

Education Savings Accounts

At its August 8 meeting, the Joint Education Committee will discuss and debate a bill ([24LSO-0052](#)) on whether the State of Wyoming should create an Education Savings Account (ESA) program to provide families with funding for early childhood and private school. There is a vigorous debate around the nation on whether public funds should support private school education, including parochial schools. In the past, I have not been a fan of state money funding private schools. However, I authored this bill now before the Joint Education Committee, because it helps solve two education funding challenges in Wyoming by giving poorer families more K12 educational choices, including early childhood and K12 private education.

This nation has flourished through public education of its children. In 1786, Thomas Jefferson wrote in a letter to George Wyeth, "I think by far the most important bill in our whole code is that for the diffusion of knowledge among the people. No other sure foundation can be devised, for the preservation of freedom and happiness ... Preach, my dear Sir, a crusade against ignorance; establish & improve the law for educating the common people."

[Wyoming's Constitution](#), in **Article 3, Section 36 Prohibited appropriations**, states "**No appropriation** shall be made for charitable, industrial, **educational** or benevolent purposes to any person, corporation or community **not under the absolute control of the state**, nor to any denominational or sectarian institution or association." So, why do I now support public funding of school choice?

The answer to that question is that the bill I crafted (based upon bills from other legislators in the 2023 session) provides funding to early childhood programs, provides accountability of state dollars, and funds a constitutional population of children. We know that every \$1 dollar we put into early-childhood education produces \$3 of public benefit. Early childhood education is the best method to solve Wyoming's early literacy challenges. This ESA bill allows a parent of three- and four-year-olds who is below 250 percent of Federal Poverty Level (FPL) to utilize \$3000/year of state dollars to help fund their child's early childhood education, and it allows a parent to carry the ESA to a non-public K12 program.

The ESA bill also provides accountability of state money by requiring K12 students funded by this ESA program to take Wyoming's standardized tests and requires that K12 ESA students receive instruction in at minimum, reading, writing, mathematics, civics, history, literature and science, just like public education students. This helps satisfy our constitutional obligation to provide an adequate education to every child in Wyoming. Making ESA students take the state standardized tests also ensures transparency. Parents will be able to see how well their child does in their private school versus public schools in Wyoming. This bill also has provisions to help ensure that parents don't defraud the state by misuse of the funds.

On the constitutional issue of using State dollars for private education, this bill requires that only children at or below 250 percent FPL are eligible to use an ESA. The Wyoming Constitution, in **Article 16, Section 6 Loan of credit; donations prohibited; works of internal improvement**, provides that the state shall not aid any individual, except for the "necessary support of the poor." The courts have allowed broad interpretation of the term "necessary support of the poor." A Federal Poverty Level of 250 percent is an income of \$75,000 for a family of four, which in Wyoming does not go very far. Further, this bill does not draw from state dollars dedicated to public education, unlike bills in the last legislative session which did. **Article 7, Section 8 Distribution of school funds** forbids "public school funds" to be used for any school "controlled by any church or sectarian organization or religious denomination whatsoever."

This ESA bill is a Wyoming solution to two Wyoming concerns, namely, how to fund early childhood and school choice options for children. In 1816, Thomas Jefferson reiterated his support of an educated populace: "If a nation expects to be ignorant & free, in a state of civilisation, it expects what never was & never will be."

In my opinion, education, by all means, is a public benefit.