellow at American Federation for Children, and Dr. Lindsey Burke, Director of the Center for Education Policy at the Heritage Foundation. Messer focused on the learning loss caused by the pandemic and urged the passing of [HR 531](#), saying, “School choice is the engine that makes the Parents Bill of Rights enforceable.” Additionally, he expressed why parents need school choice: “Parents need the freedom to choose the education environment that best meets their child’s needs. Parents, especially lower-income parents, need the power to be able to leave the government-assigned school that isn’t working for their child.” Black concentrated on 4 issues: states’ constitutional duty in education, the financial impact of vouchers on public education, the exemption of private schools from several anti-discrimination measures, and student achievement. Allen shared the impact of school choice through her powerful story. She failed 3rd Grade twice, but because of Florida’s tax credit scholarship program, she could attend a small religious private school and rise from earning Ds and Fs to making As and Bs. She then earned her undergraduate and MA degrees and now works with American Federation for Children and Black Minds Matter to ensure that students across the nation can have the same educational opportunities. Allen declared, “Students in this country deserve a K-12 option that is beyond the singular one the government has assigned to them.” Burke highlighted the recent expansion of school choice across the nation, the benefits of school choice programs, supported by random control trial evaluations, and the abysmal reading and math scores revealed by the Nation’s Record Card. She urged Congress to stabilize and expand D.C.’s Opportunity Scholarship Program, concluding, “Education choice provides a needed course correction aligning K-12 education with the rest of the American experience—one based on free choice and the accountability to consumers created through competition even in the case of publicly funded programs.” Committee Rep. Burgess Owens declared that education freedom is a civil rights issue of our time. When the conversation devolved to the U.S. Dept. of Education and teachers’ unions, Rep. Lisa McClain asked each witness if they support the students because “the goal today is about students.” Rep. Kevin Kiley demonstrated that a state school spending ranking does not correlate with educational outcomes by comparing National Assessment of Educational Progress (NAEP) reading scores to students eligible for free or reduced lunch in Florida and D.C. Although D.C. has one of the highest rankings in public education funding compared to Florida, its reading scores are significantly lower than those in Florida.

**TAKE ACTION NOW.** The U.S. must ramp up its competitiveness in the world, and this challenge requires our educating our children the best ways possible. Parents must have the opportunity to access the educational selections that they believe will allow their children and teens to excel in our competitive society and not fall victim to low achievement that leaves them sinking on the economic and employment scale. Do not allow the teacher union monopolies to protect their own selfish interests at the expense of our children. Using the information above, lobby Cong. Don Bacon to join the effort to pass [HR 531](#) into law. Email [netaxpayers@gmail.com](mailto:netaxpayers@gmail.com) for his Capitol Hill contact information and join our *NTF Education Watch Project*.

Research, documentation, and analysis for this issue paper done by **Nebraska Taxpayers for Freedom**. This material copyrighted by Nebraska Taxpayers for Freedom, with express prior permission granted for its use by other groups in the *NE Conservative Coalition Network*. 10-23. C