



## House Vote Could Decide Fate of School Choice Plan for Key Group of Students

By [Andrew Ujifusa](#) on May 10, 2018 12:35 PM

Advocates push to expand federally backed school choice under the Trump administration has pretty much fallen flat this Congress—but a House vote later this month might give them some hope.

As we've written before, Rep. Jim Banks, R-Ind., has introduced legislation to [create education savings accounts using a relatively small portion of federal Impact Aid](#), which helps districts' whose tax base is impacted by government activities (think military bases). Typically, these accounts can be used for a variety of K-12 expenses, from textbooks to tutoring services. Supporters, including the Heritage Foundation, say the legislation would expand education options to an important population of students and would help military retention rates. They had hoped to attach Banks' bill to the National Defense Authorization Act as an amendment during a House hearing on the NDAA Wednesday.

However, that push failed, so supporters are now aiming to use the House floor debate on the NDAA to pass Banks' plan through the amendment process—[Banks himself said this was his plan earlier this week](#). Dan Holler, a vice president of Heritage Action, the political arm of the Heritage Foundation, said that the legislation has quickly garnered support from over 60 House Republicans in a relatively short period of time; Banks' bill was introduced about two months ago. Secretary of Education Betsy DeVos has not publicly indicated that she supports it. (Here's a Heritage Foundation piece [supporting the Banks proposal](#).)

"We remain optimistic that we're going to be able to see this policy debated by the full House when the NDAA is debated on the floor in a couple of weeks," said Holler, referring to the week of May 21, when the NDAA is due for House consideration.

There's at least a similar precedent for this plan of attack: Last year during the Senate floor debate over tax legislation, [Sen. Ted Cruz, R-Texas, introduced an amendment](#) to allow up to \$10,000 in 529 college savings plans to be used for K-12 expenses, including private school tuition. The amendment ultimately became part of the tax bill, although without the portion of Cruz's amendment allowing 529 plans to cover home schooling.

Opponents of the Banks bill are preparing for a fight on the floor themselves. They say Banks and Heritage Action are trying to use Impact Aid in inappropriate ways.

"It was never meant to be doled out on a per-pupil basis and it was never meant to be used solely to support military-connected kids," Sasha Pudelski, the advocacy director for AASA, the School Superintendents Association, wrote on the group's blog Wednesday.

Holler did acknowledge that getting the Senate version of Banks' legislation—which is backed by Sen. Ben Sasse, R-Neb., and Sen. Tim Scott, R-S.C.—onto the Senate NDAA is probably a taller order, given the general difficulty of getting things passed in that chamber.

Scott has a separate proposal of his own [to create a school choice pilot program on several military bases](#). But it's not clear what kind of support it has on Capitol Hill; Holler, for example, said Heritage Action doesn't have a position on it. DeVos has said Scott's proposal is worth taking a look at, but hasn't explicitly supported it.

**It's been one roadblock after another for school choice in Washington recently.** The Trump administration's first budget proposal included a \$1 billion public school choice program, a \$250 million grant program to support states' private school choice program, and a 50 percent boost to federal charter school aid. Congress responded by giving a much smaller increase to charter school aid for fiscal 2018, but completely ignoring the public and private school choice pitches.

Trump also pitched school choice proposals in his Education Department budget for fiscal 2019, but there's been no indication at all that Congress has warmed to those proposals enough to get them passed. And by the time federal lawmakers actually get around to passing an omnibus spending bill for fiscal 2019, the next Congress might have taken office. And that new Congress might include a House controlled by Democrats, who consider Trump's K-12 choice pitches to be anathema.

Banks' legislation isn't the only school choice proposal in Congress tailored to a specific student population. Sen. John McCain, R-Ariz., and Sen. James Lankford, R-Okla., have introduced legislation to [enable Native American tribes to use Bureau of Indian Education funds to create education savings accounts](#). (McCain's backed similar proposals in the past.)

Banks' proposal, and the McCain-Lankford bill, may have an advantage because they are narrower than what the Trump team has proposed to Congress. But it remains to be seen if the Banks bill's failure to latch onto the NDAA in committee is merely a temporary setback or an omen.