

Differences in School Choice Initiatives

CFSC Educational Freedom Act of 2022



ESA Act of 2022

FIX CALIFORNIA.

Student eligibility	Universal, no means testing No discrimination.	Means-tested phase-in over 4 years Years 1 and 2 – income below \$50K Years 3 and 4 - income below \$100K Year 5 – any income level
Homeschooler (HS) eligibility	All Homeschoolers are eligible, Including private school affidavit (PSA) homeschoolers	PSA Homeschoolers are excluded
First Year Funding	\$14,000	\$13,000
Accumulation of funds in ESA account	No cap on amount accumulated for college or vocational training.	Cap of \$60,000 in accumulated funds. Excess funds go back to Prop 98 Fund.
Funds Transferred to ESA Trust	Two, equal transfers on Aug 1, Dec 31	3 or more transfers (potentially unequal) Between Aug 1- June 15
Tuition payments to private schools	Nine equal monthly payments between Aug 15 and May 15	Monthly payments (potentially unequal) and without specified funding dates.
ESA Trust Board	Private, charter, religious and home school members. Supt Public Instruction nonvoting	Includes private and religious school member. Superintendent votes.
State mandates on curriculum, teacher credentialing requirements, disciplinary policies, and admission policies.	Specifically prohibits state imposition of these mandates on private schools or private homeschools	Does not specifically state these prohibitions
Faith-based curriculum	Cannot be excluded	Not addressed
Student protections	ESA participation shall not be suspended except for student ineligibility or specific parent/student prohibited acts.	Not addressed

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Private School Audits

Requires a single annual, independent financial audit of the school's finances.

Requires tedious full public disclosure of all receipts and expenditures of ESA funds

Private School Health and Safety Standards

Applies to private schools who serve students in-person at a physical location operated by the school.

Applies to all private schools, even if the students do not meet in-person at a physical location.

Emancipated minor

Allows emancipated minors to make educational decision on own behalf.

Fails to allow emancipated minors to make educational decision on his behalf.

Legal actions against the EFA Act

This act will remain fully in effect until overturned by an appellate court

This may be suspended during period of legal challenge.

Parental Notification of ESA benefits

Requires Superintendent of Public Instruction to provide parental notification of ESA program and benefits

No required parental notification of ESA program and benefits

Parental intimidation or harassment by public school employees / administrators

Prohibited by this act

No prohibitions

Reporting of student or school ineligibility

Safeguards against malicious reporting

No safeguards against malicious reporting

Gift, grants, appropriations to ESA accounts

May not be given to individual beneficiary's account

May be given to individual beneficiary's account

Ineligible payments made by ESA Fund

May seek refunds from schools, but not from parents (unless the parents obtained the payments fraudulently)

May seek refunds from parents and schools

Eligible Colleges or Vocational Schools

In-state or out-of-state colleges and vocational schools

In-state or out-of-state colleges.
Only in-state vocation schools.

(updated 10/3/21)