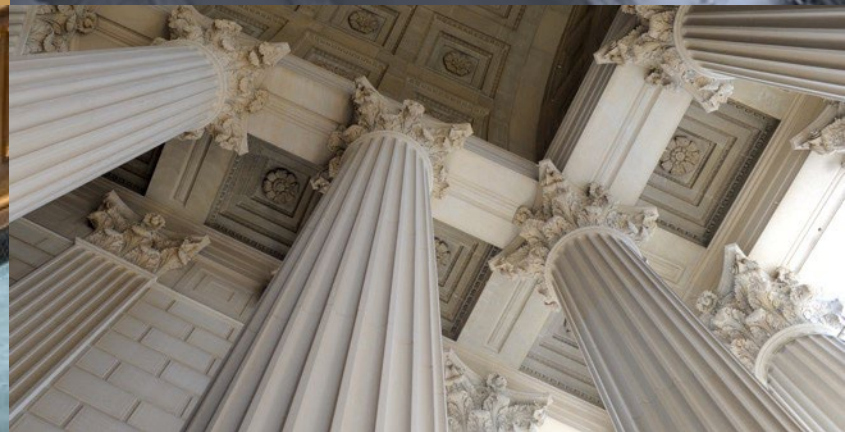




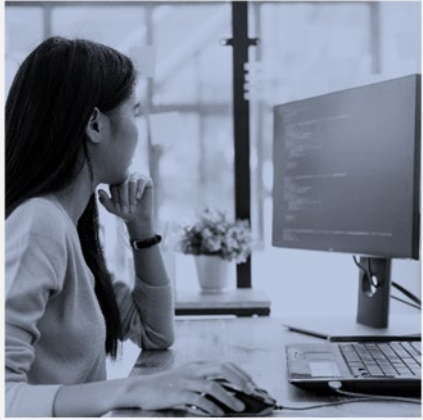
# State Trends in Education Choice

New Mexico Legislative Education Study Committee  
November 19, 2025

Lauren Gendill, Policy Analyst, National Conference of State Legislatures



# How NCSL Strengthens Legislatures



## Policy Research

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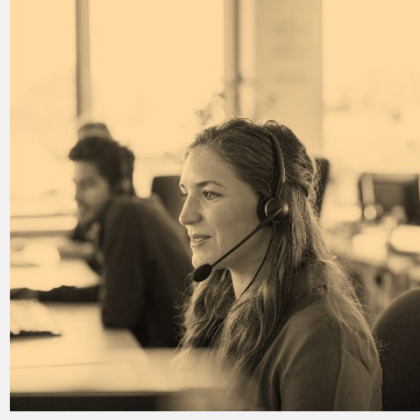
NCSL provides trusted, nonpartisan policy research and analysis



## Connections

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NCSL links legislators and staff with each other and with experts



## Training

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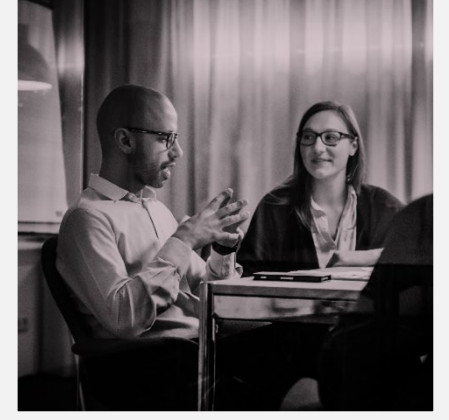
NCSL delivers training tailored specifically for legislators and staff



## State Voice in D.C.

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NCSL represents and advocates on behalf of states on Capitol Hill



## Meetings

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NCSL meetings facilitate information exchange and policy discussions



# Agenda



- Definitions
- Recent State Legislative Activity
- Existing State Policy Landscape
- Federal Update: Tax-Credit Scholarship





# Definitions

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# Education Choice

***Education choice***, or school choice, refers to a wide range of policies that allow families to choose the school their child attends outside of their assigned neighborhood school.

Within the education choice landscape, there are policies supporting both public school choice and private school choice.

# Public School Choice

**Public school choice** refers to policies that enable families to enroll their students in public schools other than their assigned neighborhood public school, including charter schools and magnet schools.

## Charter Schools

Publicly funded and independently managed schools of choice.

## Open Enrollment

A form of school choice that permits students to attend a public school they are not assigned to geographically.

# Private School Choice

**Private school choice** refers to policies that enable families to use public or private funds to enroll their students in nonpublic schools.

	Voucher	Tax credit scholarship	ESA	Tax credit ESA	Tax credits and deductions
<i>What it covers</i>	Tuition*	Tuition*	Approved educational expenses	Approved educational expenses	Approved educational expenses
<i>How it works</i>	Public education funds -> scholarship	Tax credit-eligible contributions to SGOs -> scholarship	Public education funds -> authorized account	Tax credit-eligible contributions to SGOs -> authorized account	Tax claims -> credits and deductions for expenses

## Scholarship-Granting Organization (SGO):

Nonprofit entities that raise and distribute funds to provide scholarships

*\*Vouchers and tax-credit scholarships may also cover a limited number of expenses in addition to tuition that are directly associated with private school attendance, such as uniforms or required textbooks.*

# Other Education Choice Terms

**Homeschools**

Education where families teach their children at home.

**Learning Pods**

Small groups of students who are taught together, often under the guidance of a tutor or teacher. This instruction may be conducted in tandem with homeschool or traditional public school instruction.

**Magnet Schools**

Public schools of choice with specialized curricula or themes, such as STEM, fine arts, performing arts, international studies and world languages, designed to attract students from across a school district or geographic region.

**Microschools**

Small, community-based schools with a limited number of students that emphasize personalized and often innovative learning approaches. Microschools can be established within public or private schools or as their own separate schools.



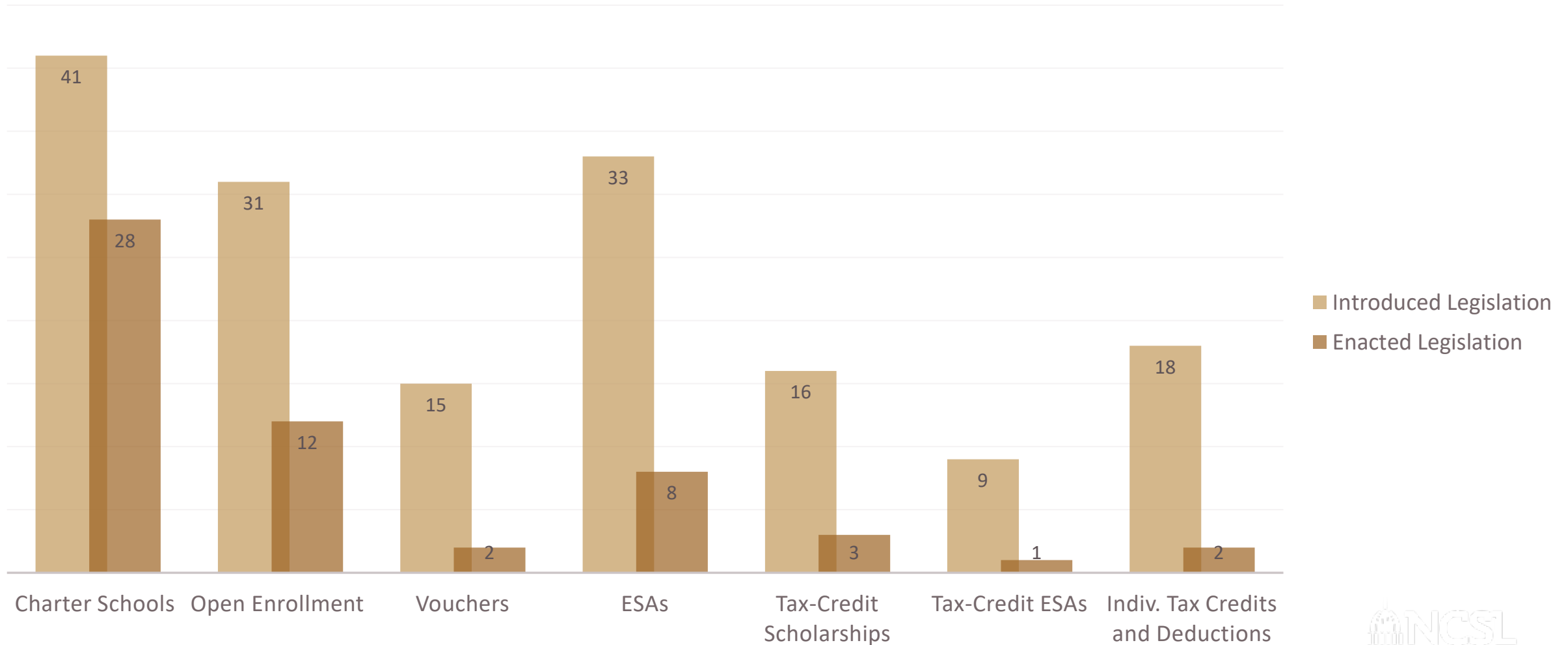


# State Policy Landscape *At a Glance*



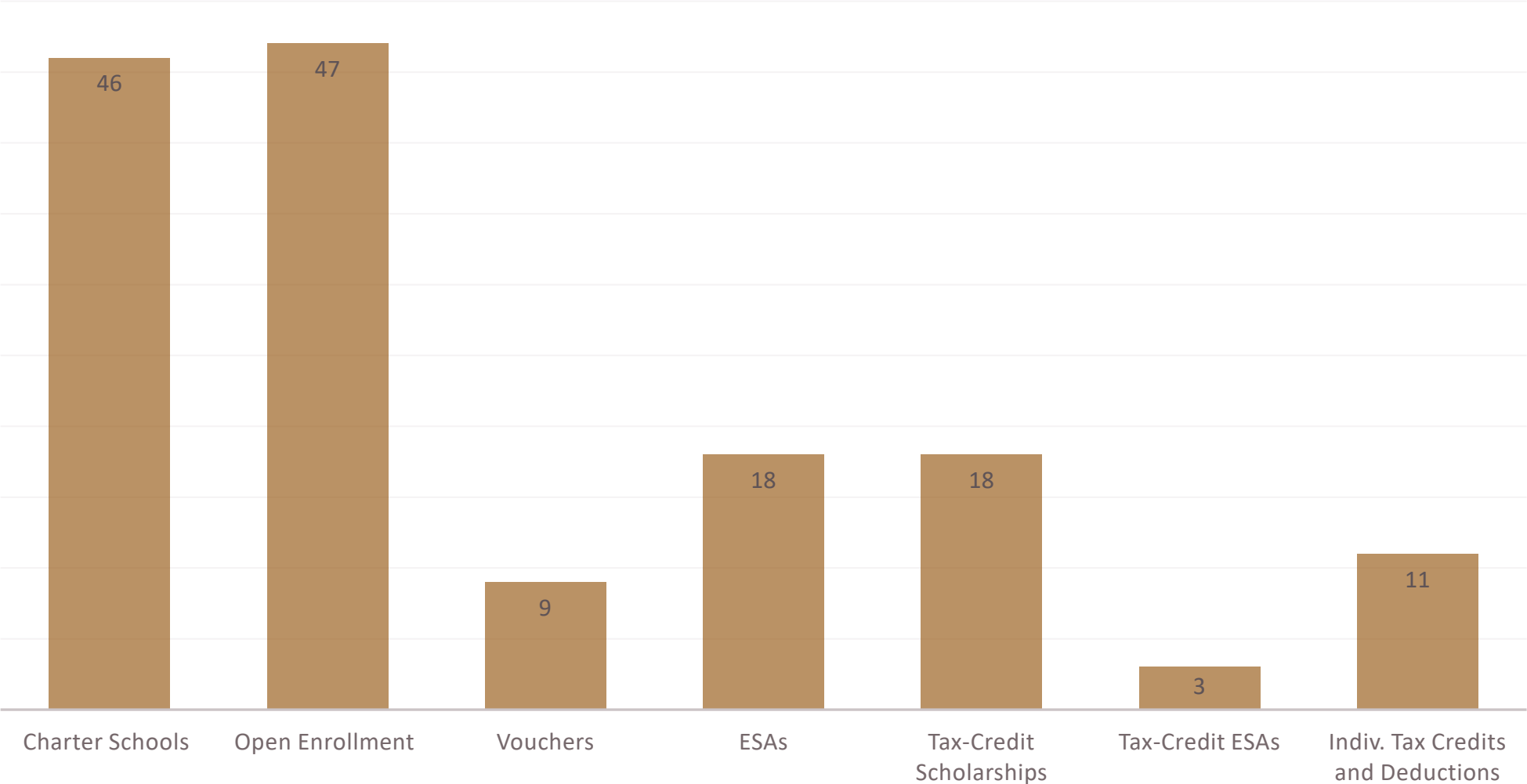
# Education Choice: States with Introduced and Enacted Legislation (2025)

For additional details on legislation, please visit [NCSL's Pre-K-12 Education Legislation Database](#).



# Education Choice: States with Enacted Provisions

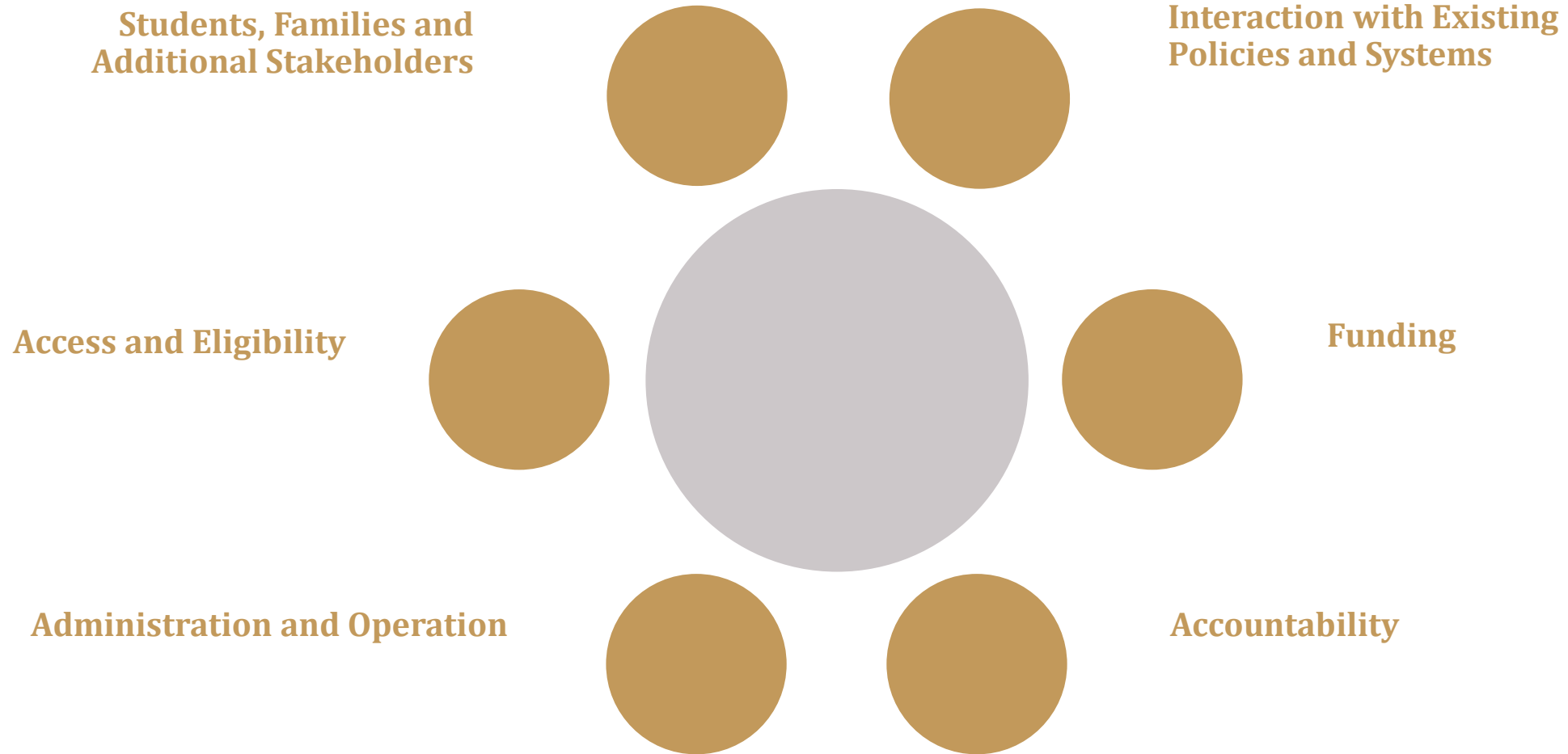
For additional details on provisions, please visit [NCSL's Education Choice Policy Resources](#)





# Education Choice

*Stakeholders, Policy Features and Considerations*



# Education Choice

*Choice, the state education policy landscape, and funding considerations*

Several factors can inform the fiscal impact of state education choice policies:

- **State funding sources, formulas and appropriations**, encompassing state education funding and taxes, state and local share of funding, foundation and categorical funding, and hold-harmless or stabilization provisions
- **District budgeting and operations**, including local revenue structure and fixed and variable costs
- **Program design and scale**, involving student eligibility provisions, enrollment caps, maximum budgeted amounts and tax credit amounts
- **Program administration costs**, including resources required for program operation and oversight
- **Additional variables**, such as state budget and revenue conditions, student enrollment trends, and fiscal externalities



# State Policy Landscape *A Closer Look*

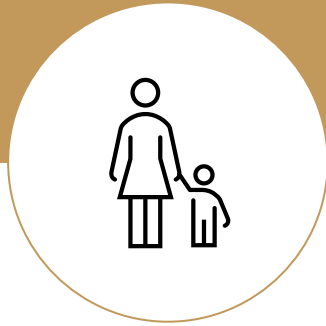
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# Public Education Choice

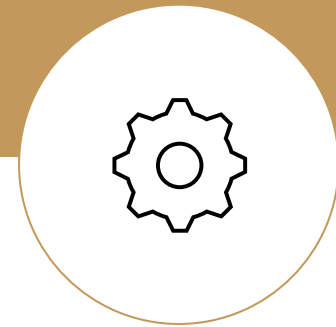
# Charter Schools



**Students and Families**

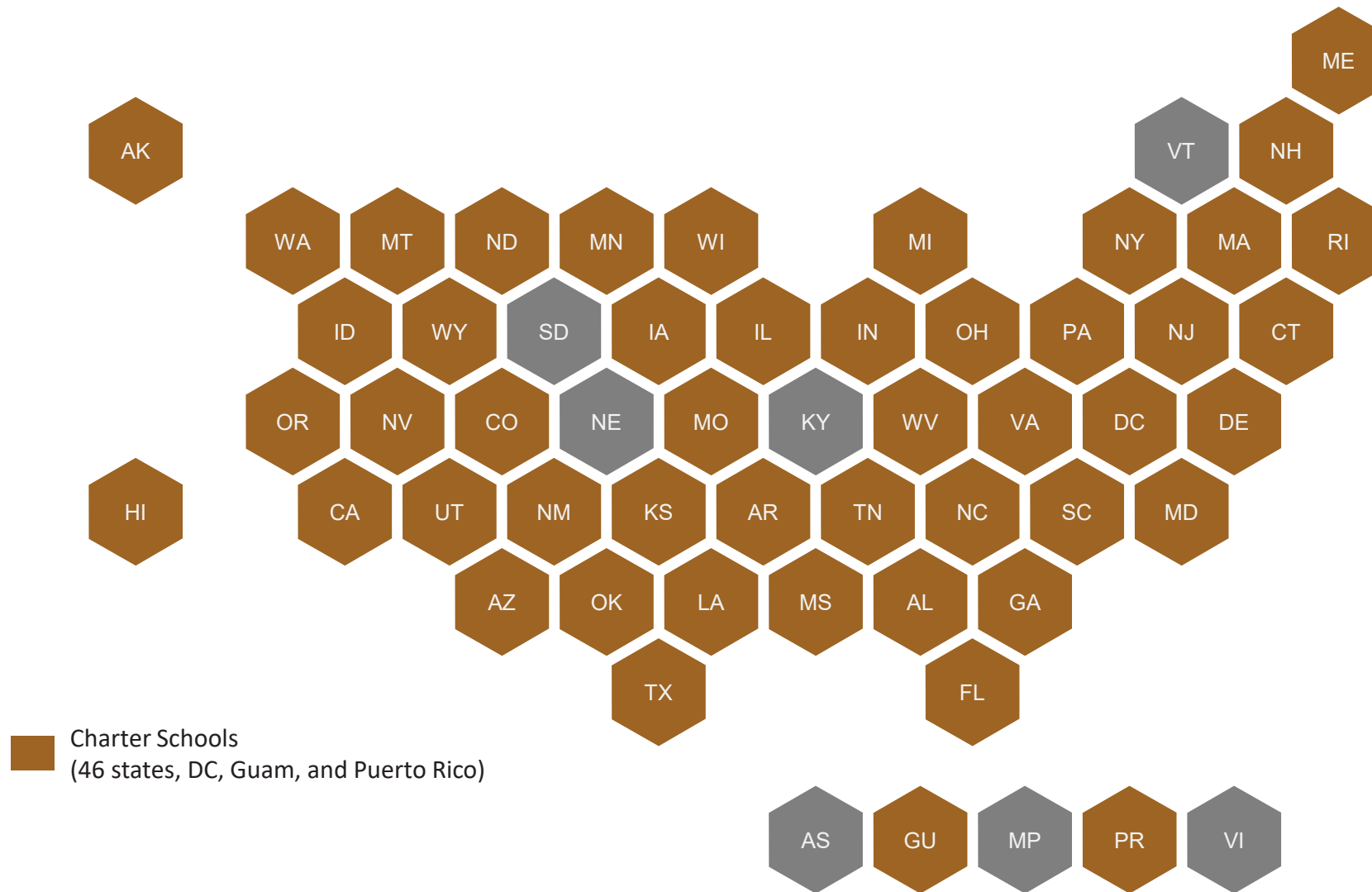


**Charter Schools**



**Authorizers**

# Charter Schools: Enacted State Policies





# Students and Families

## Application and Admissions Processes

Charter schools are generally open to all students of applicable age or grade level and required to comply with nondiscrimination laws.

Charter school enrollment provisions typically involve application and admissions processes. Specific eligibility conditions and preferences vary according to state law and as specified within a charter contract.

## Enrollment Preferences

Many states have set criteria for authorizing or requiring a charter school to implement enrollment preferences based on certain factors such as residency, prior enrollment, having a sibling enrolled at the school, being related to school personnel, or having a parent who meets specific conditions like military status.

In cases when applications exceed a charter school's capacity, most states have established provisions for using a random selection process, or lottery.

# Applicability of Laws and Waived Requirements

## Requirements

Charter school provisions outline requirements, such as measures related to health and safety, civil rights, special education, state assessments, and finance, while also providing autonomy through exemptions from certain state laws.

## Waived Requirements

States may provide automatic waivers or exemptions from certain statutes or identify provisions from which charter schools can be exempted through their charter contract. Such waivers commonly relate to policies on curriculum, teacher certification and instructional time.

# Authorizers, Roles and Responsibilities

## Authorizers

Charter schools operate under the oversight of an authorizer. All states designate which entities can serve as authorizers and have a prescribed authorization process. States may have one or multiple authorizers, which include entities such as:

- local school boards
- state boards of education
- departments of education
- charter school boards
- higher education institutions

Charter school authorizers have several roles relative to the initial establishment of charter schools and their continued operation, such as:

- approving charter applications
- establishing charter contracts
- monitoring and reviewing performance
- making decisions on renewal, revocation and closure.

# Authorization and Establishment of Charter Schools

## Authorizers

Generally, prospective charter applicants are required to submit an application that undergoes a review process, followed by a decision of approval or denial. Many states also provide for an appeals process under which an applicant with a denied application may appeal the decision.

In addition to determining who can authorize charter schools and the process for doing so, some states have set limits, or caps, on how many charter schools may be authorized.

Once a charter school application is approved by an authorizer, the charter school's governing board and authorizer enter into an agreement, commonly referred to as a charter contract.

Charter contracts typically outline the terms for a charter school's establishment, operation, finance, performance and accountability, among other provisions.



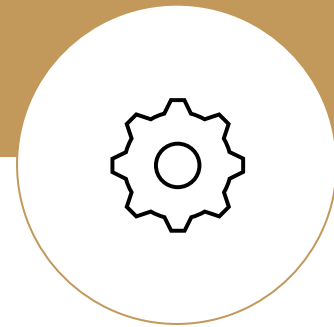
# Open Enrollment



**Students and Families**

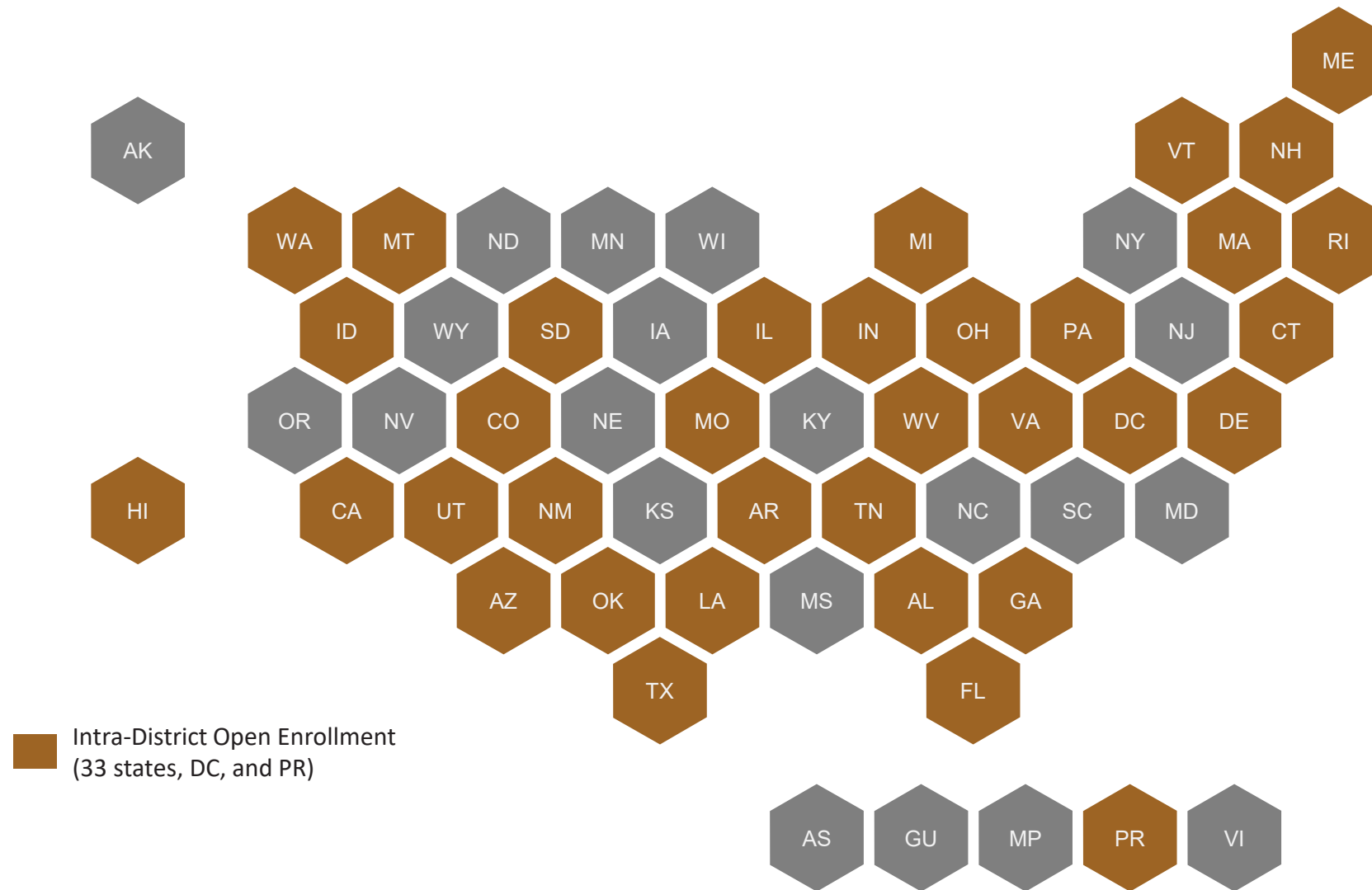


**Districts and Schools**

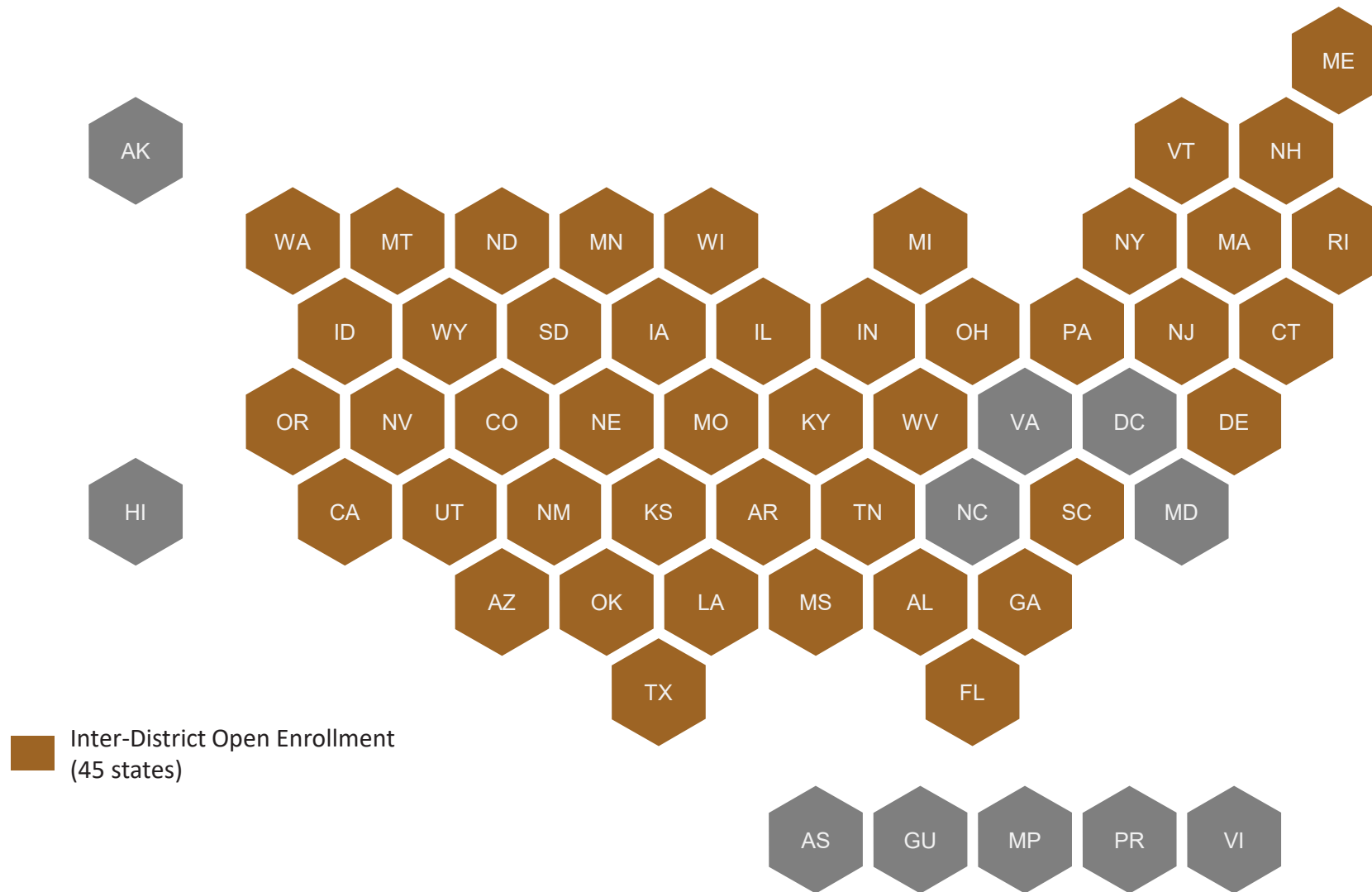


**SEAs**

# Intra-District Open Enrollment: Enacted State Policies



# Inter-District Open Enrollment: Enacted State Policies



# Students and Families

## Qualifications for Transfer

To qualify for transfer to a different school or district, students are generally required to meet certain conditions.

While such conditions vary by state policy, common baseline criteria include residency, attendance records and disciplinary history. States have also established eligibility provisions for various circumstances such as transportation hardships, bullying, school safety incidents, foster or kinship care and homelessness.

In addition, states have established provisions for parents who meet certain criteria such as being a member of the armed services or employed as school personnel in the desired school/district.



# Open Enrollment and District Participation

There are two main types of open enrollment policies:

**Intra-district (or within-district)** open enrollment allows students to attend a different public school within their assigned district.

**Inter-district (or cross-district)** open enrollment allows students to attend a different public school outside of their assigned district.

Under these two types of policies, district participation may be **voluntary** or **mandatory**. Voluntary or mandatory policy requirements may apply to all schools and districts in the state or to a subset of schools and districts based on certain conditions, including identification as low-performing, geographic location or unaccredited status.

	Intra-District	Inter-District
Voluntary	15 states and PR	23 states
Mandatory	21 states and DC	25 states

## Application and Approval Processes

States commonly stipulate measures to communicate open enrollment options to families, application procedures, and guidelines for the prioritization of eligible applicants.

Additionally, states commonly specify allowable reasons for rejecting an open enrollment application, the most common being district, school, or grade level capacity to enroll additional students.

## Transfer of Education and Related Services

Under open enrollment, the provision of instruction generally shifts to receiving districts or schools upon enrollment; specific requirements with respect to special education, transportation and other services vary by state.

# State Educational Agencies

SEAs

State open enrollment laws typically designate responsibilities for state educational agencies.

States vary in approach toward such provisions, which can include requirements for SEAs to provide guidance, oversee implementation and compliance, and manage data collection and reporting.



# Private Education Choice



	<b>Voucher</b>	<b>Tax credit scholarship</b>	<b>ESA</b>	<b>Tax credit ESA</b>	<b>Tax credits and deductions</b>
<i>What it covers</i>	Tuition*	Tuition*	Approved educational expenses	Approved educational expenses	Approved educational expenses
<i>How it works</i>	Public education funds -> scholarship	Tax credit-eligible contributions to SGOs -> scholarship	Public education funds -> authorized account	Tax credit-eligible contributions to SGOs -> authorized account	Tax claims -> credits and deductions for expenses

*\*Vouchers and tax-credit scholarships may also cover a limited number of expenses in addition to tuition that are directly associated with private school attendance, such as uniforms or required textbooks.*

# Private Education Choice: Stakeholders and Related Provisions

## Students and Families

Student eligibility

Eligible expenses and use agreements

Parent and family engagement



All programs stipulate baseline qualifications for student eligibility.

Eligibility varies by state policy. Programs that only use baseline criteria for eligibility are considered universal, and programs that prescribe additional criteria are considered targeted.

## Schools and Educational Service Providers

Types of schools and providers

Requirements for program participation



All programs stipulate conditions for schools and educational service providers as applicable.

Conditions vary by state policy and relate to participation qualifications and program requirements.

## Program Administrators and Operators

Types of administering entities

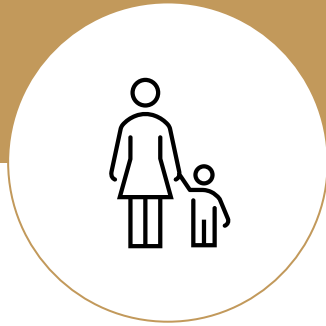
Requirements for program administration, management and oversight



All programs stipulate conditions for program administration.

Conditions vary by state policy and relate to designated duties and program requirements for specified administrators and operators.

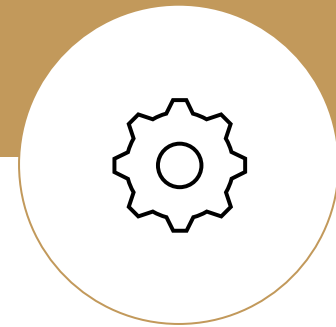
# Vouchers



**Students and Families**

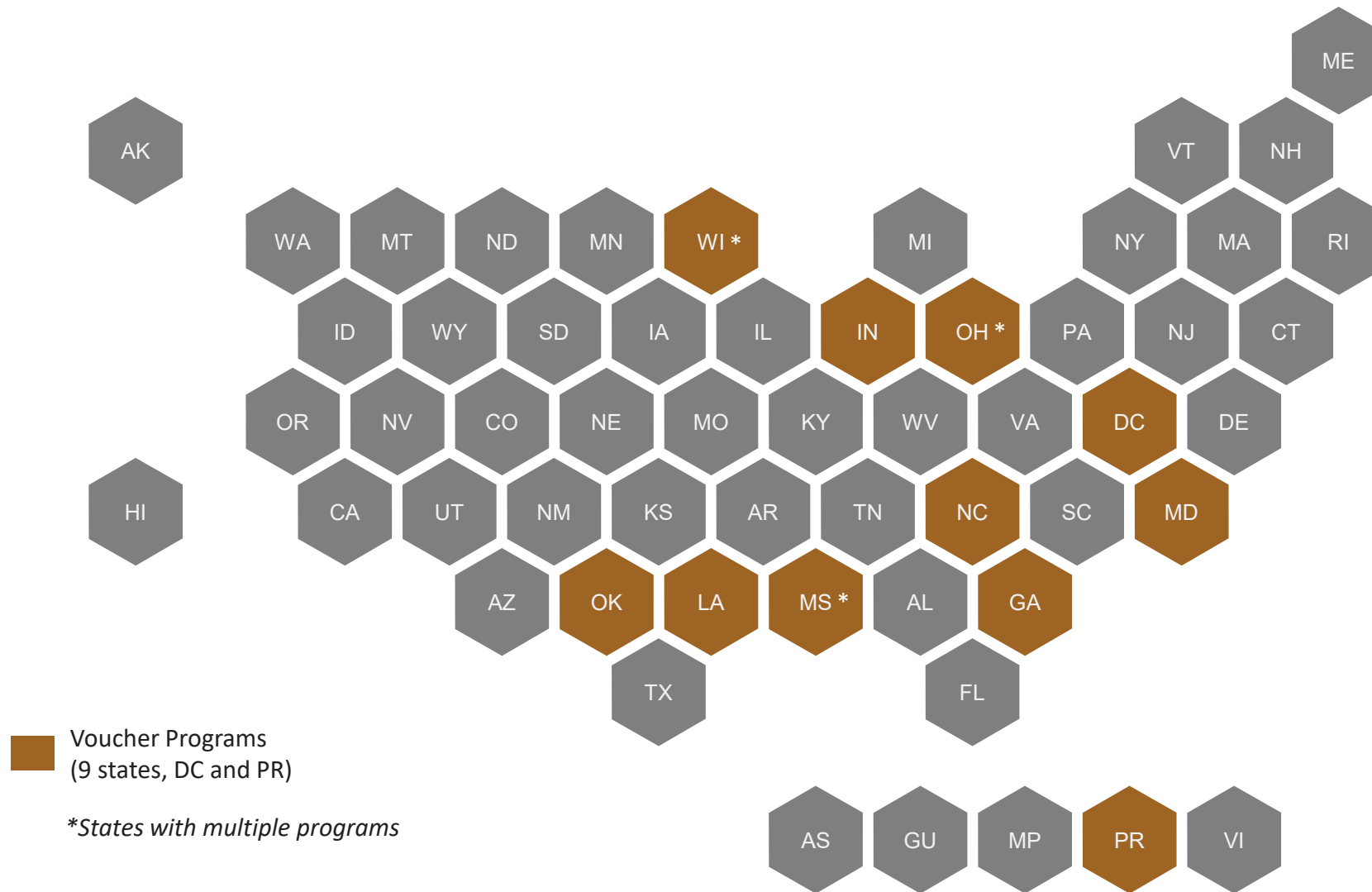


**Schools**



**SEAs**

# Vouchers: Enacted State Policies



# Students and Families

## Use and Operation

What it Covers	How it works
Tuition	Public education funds -> scholarship

Vouchers are primarily intended for tuition and certain related expenses, such as required textbooks, curricular materials, uniforms, and lab or course fees.

## Student Eligibility

Targeted	Universal
7 states, DC and PR	3 states



GA, LA, MD, MS, OH, OK, WI, DC, PR

*Eligibility Criteria:* Previous enrollment, family income, special education status or assignment to low-performing schools, specified student groups



IN, NC, OH

# State Educational Agencies

State school voucher programs typically designate responsibilities for state educational agencies.

States vary in approach toward such provisions, which can include requirements for program administration and compliance, guidance and support, voucher payments, financial reviews or audits, and data and reporting responsibilities.

SEAs

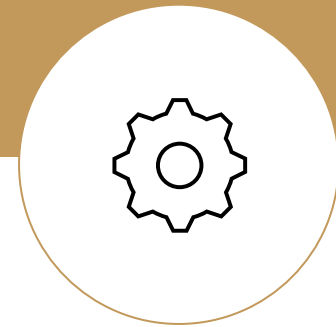
# ESAs



**Students and Families**



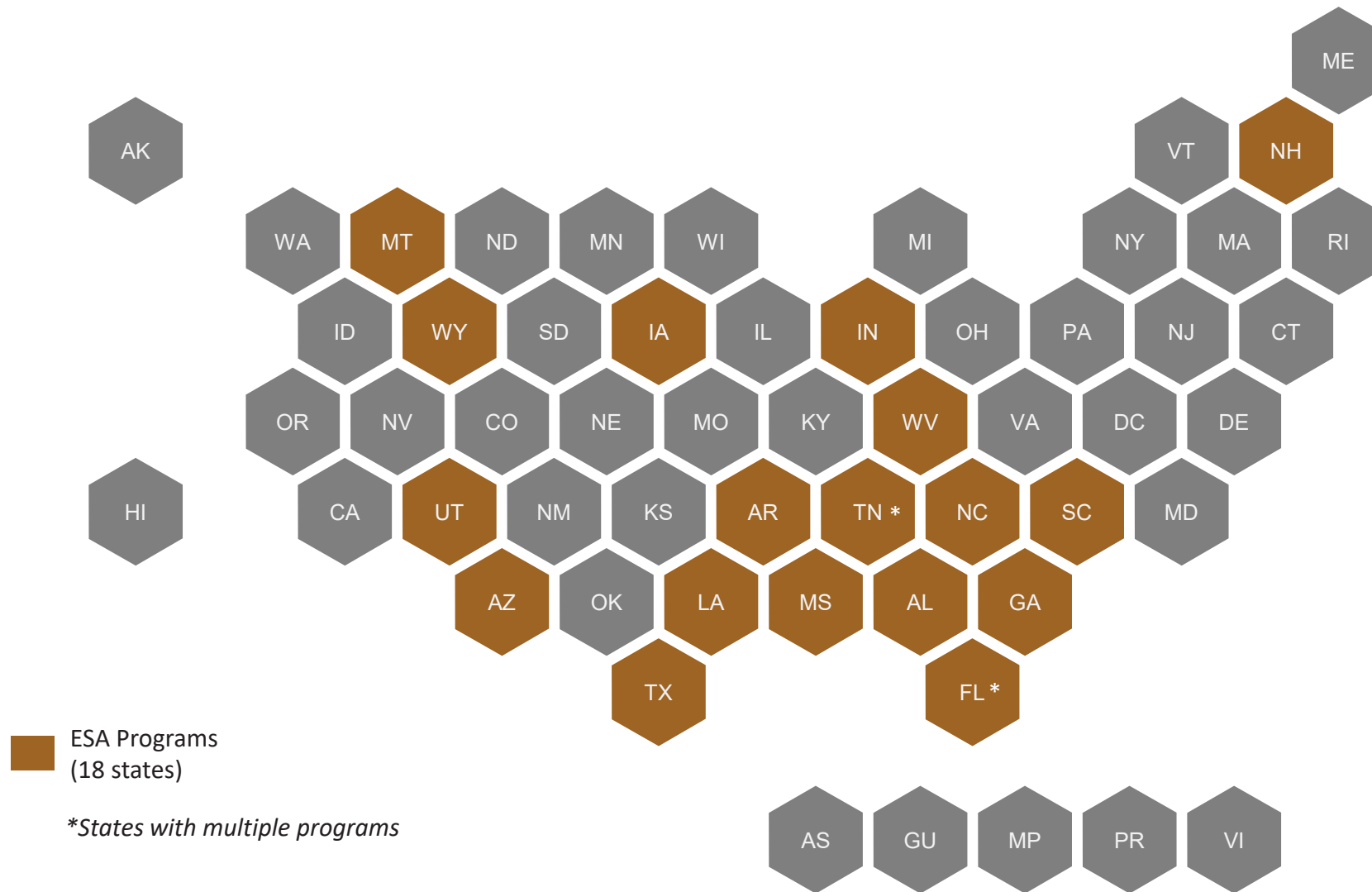
**Schools and Educational  
Service Providers**



**Program and Account  
Administrators**



# ESAs: Existing State Programs



# Students and Families

## Use and Operation

What it Covers	How it works
Approved educational expenses	Public education funds -> authorized account

ESA programs cover a range of educational expenses, which vary by state and can include items such as private school tuition, tutoring, educational testing costs, instructional materials, educational technology, transportation, out-of-school time activities.

Expenses may also include specialized services and therapies for students with disabilities and expenses for homeschooling.

## Student Eligibility

Targeted	Universal
8 states	12 states



FL, GA, IN, MS, MT, NC, SC, TN  
*Eligibility Criteria:* Previous enrollment, family income, special education status or low-performing school status, specified student groups



AL, AZ, AR, FL, IA, LA, NH, TN, TX, UT, WV, WY

# State Educational Agencies and Program Administrators

State ESA programs typically designate responsibilities for state educational agencies and other entities serving as program administrators.

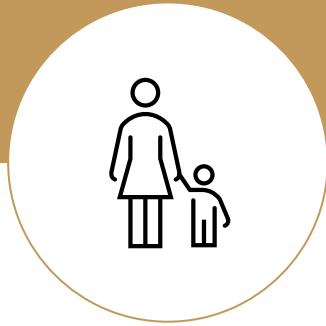
States vary in approach toward such provisions, which can include requirements for program administration and compliance, guidance and support, implementation of application procedures, coordination with account administrators, financial reviews or audits, and data and reporting responsibilities.

## Account Administrators

States have also designated account administrators for the establishment and management of accounts.

# Program and Account Administrators

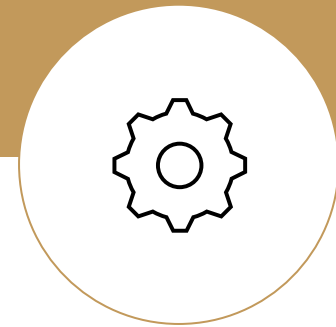
# Tax-Credit Scholarships



**Students and Families**

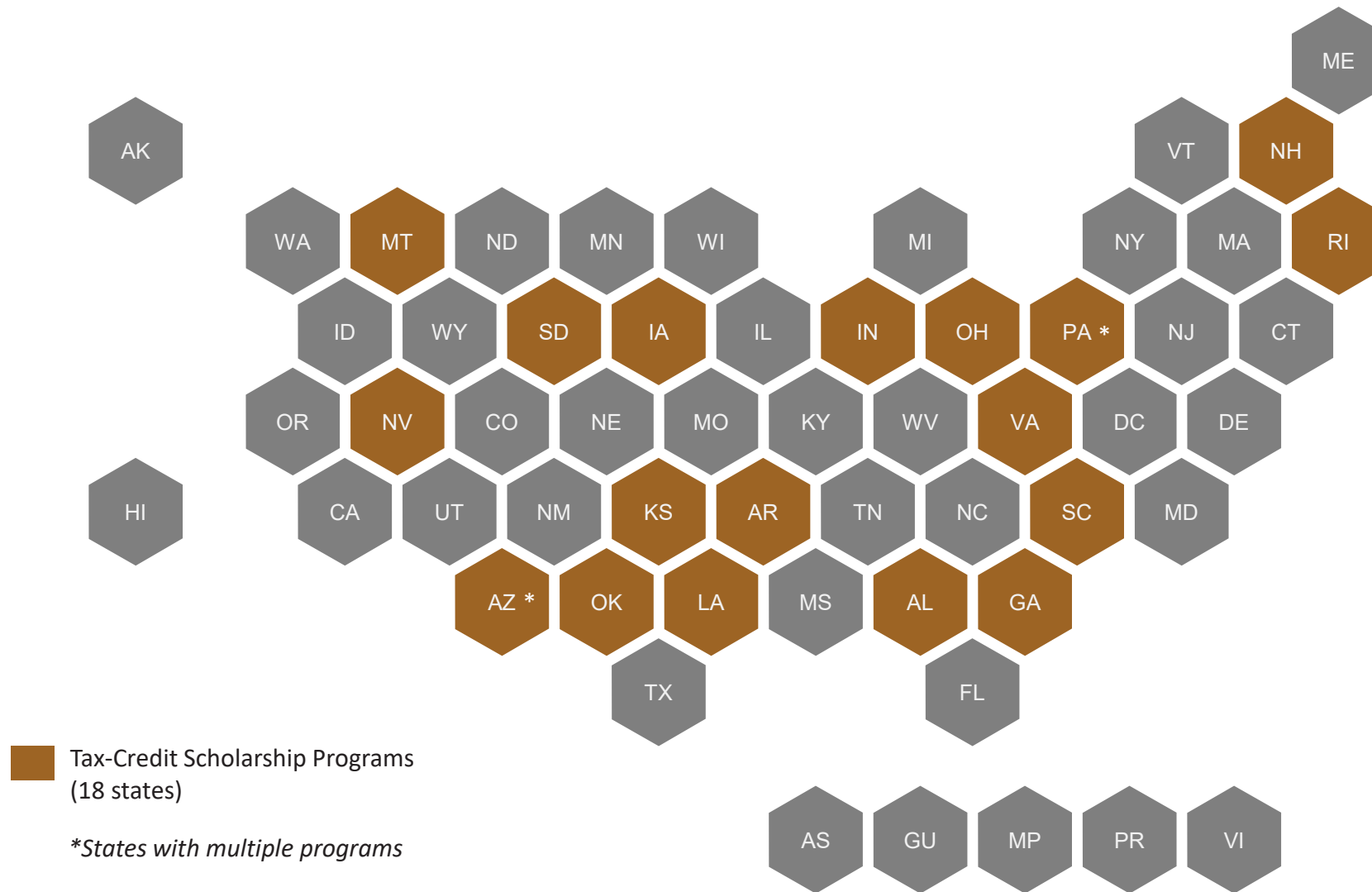


**Schools**



**State Agencies and SGOs**

# Tax-Credit Scholarships: Enacted State Programs



# Students and Families

## Use and Operation

What it Covers	How it works
Tuition	Tax credit-eligible contributions to SGOs -> scholarship

Tax-credit scholarships, similar to school voucher programs, are primarily intended for tuition and certain related expenses, such as required textbooks, curricular materials, uniforms and lab or course fees.

## Student Eligibility

Targeted	Universal
16 states	3 states



AL, AZ, AR, GA, IN, IA, KS, LA, NV, NH, OK, PA, RI, SC, SD, VA

*Eligibility Criteria:* Prior enrollment, family income, special education status or assignment to low-performing schools, specified student groups



AZ, MT, OH

## Scholarship Granting Organizations

SGOs are nonprofit entities that raise and distribute funds to provide scholarships, often for private school tuition or educational expenses related to tax-credit scholarships or tax-credit education savings accounts.

State tax-credit scholarship programs commonly stipulate the conditions that nonprofit entities must meet to serve as SGOs and fulfill operational requirements under programs. Qualifying conditions commonly involve legal, organizational and operational status. Program requirements commonly relate to program administration, implementation of application procedures, scholarship management, data and reporting.

## State Educational Agencies

SEAs are generally responsible for overseeing program standards, monitoring compliance, and data and reporting.

## Departments of Revenue

Departments of revenue are generally responsible for the administration of tax credits to donors, financial reviews and audits.

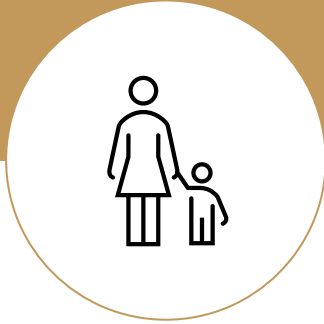
# SGOs and State Agencies

Tax-credit scholarship programs commonly involve SGOs and state agencies.

States vary in approach toward such provisions and the designation of related responsibilities.



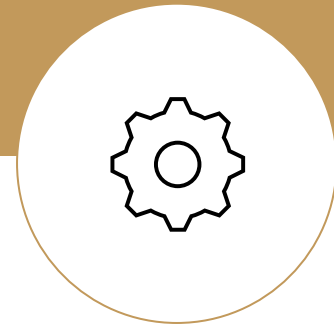
# Tax-Credit ESAs



**Students and Families**

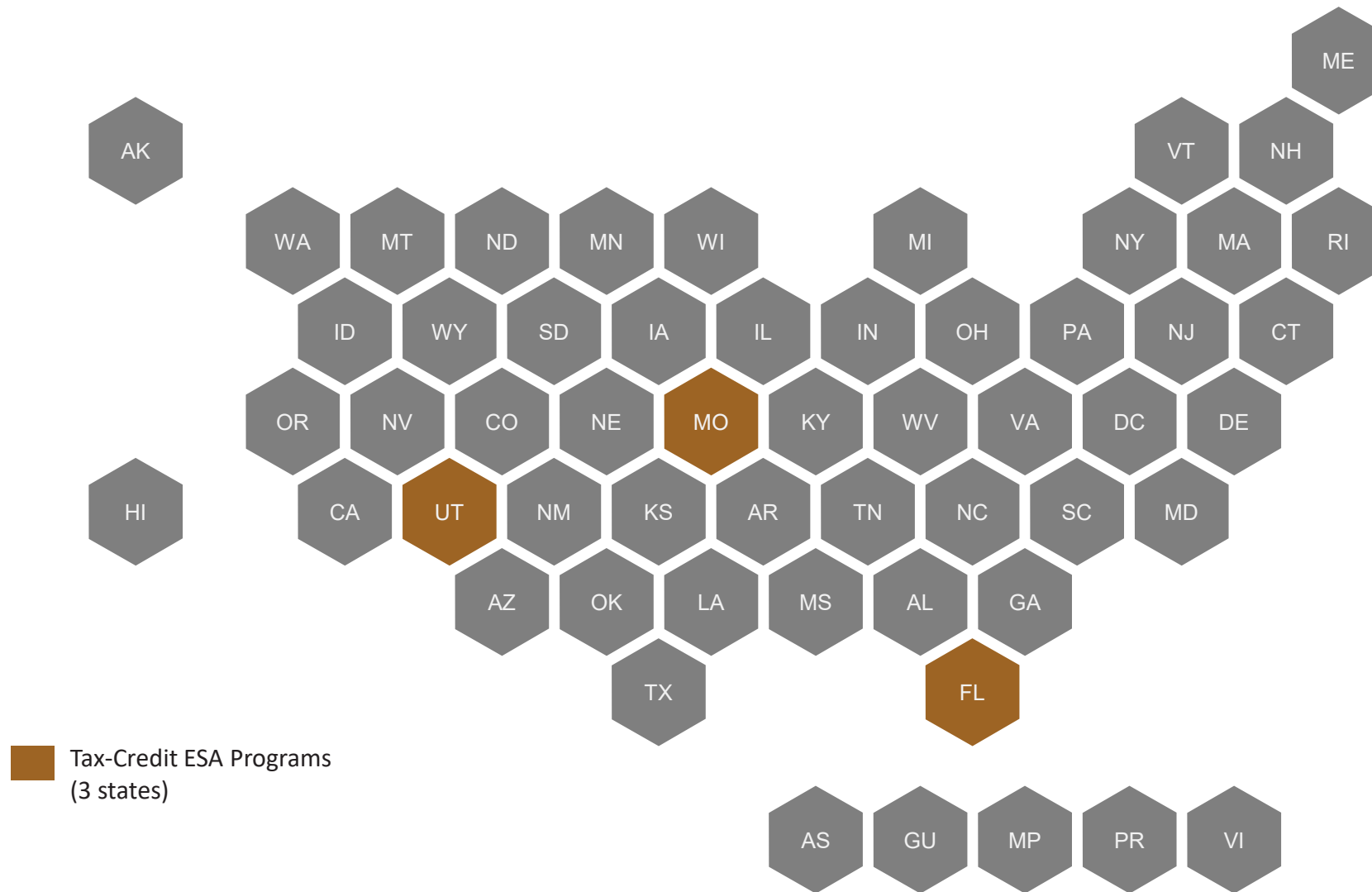


**Schools and Educational  
Service Providers**



**State Agencies and SGOs**

# Tax-Credit ESAs: Enacted State Programs



# Students and Families

## Use and Operation

What it Covers	How it works
Approved educational expenses	Tax credit-eligible contributions to SGOs -> authorized account

As with ESAs, tax-credit ESAs cover a range of educational expenses, which vary by state policy.

## Student Eligibility

Targeted	Universal
2 states	1 state



MO, UT

*Eligibility Criteria:* Prior enrollment, special education, income



FL

## Scholarship Granting Organizations

As with tax-credit scholarship programs, states commonly stipulate the conditions that nonprofit entities must meet to serve as SGOs and fulfill operational requirements under programs. Qualifying conditions commonly involve legal, organizational and operational status. Program requirements commonly relate to program administration, implementation of application procedures, fund management, data and reporting.

## State Educational Agencies

SEAs are generally responsible for overseeing program standards, monitoring compliance, and data and reporting.

## Departments of Revenue

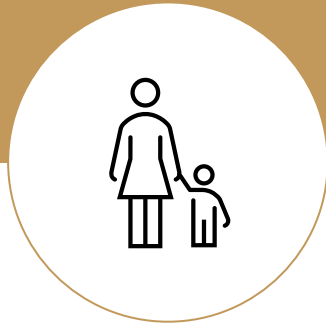
Departments of revenue are generally responsible for the administration of tax credits to donors, financial reviews and audits.

# SGOs and State Agencies

Tax-credit ESA programs commonly involve SGOs and state agencies.

States vary in approach toward such provisions and the designation of related responsibilities.

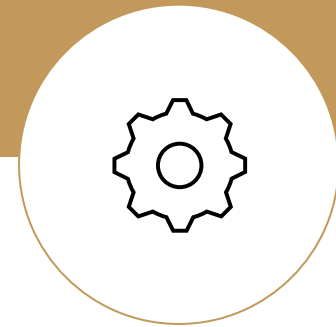
# Tax Credits and Deductions



**Students and Families**

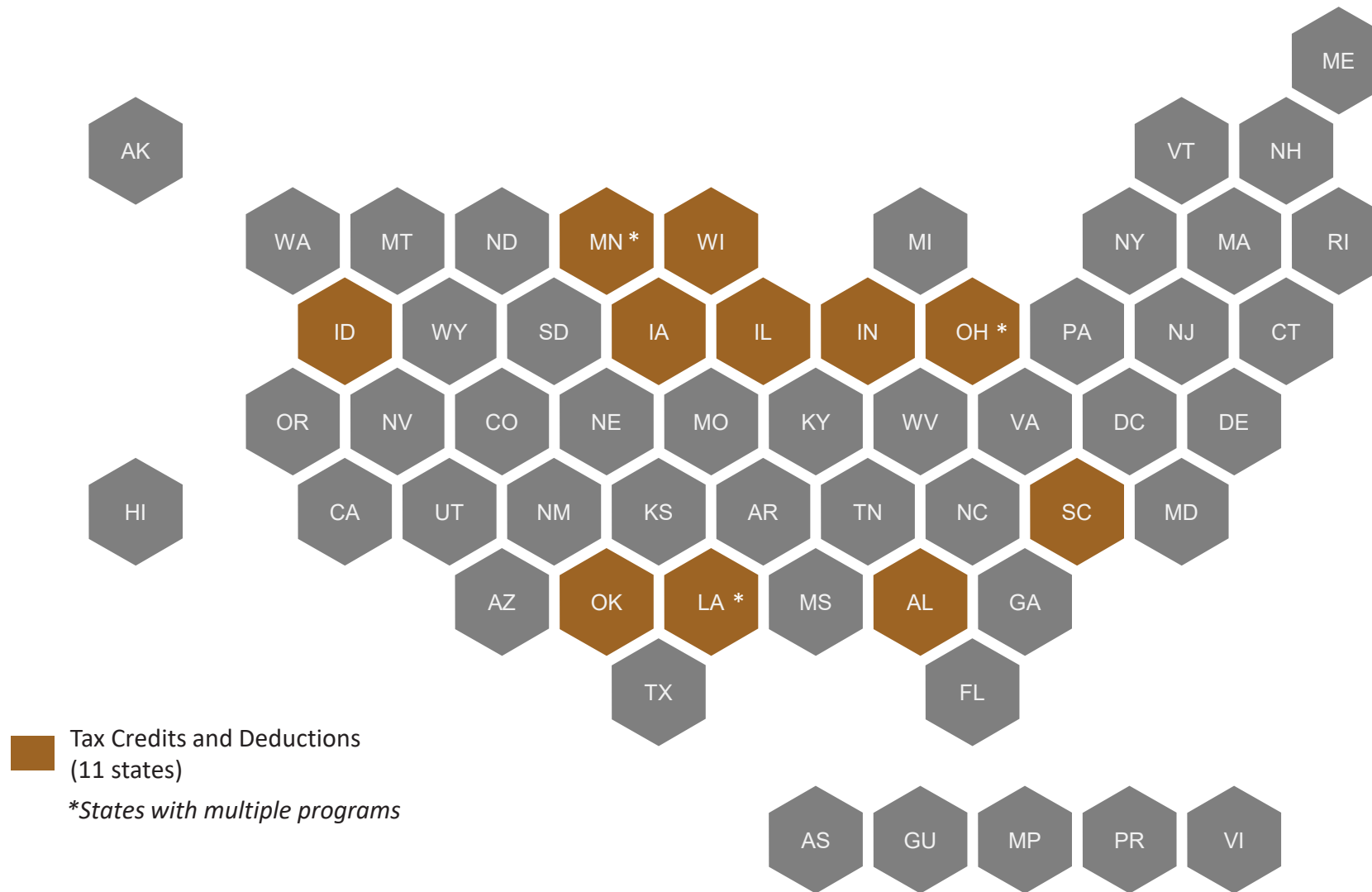


**Schools and Educational  
Service Providers**



**Departments of Revenue**

# Tax Credits and Deductions: Enacted State Programs



# Students and Families

## Use and Operation

What it Covers	How it works
Approved educational expenses	Tax claims -> credits and deductions for expenses

Approved educational expenses in most states cover tuition and related fees. In some states, approved educational expenses also cover additional categories of expenses such as tutoring, educational testing costs and transportation.

## Taxpayer and Student Eligibility

When a taxpayer files a claim for a credit or deduction, they are commonly required to demonstrate both their own and the student's eligibility, as well as document qualifying paid expenses.

Some states have established criteria for particular student groups while others broadly base eligibility upon enrollment in qualified nonpublic education programs.



# Departments of Revenue

Statutory provisions providing for individual tax credits and deductions typically designate responsibilities for departments of revenue or tax authorities.

Under individual tax credit and deduction programs, such entities are generally responsible for the verification of expenses, administration of tax credits, reviews and audits, and reporting and data.

DORs



# Federal Tax-Credit Scholarship

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# Federal Tax-Credit Scholarship



- Individuals who donate to scholarship granting organizations can receive a dollar-for-dollar tax credit for up to \$1,700
- **Student Eligibility:** Income and eligibility to enroll in public school.
- **Eligible Expenses:** Tuition, tutoring, other educational supports for both private and public schools (same definition as Coverdell Education Savings Accounts).
- **State Role and Impact**
  - States can decide to opt into the credit
  - State provides list of eligible SGOs
  - Federal credit reduced by similar state tax credit
- Treasury Department to release regulations





# Conclusion

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# State Policy Scans of Education Choice Policies

## Charter Schools

Charter schools are publicly funded and independently managed schools of choice.

## Education Savings Accounts

Education savings account (ESA) programs route state education funding into authorized accounts which families can use to pay for an eligible student's approved educational expenses.

## Open Enrollment

Open enrollment is a type of public education choice which permits students to attend a public school that they are not assigned to geographically.

## Tax Credits and Deductions

Tax credits and deductions provide families with income tax relief through credits or deductions for approved educational expenses.

## Tax-Credit Education Savings Accounts

Tax-credit education savings account programs are education savings accounts (ESAs) that are funded through a different mechanism than standard ESA programs.

## Tax-Credit Scholarships

Tax-credit scholarship programs provide tax credits to individuals and businesses when they donate to scholarship-granting organizations (SGOs) which award scholarships for families to use toward paying for an eligible student's nonpublic school tuition and certain related expenses.

## Vouchers

Voucher programs provide state education funding to families for use toward paying for their eligible students' nonpublic school tuition and certain related expenses.

NCSL (2025). [Education Choice Policy Resources](#).



# NCSL Resources

- [\*Pre-K-12 Education Legislation Database \(2023-present\)\*](#)
- [\*Education Choice Policy Resources \(July 2025\)\*](#)
- [\*4 Questions About the New Federal Tax Credit Scholarship \(November 2025\)\*](#)



# Thank you!

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