

FAMILY ISSUE FACT SHEET

NO. 2022-16 (JUNE 2022)

ESA Universal Expansion HB 2853 Arizona empowerment scholarship accounts; appropriation

EXECUTIVE SUMMARY

Established in 2011, the CAP-supported Empowerment Scholarship Account (ESA) program has provided some parents with an additional educational option for their children. Initially, the program was only available to students with disabilities, but over time it expanded to include students in foster care, living on Indian reservations, attending failing schools, and a few other narrow categories.

In 2022, the legislature passed, and Governor Ducey signed, HB 2853 to establish a second ESA program providing universal access to the ESA program to *every* family in Arizona. Without limitation, parents who want to opt out of public school (and even those who already have) are allowed to take advantage of the ESA program to help fund the non-public education of their children.

WHAT DOES HB2853 DO?

- The law provides access to the ESA program for any resident of the state who is eligible to attend school, from kindergarten through twelfth grade.
- Access to the program is open to all children regardless of the school they currently attend or their family's income level.
- Families who participate receive approximately \$6,500 to \$7,000 per year per child for private school, homeschooling, 'learning pods,' tutoring, or any other kinds of educational service that would best fit their students' needs.

ANSWERS TO TOP QUESTIONS

Does this harm existing ESA families or will it crowd out families who are already eligible for the program? No, this bill places ZERO new restrictions on any family who is already eligible for the ESA program, including special needs students.

Is there a testing requirement? No. ESA students do not have to test. Neither are private schools required to test ESA students or report any results.

What are the education options available to ESA families? ESA parents commit to use a portion of the funds allocated to their student to provide an education in at least the subjects of reading, grammar, mathematics, social studies, and science. In pursuit of that objective, ESA families may choose from a variety of non-public options: private school, homeschooling,

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‘learning pods,’ tutoring, or any other kinds of educational service that would best fit their students’ needs.

What expenses can a parent use a student’s ESA account to pay for?

Parents can use the scholarship account for specific educational expenses including:

- Tuition, fees, textbooks, and uniforms at a private school
- Tuition or fees for a nonpublic online learning program
- Tutoring or teaching services *in core subjects* provided by an accredited individual or facility
- Tutoring or teaching services *in specific subjects* (including music, art, dance, drama, driver’s education, and foreign languages) provided by an accredited individual or facility
- Curricula *of the parent’s choice including religious-based curriculum*
- Computer hardware and technology devices primarily used for education purposes including calculators, personal computers, microscopes, telescopes, and printers (but not including entertainment and noneducation devices like televisions, telephones, video game consoles and accessories, and home theater and audio equipment)
- Extracurricular activities such as chess, horseback riding lessons, home economics, cooking classes, sewing, personal finance, and woodworking classes from credentialed providers
- Consumable education supplies including paper, pens, and markers
- Sports and educational camps
- Tickets for zoos, science or art centers, museums, plays, ballet, orchestra, musicals, etc., for the individual ESA student
- Services provided by a public school, including individual classes and extracurricular programs.
- Fees for a nationally standardized norm-referenced achievement test, an advanced placement examination or any exams related to college or university admission
- Tuition, fees, and textbooks at an eligible postsecondary institution
- If the student has been determined to have a disability by a school district or by an independent third party, ESA funds can be used to pay for educational therapies, paraprofessional or education aide, and tuition for vocation and life skills education

Can an ESA family accept an STO scholarship? No. Parents must choose between accepting a scholarship from an STO or the ESA program.

Do ESA families have to spend all the monies in their account? No. The law requires that parents use a portion of the monies each year to provide the student an education in the core subjects of reading, grammar, math, social studies, and science. Otherwise, families can roll over unused funds for future educational expenses.

Do ESA families who homeschool need to file an affidavit of intent? No. ESA families who homeschool pursuant to A.R.S. § 15-802(G)(2), do not file an affidavit of intent like traditional homeschool families. Instead, their ESA contract serves as the “affidavit” or proof that the student is receiving an education as required by Arizona law. *See* A.R.S. §15-2402(B)(5). If there is already a homeschool affidavit on file, please contact the county superintendent’s office for withdrawal instructions.

When can a parent seek an ESA? The law will go into effect on September 24, 2022. It is retroactive to June 30, meaning that a parent should be able to apply for an ESA from the

Arizona Department of Education (ADE) very soon. The funding would not be available until September 24. Parents are encouraged to sign up for the ADE [newsletter](#) to receive information when it comes available.

CONCLUSION

CAP supports a parent's right to choose from a wide variety of school options, including district, charter, online, private, or homeschools. HB 2853 makes available to all Arizona families yet another exciting option in this educational landscape.

Note: A special thanks to our friends at Goldwater Institute for their expert analysis of the new law.