

Approved: 2-22-94
Date

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION.

The meeting was called to order by Chairperson Duane Goossen at 3:30 p.m. on February 14, 1994, in Room 519-S of the Capitol.

All committee members were present.

Committee staff present: Ben Barrett, Legislative Research Department
Dale Dennis, Deputy Commissioner, Department of Education
Avis Swartzman, Revisor of Statutes
Lois Thompson, Committee Secretary

Conferees appearing before the committee: Representative Kay O'Connor
Jeanne Allen, Center for Education Reform,
Washington, D.C.
Pete Hutchison, Landmark Legal Foundation
Tom Tancredo, Former Assistant of Education,
Bush Administration
Carol D'Amico, Hudson Institute, Indianapolis, Indiana
Senator Phil Martin
Stan Kennedy, Public School Teacher
Bob Voboril, Superintendent, Wichita Catholic Schools
Tim Carrol, Haydn Highschool student
Allen Guderman, Kansas Lutheran Schools
Richard Wells, parent
Bob Runnels, Kansas Catholic Conference
Robin Jackson, parent
Mary Gomez, parent
Sister Michelle Faltus, Supt. Kansas City Catholic Schools
Paula Puderbaugh, parent
Donna Penny, educator, parent
Lillian Y. Bittaye, Teacher-child advocate, Kensington School
Kathy Hawkins, Principal, Open Door Baptist School, KC
John McDonough, Lenexa

Others attending: See attached list

Representative Empson moved and Representative McKechnie seconded motion to introduce four bills: Kansas Comprehensive Grant Program (HB 3033), YES/Work Study Merger (HB 3030), Ethnic minority fellowship program (HB 3032), and Nursing scholarship program (HB 3031). Motion carried.

Hearing of proponents of **HB 2754** opened.

Representative Kay O'Connor, sponsor of **HB 2754**, explained the contents of the bill. (Attachment 1)

Jeanne Allen, Center for Education Reform, Washington, D.C., stated to date, some fourteen states have adopted some type of plan, ranging from limited choices among public schools in several states to a program including private schools in Milwaukee, Wisconsin, and business-sponsored voucher plans for inner city children in Indianapolis, San Antonio, Atlanta, Milwaukee and Little Rock. Ballot initiatives and legislative battles are pending in another 34 states. She concluded, there is ample evidence that a market-driven education system would spur improvements in the way schools operate, and thus improve education. (Attachment 2)

Richard P. Hutchison, Assistant General Counsel, Landmark Legal Foundation, stated **HB 2754** does not pose a threat to the separation of church and state doctrine. He quoted Lawrence Tribe, who states "the

CONTINUATION SHEET

MINUTES OF HOUSE EDUCATION COMMITTEE meeting February 14, 1994, at 3:30 p.m. in Room 519-S.

Establishment Clause probably would not stand as an obstacle to a purely neutral program at least one with a broad enough class of beneficiary schools and one that channeled aid through parents and children rather than directly to schools." (Attachment 3)

Tom Tancredo, President of the Independence Institute, which is a public policy think tank located in Golden, Colorado, stated "where school choice is allowed to exist it has spurred government school reform. Instead of collapsing, as many opponents of choice predict, government schools in this environment become reinvigorated, tough competitors." (Attachment 4)

Carol D'Amico, a Research Fellow at Hudson Institute in Indianapolis, a midwest "think tank" stated student achievement is stagnant and she is convinced nothing short of fundamental changes in public education, how it is organized and operated, will make a dramatic difference in student achievement. She stated (1)the vouchers address the equity issue by directly helping low-income children get a good education, (2) the vouchers build in a system of accountability, (3)parents who chose their children's schools are more satisfied and involved in their children's education and (4) teachers and students are more satisfied. (Attachment 5)

Senator Phil Martin stated the voucher system of funding schools will change the balance of power from the Educational Finance Monopoly to parents of children. (Attachment 6)

Stan Kennedy, parent of a private school student and a teacher of 13 years in a Kansas public school, spoke in support of school choice and the voucher system. He believes education of children is of such importance that parents should have the choice of deciding where their children attend schools and because people work to provide their children with an education, it is right that some of those earnings earmarked for education should go to support the school of their choice. (Attachment 7)

Alan Gunderman, Executive Director of Educational Services for the Kansas District of the Lutheran Church - Missouri Synod stated allowing parents educational choice would get parents more involved in their children's education, a voucher system would encourage diversity, and finally Lutheran Schools in Kansas would have much to gain if a voucher system would be enacted. (Attachment 8)

Bob Runnels, Executive Director, Kansas Catholic Conference, in support of school vouchers stated a free enterprise system would create competition and therefore strengthen education. He stated educating a child in their system is around \$1989 for K-8, and \$3737 for 9-12, while the cost of educating a children in Kansas public schools (K-12) is over \$6,000 a year. He concluded by saying non-government schools teach "values" to children and "discipline." (Attachment 9)

Robin Jackson, parent, stated parents are the best judge of what is best for their children; education needs competition and parental involvement. (Attachment 10)

Mary A. Gomez, Olathe parent, has filed a lawsuit which seeks to have the "school district-benefit" theory declared unconstitutional. She is a proponent of "child-benefit" education, and favors student vouchers. (Attachment 11)

Sister Michele Faltus, Superintendent of Catholic Schools, Archdiocese of Kansas City, Kansas, stated scholastic vouchers would provide choice giving all parents, rich and poor the freedom to choose what kind of education their children receive. (Attachment 12)

Paula Puderbaugh, single parent, stated she wants the influence of a private school which teaches morals and responsibility for her daughter who will enter kindergarten next fall. She cannot afford to send her to a Catholic school on her own. She questioned why her daughter must be denied the education she needs and deserves because her mother is poor. (Attachment 13)

Donna Penny, Troy, educator, parent, supports **HB 2754** because it empowers parents to have a real choice in the education of their children. Her children were in home-school for six years and are currently in public highschool. As they look to college expenses they wish that even the trust fund set up in Section 5a would be there for them. (Attachment 14)

Lillian Yvonne Bittaye, director of the Sojourner Truth Observational Study Hometel LTS, a tutorial assistance and supplementary educational program designed to provide services to children who are suspended from school, as well as assist students who are having problems in school, stated most public school classrooms are overcrowded and there is a need for alternative means of learning. She believes many children

CONTINUATION SHEET

MINUTES OF HOUSE EDUCATION COMMITTEE meeting February 14, 1994, at 3:30 p.m. in Room 519-S.

do not fit into the "typical classroom environment." She believes this bill would provide some children with their last opportunity to be educated in an appropriate setting. (Attachment 15)

Kathy Hawkins, principal of the Open Door Baptist School in Kansas City, Kansas, stated vouchers would be a positive step to halt the unfair burden placed on parents who make the choice of a private school. (Attachment 16)

John McDonough, Lenexa, stated this voucher legislation can free children from the physical dangers they face in schools today. (Attachment 17)

Written testimony only was received from: Bret Kroh, superintendent, Open Door Baptist School, Kansas City, (Attachment 18), John Kincaid, President of the Teddy Roosevelt Reform Republicans, Lawrence, (Attachment 19), Fred Thorp, Kansas City, Kansas, (Attachment 20), Richard Smith, columnist for the Concordia Blade-Empire and the Salina Journal, (Attachment 21), Keith and Sarah Radcliffe, Lyons, (Attachment 22). Gary D. McGrew, Columbus, (Attachment 23) and Austin K. Vincent, Topeka (Attachment 24).

The meeting adjourned at 5:15 p.m.

The next meeting of the House Education Committee will be February 15, 1994, at 3:30 p.m. in Room 519-S.

GUEST LIST

Committee: Education

Date: 2-14-94

NAME: (Please print)	Address:	Company/Organization:
Donna Penny	RR 2 Box 292 Troy, Ks.	66087 - Parent
Bill Wood	Rt 2 Box 333 Troy Ks 66087	Parent - Christian School Bd Member
Dorothy J. Soileau	9722 W. 131 st O.P. Ks 66213	PARENT - PUBLIC SCHOOL
ART SOILEAU	9722 W 131 st TER O.P. Ks 66213	PARENT - PUBLIC SCHOOL
David B. Caswell	1140 E. Johnston, Olathe, Ks 66061	Sponse of Ks public school teacher
Ron Malout	2707 Browning, Manhattan, Ks 66502	Teacher, St. Xavier School, Junction City, Ks.
JOHN MARSHALL	HARRIS NEWS SERVICE	TOPEKA
Kathy Hawkins	545 S 94 th KCK 66111	Open Door Baptist School Principal
BRET KROH	10240 STATE AVENUE K.C., Ks 66111	OPEN DOOR BAPTIST MINISTRIES
S. MICHELLE FALTUS	12615 PARALLEL PKWY K.R. Ks. 66109	CATHOLIC SCHOOLS
John Kelen	801 W Hamline Garden City Ks	Garden City Christian School
Richard Franz	2510 N. VFW Rd Garden City, Ks	Garden City Christian School
Charlotte D'Hara	14585 W 155 th Ter	Parent Jo Cas.
Spencer Hauerlander	" " " "	Parent
Adley Hauerlander	" " " "	
Jim Sebastian	Topeka	Carpenter & Chong
Sharon Strungfeller	Topeka	CWA of Kansas
Mike Robin & Doug Jackson	Hutchinson	Parents
Rep. Tom Bruns	KC KS	
JOHN KINCAID	2515 Belle Haven Dr. Lawrence	PARENT PRESIDENT OF TIR-REPUBLICANS
ALAN GUNDERMAN	2318 SW 10 th Ave, Topeka	Kansas Lutheran Schools
Charles Jedele	1231 Mac Vicar Topeka 66604	Topeka Luth. School
Donna Felbush	1331 Flag Rd Abilene, KS 67410	Parent / Public School
Stacy & Jim Kennedy	2201 N. 6 th , Garden City, Ks 67916	Parents / Public School Teacher
Cody B. Hurd	8955 So. Hwy 83 Garden City Ks	Parent / Sub

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Committee: Education

Date: 2-14-94

NAME: (Print)	Address:	Company/Organization
Kori Law	1200 E. Maple Apt. 13 Col. KS ⁶⁶⁷²⁵	Life Christian School
Gary D. McGraw	Rt. 2, Box 89 - Columbus, KS ⁶⁶⁷²⁵	Life Christian School
Tim Bzoleg	PO Box 271 Columbus, KS ⁶⁶⁷²⁵	Life Christian School
Nancy Hurd	213 N. High School Columbus, KS ⁶⁶⁷²⁵	Life Christian School
Zachary Forest	Rt. 1 Box 88 Hallowell, KS ⁶⁶⁷²⁵	Life Christian School
Nate Hurd	213 N. High School, St. Columbus, Kansas ⁶⁶⁷²⁵	LIFE CHRISTIAN SCHOOL
Adam Forest	Rt 1 Box 88 Hallowell, KS ⁶⁶⁷²⁵	Life Christian School
Sam Hurd	213 N. High School Ave. Columbus, KS ⁶⁶⁷²⁵	Life Christian School
Justin Anderson	P.O. Box 26 Weir, Kansas ⁶⁶⁷²⁵	Life Christian School
Jason Hurd	213 N. High School St. Columbus, KS ⁶⁶⁷²⁵	Life Christian School
Jessica Shirley	RR4 Box 21AA, Columbus, KS ⁶⁶⁷²⁵	Life Christian School
Mary A. Gomez	15918 W. 144 St. Olathe, 66062	Individual
Brian Merrill	315 S. Vermont Columbus, KS ⁶⁶⁷²⁵	Life Christian School
Joyce Greene	3124-3 Booth Ave Ft. Riley, KS ⁶⁶⁷²⁵	Homeschoolers (5)
Barbara Marshall	407 Sumner Ave J.C. KS ⁶⁶⁴⁴¹	Interested Tax Payer
Kent Fales Jr.	540 W. Oak, Columbus, KS ⁶⁶⁷²⁵	Life Christian School
Kim Tanner	RR2, Box 159 Columbus, KS ⁶⁶⁷²⁵	Life Christian School
John McDonough	8530 BRADSHAW LENEXA, KS ⁶⁶²¹⁵	Citizens for Educational Freedom
Margaret M. McDonough	8530 Bradshaw, Lenexa, KS ⁶⁶²¹⁵	Citizens for Educ. Freedom
Virginia Hughes	RR1 Box 131 Cherokee, KS ⁶⁶⁷²⁴	Life Christian School
Sam Hughes	RR#1 Box 131 Cherokee, KS ⁶⁶⁷²⁴	Life Christian School
Tim Hughes	RR1 Box 131 Cherokee, KS ⁶⁶⁷²⁴	Life Christian School
Nancy L. Fox	2686 SE Golden Ave Topeka, KS. ⁶⁶⁶⁰⁵⁻³²⁶⁵	The Church
Olando Engstrom	3016 W. 4th Ave. Hutch. KS ⁶⁷⁵⁰¹	C. Christian School
Snack Salcliffe	511 W. Main Lyond, KS ⁶⁷⁵⁵⁴	Heritage Christian School

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NAME: (Please print)	Address:	Company/Organization:
Marsha Stralim	Sabetha	CWA of Kansas
Debra Furtan	Fl. Riley, KS	Home School St. Xavier's
Esther Greene	Ft. Riley KS	HOMESCHOOL
Veronica Stevens	Ft. Riley KS	HOMESCHOOL
Emily J. Greene	Ft. Riley	HOMESCHOOL
Elizabeth Stevens	Ft Riley KS	HOMESCHOOL
Mrs Hannah Greene	Ft Riley KS	Home School
Becky Kramer	Junction City, KS	St. Xavier High School
Caroline Wroczynski	Junction City, KS	St. Xavier's High School
Sheila Mcdonny	Junction City, KS	St. Xavier's High
Jacki Keating	Junction City, KS	St. Xavier's High
Dustin Toman	Junction City, KS	St. Xavier's High School
Heather Cardamone	Junction City, KS	St. Xavier's High School
Brandi Davis	Junction City, KS	St. Xavier's High School
Nicole Strubels	Junction City, KS	St. Xavier's High
Sammy Poratto	Fort Riley, KS	St. Xavier's High
Don Woods	Junction City, KS	St. Xavier's High School
MARGARET HEMENWAY	Junction City, KS	St. Xavier's School
Jim Hemenway	Junction City, KS	St. Xavier School Principal
Greg Gray	Topeka KS	Washburn University
Daniel Harder	Topeka KS.	Washburn University
Tom Tancsics	Eden, CO	Independence First

GUEST LIST

Committee: Education

Date: 2-14-94

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KAY O'CONNOR
REPRESENTATIVE, DISTRICT 14

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TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
MEMBER: GOVERNMENTAL ORGANIZATION &
ELECTIONS
PUBLIC HEALTH & WELFARE

**Testimony Before the
House Education Committee**

by

**Kay O'Connor
State Representative, 14th District**

Mr. Chairman and members of the committee:

I sincerely appreciate the opportunity to speak to you about HB 2754, the Kansas School Voucher Act.

There are 11 sections in this bill:

- Sec. 1: Title and purpose
- Sec. 2: Definitions
- Sec. 3: Establishment of Vouchers under the State Board
- Sec. 4: Non-public school admissions criteria and public school loss of enrollment protection
- Sec. 5: Regulation of tuition fees and establishment of voucher savings trust fund. (Also called college fund).
- Sec. 6: Method of voucher redemption
- Sec. 7: Monitoring of non-public schools by State Board
- Sec. 8: Application of "school district assessment program"
- Sec. 9: Administration of voucher savings trust fund (college fund)
- Sec. 10: Statement of no change of State Board powers
- Sec. 11: Effective date

In order to keep this explanation of the bill to 5 minutes, I will touch what I consider to be the "peanut" of the bill. Others here will speak to the philosophy of vouchers, program in other states, constitutionality, and other asides. Of course, I will be available for questions at the will of the committee during the hearings or after.

HOUSE EDUCATION
Feb. 14, 1994

Attachment 1

PHASE-IN I: ELIGIBILITY

On page one, line 11 at (4), the phase-in of eligibility is addressed. In year one and two, only students who qualify for free lunches are eligible. This represents in the non-public sector about 2000 students and in the public, about 110,000 students.

In years three through five, eligibility would also include reduced lunch students. This would increase the numbers in the non-public to about 3500 and in the public to about 145,000. In the sixth year, all Kansas students would be eligible.

PHASE-In II: Dollar Value

On page 2, line 6 at (f) is the phase-in of the dollar value of the voucher. In the first year, the value would be 50 percent of the base aid, one-half of \$3600 (\$1800).

Each year after, the value would increase by ten percent maxing at \$3600 in the sixth year (dollar amount subject to change, of course). Exceptional children (special ed) vouchers will be 1 1/2 times regular value.

ACADEMIC TESTING

Page 2, line 26 at (h), is the definition of the "school district assessment program". This is the method by which taxpayers are assured that education tax dollars are being used for education and not to pay a house or car payment, etc.

Voucher recipients will be subject to nationally recognized academic tests and, unlike public schools, must maintain regular academic improvement or lose voucher funds (See page 5, line 4 at (b) and lines 27 to 43).

VOUCHER DISTRIBUTION

On page 3, line 11 at (b), the method of voucher distribution is handled. The parent must initiate contact with the local school district to pick up the voucher application which is ultimately sent to the State Board. The State Board then issues the warrant to the parent and delivers the warrant to the school (page 4, lines 20 to 23).

PHASE-IN III

On page 3, line 28 at (c) is the public school protection. This protection is during the first year only and guarantees that no school district can lose more than 4%, 7% or 10% of their previous year's enrollment, depending upon their size.

COLLEGE FUND

On page 6, section 9 deals with the voucher savings trust fund or college fund.

It works this way. If a voucher is worth \$1800 and the school tuition or fees are \$1500, the \$300 difference would be placed in the trust fund in the name of the child to be held until the student graduates from high school at which time any money in the fund could be used for post-secondary schooling. If the child dies prematurely or does not use the funds by the age of 26, unused dollars return to the state education pool. Also, any interest earned would belong to the state.

This, at first glance, just looks like a neat idea. Actually, it is very important because this is the incentive for non-public schools to keep their tuition costs down and not just raise them to the value of the voucher.

FISCAL

Although the fiscal note should have been completed by last Wednesday, I have not yet seen it. I have maintained and still maintain that the potential savings of tax dollars (reduced draw on General Fund) in the first year is over \$100,000,000 and in the second year over \$250,000,000. This is a program that the more it is used the more the state saves.

I strongly recommend your favorable consideration of HB 2754.

Thank you.

Kay O'Connor

A handwritten signature in cursive script that reads "Kay O'Connor". The signature is written in dark ink and is positioned below the printed name.



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NINE LIES

ABOUT SCHOOL CHOICE: ANSWERING THE CRITICS

By Jeanne Allen

HOUSE EDUCATION
Feb. 14, 1994

Attachment 2

INTRODUCTION

"Free market economics works well for breakfast cereals, but not for schools in a democratic society. Market-driven school choice would create an inequitable, elitist educational system."¹

So said Keith Geiger, President of the National Education Association, in September, 1990.

Similar arguments that education and consumer choice, like oil and water, simply do not mix are espoused by many other critics of educational choice. These criticisms of school choice programs have grown louder and more shrill as school choice programs proliferate. To date, some fourteen states have adopted some type of plan, ranging from limited choices among public schools in several states to a program including private schools in Milwaukee, Wisconsin, and business-sponsored voucher plans for inner city children in Indianapolis, San Antonio, Atlanta, Milwaukee and Little Rock. Ballot initiatives and legislative battles are pending in another 34 states, and many of these proposals would give parents the option of sending their children to private schools.

With growing support for choice in education, it is hardly surprising that the opponents of reform have accelerated their attacks on educational choice. The criticisms against choice constitute nine broad categories:

- 1 — The Undermining-America Argument: Choice will destroy the American public school tradition.
- 2 — The Creaming Argument: Choice will leave the poor behind in the worst schools.
- 3 — The Incompetent Parent Argument: Parents will not be capable of choosing the right school for their child.
- 4 — The Non-Academic Parental Neglect Argument: Parents will use the wrong criteria, such as sports facilities, in choosing schools for their children.
- 5 — The Selectivity Issue: There will be insufficient help for students with special needs.
- 6 — The Radical Schools Scare (or the *Farrakhan*-KKK Theory): Extremists, like Louis Farrakhan or the Ku Klux Klan, will form schools.
- 7 — The Church-State Problem: Choice is unconstitutional.

8 — The Public Accountability Argument: Private schools are not sufficiently regulated.

9 — The Choice is Expensive Argument: There are high hidden costs associated with school choice.

These criticisms too often go unanswered, and thus begin to gain currency in the press and among many Americans. They have contributed to considerable mythology about what exactly educational choice can do. Even some business leaders, who are natural allies to consumer driven systems, are prone to accept arguments against consumer choice and competition in education, despite lauding it as the key to efficiency in the rest of society. Fearful of backing an issue that may be controversial, and lacking precise and accurate information about educational choice, these business executives prefer to err on the side of caution and take no position in the debate.

This reluctance is costly, however, because American business pays heavily for the failures of the school system. U.S. firms, for instance, last year paid out \$40 billion to finance remedial education for their employees. Oftentimes, a legislator's or other policy maker's reluctance to back choice in the debate also is misplaced because the criticisms of educational choice either are no longer valid because they have been addressed in modifications of the original choice concept, or were complete falsehoods to begin with.

THE NINE LIES ABOUT SCHOOL CHOICE

1 — THE UNDERMINING-AMERICA ARGUMENT:

Choice will destroy the long tradition of common schools in America by subsidizing private schools at the expense of public schools. These schools, which embody the classless and democratic principles of the United States are enshrined in the public school system.

Says Wisconsin Superintendent of Public Instruction Herbert Grover: "[T]he private school choice program is not a solution but a program that is in conflict with the intent of the common schools established for the common good of our society." ²

RESPONSE:

The term "public education" was first used in 1837 by Horace Mann, then chairman of the New York State Board of Education, to describe the goal of an educated citizenry, seen in part as an effective way to knit together the millions of immigrants from many lands who were coming to America.

Charles Glenn, educational expert, author, and former director of equal opportunity for the state of Massachusetts writes that, "At the heart of this vision was the idea of the common school, a school in which the children of all classes and representing all levels of society would be educated together and would thus acquire the mutual respect essential to the functioning of a democracy."³ Indeed, opponents of choice often talk of the notion of the common school and frequently invoke the name of Horace Mann.

As University of Chicago sociologist James Coleman has discovered in his research, however, that public schools rarely conform to common school tradition.⁴ They tend, rather, to be the most exclusive and segregated schools. Ironically, private religious schools are more consistent with the common school philosophy than are public schools. Private, inner city Catholic schools in such cities as Chicago and New York bring together children of widely differing social and economic strata.

Choice, in fact, affords Americans the best chance of re-creating the common school by returning all children to a level playing field and ensuring that schools are representative of diverse communities. Parents of all colors, socio-economic levels, and classes should be able to choose among the widest range of schools possible, rather than being segregated out of a particular school because its cost may be prohibitive. Similarly, taxpayers required to subsidize their local school districts should have some say over what occurs in the schools. While choice opponents boast of "public accountability" in the schools, in reality the schools are no longer accountable for their employees, their product, or their daily operations. Choice makes schools accountable directly to consumers.

Choice would recreate Mann's notion of the common schools by restoring quality education and accountability for results. In the 19th century, the local public school epitomized the ideals, providing education which has long since ceased to respond to the needs of American children.

2 — THE CREAMING ARGUMENT:

Choice will "leave behind" the poor and most difficult to educate, while good students will be "creamed" into the best schools.

Says former California Superintendent of Public Instruction Bill Honig: "The voucher approach risks creating elite academies for the few and second rate schools for the many."⁵

RESPONSE:

The creaming argument supposes that poorer and less able children will tend to be left behind in the worst schools when parents have a choice of schools. Adherents of this view presume that most minority or lower-income parents do not know the difference between good and bad schools and that their children thus will end up in bad schools. Hence, the argument goes, choice plans are unfair because they separate the "haves" from the "have-nots."

While the "creaming" theorists are concerned about inequality under a choice plan, they seem to ignore that today's education system is extremely unequal. The "haves" already have choice because they have the money to choose a private school for their children. The "have-nots," meanwhile, are trapped in major urban school systems in which the quality of education is appalling despite heavy spending by the school districts.

Successful Magnet Schools. Choice is a tool to reduce this inequality. The evidence shows that choice improves all schools, not just a few, and that poor parents are quite able to find the best schools. This is very clear in the case of magnet schools, which are specialized schools offering unique programs. They are designed to attract children of all races. They constitute a limited form of parental choice, in that parents opt to send their children there in place of the school to which they were assigned. They post significantly better results than other public schools. Large magnet school systems have been functioning for more than a decade in over 100 cities nationwide.

Adherents of the creaming argument contend that magnet schools nationwide can boast success simply because they attract smart children of smart and very involved parents.⁶ Yet the evidence on many long-established magnet schools suggests this is not the reason. These schools credit their success to the child's excitement at being in the school and the school's ability to tailor its lessons to the needs of individual students. Magnets do not, in fact, selectively enroll children. Indeed, since demand is high, they operate generally by lottery, to ensure that all parents have an equal opportunity at a limited number of spaces. Moreover, refuting the assertions of choice critics, parents of these children are not necessarily the more involved and better educated parents.

Evidence suggests, meanwhile, that poor and disadvantaged parents are just as capable as better-educated or higher-income parents of distinguishing between good and bad schools. The problem today is that poor parents are rarely given the opportunity to do so. When they have the opportunity and are given full information about the choices open to them, they choose well.

Harlem Turnaround. Consider the case of East Harlem in New York City. Children in East Harlem School District 4 in 1974 scored the lowest of any New York City school district in state assessments. Central office officials blamed their students' failure on the bad influence and lack of involvement of parents.⁷ Then a bold district administration instituted a plan that gives teachers authority to design and run their own schools and gives parents the right to choose among them. Teachers joined administrators in launching a comprehensive outreach program to inform parents about the diversity of options then available. By 1986, students from District 4 ranked sixteenth out of 32 in reading and math scores. When asked to choose among a variety of schools for their children, the poorest and most desolate of East Harlem parents in fact made good choices for their children, usually based on academic criteria.

The same has been true in Milwaukee.⁸ There the parental choice program gives low-income students state "scholarships" worth \$2,500 to cover tuition at the private, nonsectarian school of their choice. Now in its third year of operation, parents of over 600 students exercised their choice and sent their children to institutions such as the highly respected Urban Day School, which boasts a 98 percent graduation rate. A majority of parents participating in the choice program are single parents, and many are unemployed. They are virtually identical to their public school counterparts according to most socio-economic measures. And more than 3,000 low-income children are participating in the privately-sponsored voucher efforts underway in Indianapolis, Atlanta and San Antonio — experiments which demand that parents make the determination to send their child to a different school. An informal evaluation of these "choice" children shows that they represent all aptitude levels, span the lower socio-economic rung from end to end, but together, were not performing as well as they could in the public schools. Objective evaluations to be released later this year will support these preliminary evaluations fully.

Proponents of the creaming view assume that there is a static pool of schools and that choice plans will allow good schools to drain away the better students while the bad schools will continue to educate the worst students and deteriorate. This criticism overlooks one of the most fundamental dynamics of choice: the ability of parents to choose schools forces existing public schools to change. Another dynamic is that good schools expand and new schools emerge. If bad schools cannot or will not improve, their students can go elsewhere. The assertions about "bad children being left behind" simply do not take into account the dynamics of a school choice plan.

3 — THE INCOMPETENT PARENT ARGUMENT:

Since some parents are truly incapable of making choices, such as those who abuse drugs, some parents also are incapable of wisely exercising their choice option, thus consigning their children to sub-standard education.

Says Urban Institute scholar Isabel Sawhill: "The emphasis on choice... conflicts with the rising body of evidence that poor families are often beset with any multitude of problems, making it difficult for them to cope with the added responsibility — such as evaluating different schools or owning a home."⁹

RESPONSE:

The evidence actually suggests that the opportunity to make a real decision — possibly for the first time in years — can shake an individual out of a life of despair and dependency. This notion undergirds the philosophy of empowerment, and its dramatic effects can be seen in the success of tenant management of public housing and similar empowerment strategies.¹⁰ According to New York University political scientist Lawrence Mead, allowing or requiring the poor to make decisions renders them just as capable of good decisions or work habits as someone who is better off. Writes Mead, "The poor are as eager to work [and participate in decisions] as the better-off, but the strength of this desire appears to be unrelated to their work behavior... Most clients in workfare programs actually respond positively to the experience of being required to work, not negatively as they would if they truly rejected work."¹¹ The ability to choose leads to one of two outcomes. In very many instances, as supporters of empowerment contend, it leads to parents gaining the self confidence to exercise control over their lives. But even if this does not happen, and parents do not bother to choose a school for their children, they are still assigned a school under choice plans. The assigned school is not likely to be worse than the one now attended by the child. Indeed, it is likely to be better because of the improvements forced by increased pressure from other parents.

Deeply troubled or dysfunctional children, meanwhile, are likely to do better under a choice system because it will make available a wider range of schools, especially if private schools are included in the choice program. Explains Abigail Thernstrom, adjunct Associate Professor of Education at Boston University and author of *School Choice in Massachusetts*, "... Already many private schools meet the needs of dysfunctional children."¹²

To be sure, a ready availability of information is more important to poorer and less able students than to sophisticated parents. For this reason, choice plans such as those crafted by Brookings Institution senior fellow John Chubb and Stanford University professor Terry Moe would require parent

information centers and parent liaisons to help parents who need assistance in making choices. ¹³ But even if such sources of information were not available, the worst that could happen is that children for whom no choice is made would be assigned to a school — which is no different from what occurs today.

4 —THE NON-ACADEMIC PARENTAL NEGLECT ARGUMENT:

Parents will use such criteria as a school's location or its athletic facilities, rather than the quality of the education it provides, in deciding what school their child will attend.

Asks American Federation of Teachers President Albert Shanker, "Do most [parents] — rich, poor or in the middle — really want rigorous standards for their children? And if they don't, would they choose rigorous schools?"

RESPONSE:

Choice critics like Shanker argue that most parents would not bother to choose a school or if they did, they would do so on the basis of non-academic concerns. They point to public school choice plans in Minnesota, where only a small percentage of students actually switched schools when state-wide open enrollment was instituted last year. The most common reasons given by parents for switching schools included transportation, proximity to work and child care, and athletics.

Minnesota is not a valid example. For one thing, its choice program is limited. In most grades the choice of school is restricted entirely to the public sector. For another thing, there are few academic differences among public schools in Minnesota's mainly suburban, sprawling communities. Significant differences may emerge, of course, as schools begin to make major improvements to meet competition.

The law creating the open-enrollment plan, moreover, did not include mechanisms to make change easy in the organization of Minnesota schools. Thus superintendents function as they did before and principals and teachers have not seen their autonomy increased. As such, schools cannot respond easily to parental choices. Minnesota and other states with open-enrollment policies also have not taken sufficient steps to make information available to parents. In Iowa, for example, no money has been allotted from the annual state school budget for outreach information. The result: parents find it hard to obtain academic information on which to base decisions.

Parent frustration in Minnesota already is prompting changes in the law. The Minnesota legislature last June enacted the Charter Schools Act,

making it possible for teachers to form their own school, and be free from most state oversight. In fact, Wisconsin has also enacted a modest law to allow teachers to create their own schools, and Charter Schools legislation is slated to be introduced in California and several other states this year.

Gauge for Achievement. Shanker's argument in any case unwittingly underscores the need for choice. The fact is that parents routinely are kept in the dark about how well public schools perform because hard performance information generally is unavailable. The need for such information has led an increasing number of choice advocates to support calls for voluntary state and national testing to give schools performance standards and to give parents a gauge by which to measure their children's achievement.

Once an accurate and dependable system of accountability is in place, parents will become smart consumers and can demand improvements — even if they choose not to change schools. Of course, even with clear performance testing and with precise information on which to make choices, some parents may, as Shanker fears, decide that a neighborhood school or a school with an emphasis on team sports is better for their child than one which excels in mathematics. But that should be their choice to make as parents. It is a choice made routinely by affluent parents, such as President Bill Clinton, who chose to send his daughter to the elite Sidwell-Friends School in Washington, DC, to allow her to escape some of the intense pressure she might meet in the public schools, given who she is. Choice plans simply allow poor parents the chance to make that same decision. And whether or not the parent is selecting a small, no-frills Catholic school or a fancy sectarian private school such as the Clintons have, the evidence suggests that children in both environments will thrive because they are the main concern of the school, not government or job saving.

5 — THE SELECTIVITY ARGUMENT:

Private schools in the choice plan will admit only easy-to-teach children, leaving difficult, less academically gifted children in the public schools. Such selectivity is the reason for the private schools' vaunted ability to outperform public schools.

Says Senator Edward M. Kennedy, the Massachusetts Democrat, choice has the potential to be "a death sentence for public schools struggling to serve disadvantaged students, draining all good students out of poor schools."

RESPONSE:

The selectivity issue argument challenges choice advocates. Few are willing to deny a private school the right to set admissions standards. But

According to critic Isabel Sawhill, "Diploma factories might be established in the inner cities to take advantage of the government funding, it is argued, similar to the recently exposed examples of vocational schools that exploit low income students to profit from federally sponsored student loans."¹⁵ Adds California Superintendent Bill Honig, choice "opens the door to cult schools. Public schools are the major institutions transmitting our democratic values. By prohibiting common standards, [choice proponents] enshrine the rights of parents over the needs of children and society and encourage tribalism. Should we pay for schools that teach astrology or creationism instead of science? Should we inculcate racism?"

RESPONSE:

Most states have imposed minimum academic standards on private as well as public schools. Most education choice proposals, moreover, require the government to play some role in enforcing federal anti-discrimination laws and ensuring contractual obligations to students. If governments fail to do this effectively, as the federal government is accused of doing for trade schools, this is a deficiency of government, not of consumer choice. As it is, a good number of public schools today would be found delinquent in complying with a government regulation requiring good value for money.

While many for-profit trade schools abuses have been documented, the vast majority of schools of higher education currently operate in a choice system and state or federal assistance follows needier children to the school that they choose. Unlike its public education system, American higher education is considered world class.

As to the claim that bizarre or extremist schools will proliferate under a choice system, nothing prevents such schools from opening and attracting customers today in the private sector. The fact is that few exist. Fewer, if any, would be established under choice programs. One reason is that schools are banned from discrimination on the basis of race under the 14th Amendment. Another reason is that a school accepting government funds under a choice program would be subject to some additional constraints. Such guidelines would not interfere with content, but would ensure that what is advertised is what is provided. In short, all schools should be subject to "truth in lending" requirements, something that most private schools currently do by virtue of having to compete, but that public schools rarely do. Because of the built-in accountability that the private sector enjoys, Honig's vision of "cult schools" is mere fantasy.

while some private schools set high admission requirements, the fact is that parochial schools — the private schools serving most children in cities with or considering choice plans — actually are less selective than public schools. Explains Reverend Vincent Breen, superintendent of education for the Roman Catholic Diocese of Brooklyn and Queens, the claim that selection is normal at Catholic schools is "a completely false statement that's repeated over and over again. Catholic schools are just as open to the needs of the urban child."

According to sociologist James Coleman, Catholic schools in particular boast success in raising the academic achievement of population groups that do poorly in public schools, including blacks, Hispanics and children from poor socio-economic backgrounds. "The proximate reason for the Catholic schools' success with less- advantaged students from deficient families appears to be the greater academic demands that Catholic schools place on these students." ¹⁴ Research by Brookings scholars Chubb and Moe further shows that private schools in general excel because of their organization, not because they weed out less able students through set admissions criteria. After controlling for all of the variables used to explain away the performance of private schools such as selection criteria, as well as socio-economic status, student ability, and the influence of peers, Chubb and Moe find that private schools still out perform public schools.

To avoid the possibility of private schools rejecting students who are particularly costly to teach or accommodate, such as handicapped children or those with pronounced learning disabilities, Chubb and Moe recommend that choice plans offer more valuable scholarship certificates for such children to encourage schools to create programs suited to their needs. Many school systems in fact already contract with private centers to provide extra assistance to public school children with special needs, indicating that private institutions by no means shun such children. Most choice advocates believe in these sorts of incentives. There are many examples of private schools, of all different sizes, attempting to accommodate children with special needs, sometimes better than the public schools despite no public funding to create special programs.

6 — THE RADICAL SCHOOLS SCARE:

A choice system will lead to "fly by night" schools which take public funds without providing adequate education. Worse still, schools espousing radical or extremist dogmas would emerge, perhaps even those run by the Ku Klux Klan or by black extremists.

7 — THE CHURCH-STATE PROBLEM:

Choice plans that include private, religious schools are unconstitutional because they violate the First Amendment's establishment clause.

Robert L. Maddox, Executive Director of Americans United for Separation of Church and State, claims that public funds cannot be used at religious schools without "violating the constitutional separation of church and state." He adds that "a long line of Supreme Court cases has repeatedly found that the First Amendment bars the expenditure of tax money to support religion or religious schools."¹⁶

RESPONSE:

This claim, though widely believed, simply is wrong. As the Congressional Quarterly notes in an April article on school choice: "The federal government already provides Pell grants to students at private, religiously affiliated colleges, notes Michael W. McConnell a law professor at the University of Chicago. The GI bill even covers tuition at seminaries."¹⁷ The journal also points out that Harvard Law School's Lawrence Tribe, one of America's most liberal constitutional scholars, says that the current Supreme Court would not find a "reasonably well-designed" choice plan a violation of church and state. He agrees there may be policy concerns about choice, but that the constitutional concerns have been addressed in a litany of cases.

The Supreme Court generally has applied three tests in "establishment clause" cases, to determine whether legislation to support private schools is constitutional. First, the program must serve a secular purpose. Second, its "primary effect" must neither advance nor inhibit religion. And third, it must not foster an "excessive entanglement" between government and religion. In practice, as long as a school choice program puts the decision of where the funds are spent in the hands of individual students or parents, and as long as the program does not discriminate in favor of religious schools, the program is likely to survive any constitutional challenge.¹⁸

8 — THE PUBLIC ACCOUNTABILITY ARGUMENT:

Private and parochial schools in a choice system would not be regulated by state and federal laws, and therefore would not be accountable to public authority.

Asks Boston University Professor of Education Abigail Thernstrom: "Would taxpayers have an adequate say in how their money is spent?" Claims a New York Times editorial,

choice among both public and private schools would
"undermine the accountability and morale of public schools." 19

RESPONSE:

The irony of the accountability argument is that in most cities it is the public schools, not the private schools, that are not accountable to parents or even taxpayers. The private schools, by contrast, are directly accountable to their customers. The editors of The New York Times, for instance, need only consider the abuses of public funds in New York City schools, which their newspaper has documented, to appreciate that limiting the use of public funds to public schools is no guarantee of accountability.

Residents of Chicago also know that government control of a school does not guarantee fairness or equity. This is why in 1989 they backed a radical overhaul of the city's schools, giving control to parents to run schools. Most private institutions constantly feel forced by competitive pressure to provide a regular accounting of expenditures and receipts, and to detail the achievements of their students.

The accountability argument is also used to advance claims that private schools, left to their own devices, will discriminate. Yet all constructive choice proposals require that schools follow legal accountability requirements and federal anti-discrimination laws.

9 — THE CHOICE IS EXPENSIVE ARGUMENT:

There are large hidden costs associated with school choice programs. Transportation costs, for instance, would be so prohibitive as to offset benefits.

Senator Nancy Landon Kassenbaum, the Kansas Republican, fears that "transportation costs alone could grow and grow, making choice programs unfeasible."

RESPONSE:

Senator Kassenbaum is but one of scores of policy makers who believe that the costs of choice make it prohibitive, particularly when transportation costs are factored in. In reality, choice does not imply higher costs, even higher transportation costs for large districts. "A system of educational choice need not cost more than current educational systems, and might cost less," says Brookings' John Chubb. "If the supply of schools is allowed to respond to demand, the supply is likely to expand, with relatively small numbers of large comprehensive schools being replaced by larger numbers of small, specialized schools. This expansion could easily occur without the construction or acquisition of new facilities if several schools shared a building." 20

Chubb's view is firmly grounded in experience. The choice program in East Harlem District 4 in New York City was created among 20 pre-existing school buildings. Today students can choose from 52 alternative schools, many of which share a building with other schools. Thus wider choice does not necessarily mean increased overhead on transportation costs. This schools-within-a-school concept would be very appropriate for rural areas where transportation costs could indeed mount if students needed to travel farther to their chosen school.

In many large school districts today, school boards have approved higher transportation budgets to accommodate more buses for additional children or bus routes. Thus in most districts that transport a majority of their students, the costs *are* exorbitant. Yet parents and long-time school observers report that what has increased costs is not the number of children, but the desire of the employees to limit their bus routes for convenience. Students sometimes ride in a virtually empty bus, when many routes could be combined, thus saving costs in the millions when salaries and equipment are taken into account. Transportation plans should be reevaluated yearly to account for differences in student resident zones. Yet public schools only review such plans every few years at best.

Choice plans actually may reduce transportation costs in many instances because demand might lead to new schools. And overhead administrative costs very likely would fall since, as Chubb explains, "There is every reason to believe that the administrative structure of a choice system would be less bureaucratized than today's public school systems, and look more like private educational systems, where competition compels decentralization and administrative savings."

CONCLUSION

There is ample evidence that a market-driven education system would spur improvements in the way schools operate, and thus improve education for America's children. Despite this evidence, school choice has its critics. Many are motivated by the challenge to their bureaucratic power that is posed by choice. Others, though, are motivated by misunderstandings and misplaced concerns.

Some critics worry that parents are unable, or are not equipped with the necessary information, to make wise choices about their children's education. This view enormously underestimates the common sense of ordinary Americans. It also conveys the startling suggestion that today's bureaucratic schools are in the best interests of students. One only need take a basic economics course to be convinced that the consumer in society dictates the efficiency and the quality of services, by merely having choices and voting

with their pocketbooks. This is the prime reason that the Eastern European communities now struggle to engage in democratic behavior, without which they will forever live under governmental control of even the most basic human needs.

To the extent that information is unavailable to parents, this has been the explicit policy of public school districts determined to cover up their failure to educate and to use money well. In New York City, for example, few parents know that of the \$6,100 allocated per child, only one-third ever reaches the classroom.

Other worries stem from the belief that some schools, particularly if private schools are included in a choice program, will cream off "profitable" students or discriminate in other ways, and may shortchange students. These worries too are baseless. Not only do schools participating in choice programs abide by non-discrimination policies, but they have a history of providing a more integrated environment and a higher caliber of education than traditional government schools.

Even though the concerns may be erroneous, they are in most instances sincerely held. Yet, when presented with the facts, most Americans can see that the arguments raised against school choice are spurious. Without the facts, however, Americans can be taken in by arguments like NEA President Keith Geiger's dismissive "breakfast cereal" analogy. Geiger and his colleagues in the education establishment may not realize it, but such attitudes suggest that American parents do not take their children's schooling seriously enough to make good decisions. It is precisely that sentiment that has led to American education's downfall, and one for which choice advocates have the cure to help turn around.

This paper was originally published by The Heritage Foundation, Washington, DC, in September, 1991. Nine Lies About School Choice was updated by the author in June, 1993. For more recent information and developments, please call the Center for Education Reform at (202) 822-9000.

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LANDMARK Legal Foundation

STATEMENT OF

RICHARD P. HUTCHISON
ASSISTANT GENERAL COUNSEL
LANDMARK LEGAL FOUNDATION

BEFORE THE

KANSAS HOUSE OF REPRESENTATIVES
EDUCATION COMMITTEE

February 14, 1994

Recent United States Supreme Court decisions "suggest that the Court would uphold an educational voucher scheme that would permit parents to decide which school, public or private, their children should attend. The Establishment Clause probably would not stand as an obstacle to a purely neutral program, at least one with a broad enough class of beneficiary schools and one that channeled aid through parents and children rather than directly to schools."

This quote comes from a leading constitutional scholar who is widely read and respected in the American legal community. Despite the alarmist rhetoric to the contrary -- a chorus of which you will surely hear tomorrow from this bill's opponents -- Representative O'Connor's School Voucher Bill does not pose a threat to the separation of church and state doctrine. It does, however, threaten to bring equal access to low-income Kansans to educational opportunity in this State.

My name is Pete Hutchison and I am the Assistant General

choose church-run day care centers. Parents are no less entitled under the Constitution to choose church-run schools.

This is not a partisan issue. Liberal democrats like Wisconsin State Representative Polly Williams, who ran Jesse Jackson's presidential campaign in her state is a leader for school choice initiatives. So is her State's conservative governor, Republican Tommy Thompson. This kind of alliance is common around the country and in Kansas. Please, don't be afraid of this legislation. Don't miss this opportunity to bring equal access to educational opportunity to Kansans.

I neglected to tell you the name of the Constitutional scholar I quoted when I began my remarks. Who do you think it is: Robert Bork? William Rehnquist? How about Rush Limbaugh?

It is none other than Lawrence Tribe, an icon to the ACLU and other liberal groups that oppose school choice. Tribe is even thought to be on President Clinton's (someone who advocates school choice for his family, but not other, less privileged families) list for a Supreme Court seat. Professor Tribe's honesty starkly conflicts with the fear mongers who will tomorrow claim the Constitution will be dealt a mortal blow with the passage of this legislation.

A wind of change is blowing across our educational system as parents demand control of their children's destiny. Choice offers students opportunity and opportunity gives them hope for the future.

Thank you for your attention. I urge you to adopt this legislation and bring school choice to Kansas.

Counsel at Landmark Legal Foundation, a national public interest law firm headquartered in Kansas City, Missouri with offices in Washington, D.C.

Landmark Legal Foundation is a leader advocating school choice plans in our nation's courts. We successfully defended in the Wisconsin Supreme Court the now famous and hugely successful Milwaukee Parental Choice Program. We are back in Milwaukee representing low-income families seeking access to religious schools under the Milwaukee program. Landmark has agreed to assist Jersey City, New Jersey mayor Bret Schundler in the drafting and defense of a school choice plan in that city. We are also working with people like Representative O'Connor who wish to bring equal access to educational opportunity to their states. I am proud to be here today and to speak on behalf of this fine bill.

Representative O'Connor's legislation establishes a benefit that flows to parents of certain Kansas schoolchildren. The benefit does not flow to any school. It does not go to any school district. It does not go to any school board or administrative body. It does not go -- as the ACLU and other knee jerk opponents will later testify -- to any church or religious sect.

When aid goes to parents and children rather than directly to schools, the Constitution does not restrict the parents' decision where to apply the aid. The GI Bill did not limit veterans' choices to public schools. Publicly funded day care is not limited to public day care centers; parents are free to

TESTIMONY TO KANSAS HOUSE EDUCATION COMMITTEE BY
TOM TANCREDO

2/14/94

Ladies and gentlemen; members of the committee. My name is Tom Tancredo and I am President of the Independence Institute, which is a public policy think tank located in Golden, CO.

However, today I represent no organization. I am here to speak to you as a former public school teacher and Colorado legislator with a strong interest in this issue. I should add that is my wife is a public school teacher.. .. etc. Even though government school teachers send their kids to private schools at a rate twice that of parents who are otherwise employed, my wife and I sent our two kids to public schools

I want public schools to work and I am pleased to be here today to add my voice to those you will hear encouraging your support of HB 2754. It is a truly egalitarian piece of school legislation.

It has been eighteen years since, as a young public school teacher and state representative, I read a book entitled Education by Choice. Its compelling message - that the children of America's poor will get a shot at a better life only when their parents are economically empowered to exercise school choice - made an indelible impression on my world view. I found it strange that a book written by two liberal Democrats could get that kind of response from me as my political gage registered on the opposite side of the spectrum. Of course we now know that this is the ultimate bipartisan issue. Few other ideas will be advanced by both Representative Polly Williams and Bill Bennett.

Nonetheless, that book set me on the path that led to this hearing room today. Over the years, I have researched, written, spoken and

HOUSE EDUCATION
Feb. 14, 1994
Attachment 4

introduced legislation on school choice. I have watched the movement grow to the point where I can tell you that I believe the conceptual battle for educational freedom in this country has been won. The only thing that is to be resolved is the exact manner in which states and communities will implement choice as a public policy option.

Although voters in California and Colorado turned down proposals that they deemed too expensive and/or unregulated, 65 percent of those same voters said they would vote for a different school choice plan. In fact a 1992 Gallup survey found a majority of Americans in favor of the concept. Not surprisingly, the folks who are its most ardent supporters are African and Hispanic Americans. I say "not surprising" because these parents are those whose children are often trapped in sub-standard educational environments from which they cannot escape. These parents know what the problem is and how to fix it. They are also less likely to be distracted by red herring arguments against choice.

Jersey City, New Jersey is a great case study for this assertion. The city is 30% African/American, 25% Hispanic and 10% Asian. Mayor Bret Schundler's school voucher proposal helped get him 67 percent of the vote as a Republican in a city with a 6 percent Republican registration. He recently spoke about the attraction of school choice to inner city minorities. He described going to housing projects and putting the issue very directly, "Look," he says, "we're spending \$9200 per child in Jersey City schools, and only 28 percent of the students are passing basic proficiency tests. What if we let you choose the school, public or private, that you think is best for your child, and we'll pay the bill?" He says, the response isn't "What if the Ku Klux Klan starts a school?" What these parents say is "Thank God someone is finally trying to help me give my kid a chance."

Often times, after leaving hearings like this I have people come up to me and say - you know you spout all these things about empowering poor parents. Well it sounds good, they say, but you and I know the

"those" people have no ability to make good choices for their kids. I am told that "those" people are in general unconcerned about schooling and that the state must act as the benevolent guardian for the kids. Well, all I can say to these cynics is go to East Harlem^{And see} what great things can be accomplished in a entire school district when poor people are given even a modicum of choice. Go to Puerto Rico, or inner city Milwaukee, or Indianapolis, or Atlanta, or San Antonio, or Denver. If you go, you will see thousands of poor parents exercising good judgement and wise stewardship with the financial assistance they are receiving from government or private education vouchers. Helping those parents help their kids is doing what's right for kids. The poor lack only one thing to make them powerful consumers in the school marketplace - money.

Now it is clear that choice is not simply an escape hatch for the poor. It is the last, best hope for revitalizing our government schools. I recognize that Representative O'Connor's bill is limited in its scope, it nonetheless has tremendous potential as a public school improvement plan.

Remember I said I want government schools to work. I want them to successfully accomplish their mission to help us create a numerate, ~~ill~~literate and ethical society. But you see, government schools, operating as the sole source education delivery system for a vast majority of poor and middle class Americans^{simply} can't succeed. It is quite impossible. As a government monopoly they lack the most important characteristic of a successful enterprise -that being the ability to be rejected by ~~the~~^{their} customers. Can anyone here think of a government school that closed because it was unable to adequately serve its clientele? Does anyone here think there has never been a government school that fell into that category? When we eliminate the possibility of failure - whether we are talking about public schools or any other provider of services - we by definition, also eliminate the possibility of success

Government schools operating as a government monopoly can never achieve their potential because there is no way to institutionalize the process of restructuring and reform. Any enterprise that is assured an uninterrupted, constantly increasing flow of funds in a manner unrelated to the quality of the product of the enterprise cannot be expected to continually innovate and prosper.

There is, of course, great resistance to changing from the status of a protected monopoly to a free enterprise. Just ask the workers in the obsolete factories of the old Soviet Union and its satellite states. It may be natural to want to avoid the rigors of the marketplace - but it is deadly to the enterprise.

I've noticed that this dimension of the school choice debate is not often discussed in forums like this. Interestingly, the one place where this idea - that choice equals public school reform - has come up has been in conversations with private school administrators.

Private school opposition to choice is often couched in the rhetoric of anti-regulation. In fact, many in the non-government school establishment see school choice as a significant threat to the relatively safe market niche they now enjoy. Story about CA

Where school choice is allowed to exist it has spurred government school reform. Instead of collapsing, as many opponents of choice predict, government schools in this environment become reinvigorated, tough competitors. Whether it's Minnesota, Milwaukee, California, or Colorado, wherever a step in the direction of school choice has been taken, it has precipitated a dramatic increase in quality public school options for kids.

In a recent article by Randy Quinn, the executive director of the Colorado Schools Boards Association and one of our state's most ardent opponents of school choice, he admitted that our state's charter school legislation may be a "blessing in disguise." He said that changing the role of school boards from one of provider to one of

purchaser of academic services is an invitation to "tap the depths of their creative insight and serve their communities."

Even Mr. Quinn now realizes that school choice is an opportunity for - not an obstacle to - an educational renaissance.

It is this very basic truism - that you cannot have success without the possibility of failure - that acts to make our government schools models of mediocrity. You can begin to change that with your action on HB 2754. By passing it, you can give hundreds, if not thousands of kids the hope for a better life AND you give begin the process of truly restructuring Kansas' public schools

HB 2754 frames the issue in extremely positive tones. It is a measured approach with provisions to phase in the most sensitive monetary and emotional issues. It establishes academic standards for voucher recipient students and through the higher ed trust fund concept, it even helps create price stability in the private school marketplace.

So what objections are left?

Is it too expensive - no, in fact a cost savings will accrue to Kansas taxpayers.

Is it too unregulated - no, because the legitimate interests of the state regarding student performance are maintained.

Does it benefit only the neediest - yes.

Will it harm public schools? - on the contrary. I am sure that the government schools in this state are as capable of creating educational environments every bit as attractive as those developed in other states where choice has been implemented.

Will it be beneficial for children and will the KEA be upset? The answer to both questions is undeniably - and ironically yes. When Al Shanker, President of the American Federation of Teachers, in a moment of unparalleled candor stated "when children start paying union dues, I'll start representing the interests of children" he said something of immense significance for us here today. The statement does not anger me - nor should it you. It is an honest definition of Mr. Shanker's role as head of a union. Please use this striking admission as a clarifying lens through which you will see why certain groups oppose school choice. Remember who are the only beneficiaries of a system that is assured an unrestricted and constantly increasing flow of funds, even if it doesn't serve the needs of most of its clients? Mr. Shanker realizes that educational freedom means a possible break in the flow. That would not be in the interest of his members. His statement should also help us define our respective roles in this debate.

Much of what I have said today is intended to reassure those of you who are concerned about the effect of school choice on the system. However, it is not the system that should command our allegiance and unswerving support.

The children are those for whom we labor. It is their lives that will be most dramatically affected by our actions and benefited by the passage of HB 2754. And it is possible that, in doing what's right for kids, we will suffer the animus of interests groups who are threatened by parental empowerment. But it is just that - the act of empowering parents - which will put children's interests first.

Thank you for your interest in the welfare of the children of the state of Kansas.

CAROL D'AMICO

TESTIMONY -
FEBRUARY 14, 1994
REPRESENTATIVE KAY O'CONNOR
KANSAS

My name is Carol D'Amico and I am a Research Fellow at Hudson Institute in Indianapolis. Hudson Institute is a not-for-profit public policy research organization - commonly called a "think tank". It is one of the few such organizations in the midwest.

I am not going to pretend to be an expert in education in your state. I am speaking from my own experience as a researcher, and having been involved in several education reform projects, all of which have involved giving parents a choice of schools, the subject of Rep. O'Connor's legislation. My experience includes the creation of a comprehensive program to restructure public education in Indiana, including vouchers for parents to chose private schools for their children, which was developed for a group of Indiana's leading CEO's that call themselves COMMIT. I also participated in the design of a privately funded voucher program that was started by the Chairman of the Golden Rule Insurance Co. and I continue to serve on the Board of that program which is in its third year of operation. As a part of my job I routinely monitor school choice activities throughout the country and advise policy makers on how to structure sound programs.

Let me tell you why I support the approach taken in Rep. O'Connor's bill, or as someone asked me last week, why would I fly from Indianapolis to Topeka to testify on an issue that doesn't directly affect me personally.

HOUSE Education
Feb. 14, 1994
Attachment 5

I have worked in school reform since 1982, first for the state legislature, then as a legislative aide in the state Dept. of Education, and now as an education researcher with a think tank. In my career, I have seen nearly every imaginable school reform idea being tried. Indiana and most states in the 80's spent millions of dollars on programs initiated by well-intentioned people. Nationally, spending per student for education has doubled in the past ten years. We've all tried variations of everything - student testing, teacher testing, smaller class sizes, career ladders, magnet schools, more days, more hours. You name it and somewhere, someone has tried it. Yet student achievement, by whatever measure you care to use, is stagnant at best. I'm convinced by the evidence that the significant and wide scale improvements that need to be made in student achievement can't be accomplished by tinkering around the margins of the current system of public schools that we have today. Nothing short of fundamental changes in how our system of public education is organized and operated, like the use of vouchers, will propel the kinds of changes that can make a dramatic difference in student achievement.

Why will vouchers be different than other reforms? I believe voucher programs address the shortcomings of the other traditional reforms in these ways:

First, vouchers for private schools addresses the equity issue by directly helping low-income children get a good education. Right now high and moderate income families can choose the best schools for their children by moving to districts where they perceive the schools as good, or by paying tuition for private schools. Low income families are stuck with the schools assigned to them, whether or not these schools are actually educating their children. Voucher programs level the playing field by giving all families the money to choose good schools for their children.

Second, the use of vouchers builds in a system of accountability. With school choice programs, schools are forced to compete for students, they don't automatically have a fixed clientele each year. This encourages teachers and principals to be more responsive to parents to get their

business. Also, schools that no one wants to go to lose money, meaning that like most businesses that lose customers and don't have enough money to operate, schools would be forced to close, reorganize, and/or get new management. In most states and districts, right now nothing happens to schools that do a lousy job of educating their students. Children get assigned to schools regardless of the school's track record of performance.

More importantly, we know that these kinds of programs work, meaning that parents who chose their children's schools are more satisfied and more involved in their children's education, teachers are more satisfied, and so are the students. Do these things guarantee that students learn more? No, not necessarily. But we do know from the research that these things positively affect student learning. We also know from research studies that private schools do a better job of educating students, especially low-income students, than public schools do.

I personally have seen how a voucher program works. As I mentioned, I'm on the Board of the Choice Charitable Trust, a voucher program started by Pat Rooney, the Chairman of Golden Rule Insurance Co. This program started three years ago has now been replicated in at least 9 different cities in the United States.

The program provides vouchers to low-income families in the Indianapolis Public Schools District who want to send their children to private schools. The voucher is worth \$800 or half the tuition of private schools, whichever is less. Currently, there are about 1100 children in the program and another 450 on a waiting list. Seventy private schools in the city participate in the program.

We've learned a lot about how choice programs might work from the Choice Charitable Trust.

First, contrary to what the critics of school choice assert, low income families ARE capable of making good choices for their children and they do take advantage of these programs. While all

the families in the Choice Trust program must meet the federal poverty guidelines, an astounding 25% of the families in the program report incomes of \$10,000 or less. The program only pays half the tuition, the families must pay the other half. These families are making a tremendous sacrifice to get their children a good education. This also tells us that private schools are not "creaming" students according to family income. Also, a little over 50% of the children in the Choice Trust program are African-American.

Second, we also know that private schools are not "creaming" the students based on grades. About 30% of the students in the program report having an overall grade of "C" or "D" before entering the program. Some principals in the private schools report that it takes at least six months for the students transferring from the public schools to catch up with the other students academically, and in behavior.

Third, we know that educational quality is the number one reason why parents left the public schools for private schools. Safety is the second reason. Contrary to popular assertion, location of the school ranks very low for reasons parents select private schools.

This year, for the first time we are attempting to measure the academic gains of the students compared to a similar group of children still in the public schools. We established a "control group" of students, from the waiting list, to compare with the students in the Choice program.

Finally, it's interesting to point out that the use of vouchers will align the United States with every other democratic nation on earth. All other industrialized countries allow tax dollars to support all kinds of schools based on parent choice. Ironically, the United States has practiced a system of vouchers for higher education for hundreds of years. Students can use government funded scholarships and grants to attend any private or public college they wish. This system of viable private and public institutions, and the competition it creates, is credited for the United States

having the best system of higher education in the world. There is no reason to believe this would not be the case for elementary and secondary education as well.

The most important reason however to support voucher programs is that decision making is put where it belongs -- in the hands of parents. Parents are entrusted to make all the other decisions concerning their children's lives except for education -- arguably the most important part of a child's life that determines what kind of a future the child will have.

I commend you for discussing this issue and wish you well in your deliberations. Please let me know if I can answer any questions or provide you with additional information.

STATE OF KANSAS

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SENATOR, THIRTEENTH DISTRICT
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HB 2754

February 14, 1994

Testimony before the
House Education Committee
by

State Senator Phil Martin, Pittsburg, Kansas

The Honorable Duane Goossen, Chairman, and Members of the House
Education Committee:

The Voucher System of funding schools will change the balance of
power from the Educational Finance Monopoly (EFM) to the Parents of
Children.

As you are aware, we in large part determine where we go to school
by where we live. Individuals who live in the inner city attend inner city
schools. Individuals who live in the suburban areas attend suburban
schools. This again is not a function of where the parents want their
children to go to school, but more a function of where the parents live.

House Education
Feb. 14, 1994

Attachment 6

Schools accepting vouchers should all have to meet the criteria which is needed for certification as well as those areas such as Special Education, etc. This is essential so all schools will be operating on the same playing field.

The Bill you have before you represents a well thought out approach of answering these two questions:

(1) Does it move significantly toward replacing Educational Finance Monopoly with Parental Assignment of tax dollars?

(2) Does it help create parental choice without financial penalty, thus encouraging optimum educational performance from all schools, governmental and independent?

According to Quentin L. Quade of the Center for Parental Freedom in Education, Marquette University, HB 2754 represents a splendid, enlightened and productive answer to these two questions. Without doubt, it would replace the Educational Finance Monopoly with Family and Parent Discretion to the benefit of all schools, parents, children, and Kansas taxpayers. Moreover, its approach to accomplishing these things effectively meets the objections raised against several choice proposals in other jurisdictions.

Mr. Chairman, members of the education committee, my name is Stan Kennedy and I'm here today to speak as the parent of a private school student, a 13-year teacher in a Kansas public school, and a supporter of school choice and the voucher system.

Education is very important to me, my wife, and many other Kansans. It can be the springboard to successful careers, a rewarding life, wonderful memories, and a lifetime of learning. This is how we remember our public school and private college days. But to some school is anything but important. As in many situations school can be a place where a few bad apples can spoil the basket. Because of its nature, the public schools contain those students who bring their apathy towards education, their violence, drugs, permissive sexual attitudes, parental neglect and abuse, and undisciplined nature to share with--and even force on--everyone else. The documentation of these and other problems in the schools is well known. Common sense would say that no parent would willingly put their children in a place where not only is learning imperiled but also their safety. Without school choice and vouchers, parents have no choice oftentimes but to send their kids to such places. Those that option for other choices are forced to pay double: taxes that continue to support the public school and also pay the costs of the alternative they have chosen. Representative Kay O'Connor's bill will give those parents that want choices the economic ability to have them.

This legislation will be a boon to those that place a high priority on education without taking away from the public schools..Our community is a good example. We don't see people moving in or out due to academics, but we have had people move in for athletics, the small school setting, and for reasons of convenience. These and other such similar reasons are the priorities of some. Maybe, hopefully, the day will come that our school and

House Education
Feb. 14, 1994
Attachment 7

similar others will be able to offer such activities; but for now and the foreseeable future we only want the absolute best education we can provide for our children, in the best environment that we can. Many parents are clamoring for this now, as last week's Wichita Board of Education meeting shows. Representative O'Connor's bill will make such education available to all those that desire that choice, not just those that have the extra money.

Another benefit of school choice is the competition factor. I feel it is no accident that the college system in Kansas is great due to the competition that exists between the state-supported universities and the privately-funded colleges. Both look to excel, to improve, to attract more students to their school; and to do this they must offer what the students want, prove a record for achievement and excellence, and an environment that lends itself to education. The results are obvious. Why can't we apply the same formula for secondary schools, not to ruin one or the other, but to improve both and provide Kansas children with the best possible education?

I support Representative O'Connor's legislation for all the reasons she states: it will save the taxpayer's money, it will alleviate school overcrowding, it will improve all education through competition, and even save the schools of some towns that otherwise might have lost them. But the most important reason, again, is that the education of children is of such importance that parents should have the choice of deciding where their children attend school; that because people work to provide their children with an education, it is right and fair that some of those earnings earmarked for education should also go to support the school of their choice. It is their money, their children, and their future.

Thank you for this opportunity to speak with you.

VOUCHER SYSTEM FOR EDUCATIONAL CHOICE

My name is Alan Gunderman, and I am Executive Director of Educational Services for the Kansas District of the Lutheran Church - Missouri Synod. In this role I also serve as Superintendent for our 18 Lutheran Elementary schools and 41 free standing Early Childhood programs within the State of Kansas.

I think it also important to say that I am a Democrat who favors a voucher system for educational choice. I am disappointed that on this issue I seem to be in the minority in my party. It is my view that a voucher system for educational choice should be a non-partisan issue since there are solid reasons for both Republicans and Democrats to favor House Bill No. 2754.

In my brief remarks this afternoon, I will not discuss the rather obvious arguments such as:

- A voucher system will create competition which would be good for all of education (with which I do agree), or
- A voucher system will give us better education for our money (another notion with which I agree), or
- A voucher system would hurt the culturally, economically, educationally, etc. disadvantaged (an argument that is ridiculous and certainly not based on fact), or
- A voucher system would satisfy the requirements of the court in Brown vs. Board of Education, or
- The fact the State of Kansas has continually increased spending for education and there has been little apparent improvement.

Rather, I will focus my remarks on a couple of issues that I haven't often heard addressed.

We presently do have educational choice in Kansas. If you have enough money you can choose to buy your house within the best school districts. If you can afford it (some do at great sacrifice or by taking second jobs), you can choose to pay tuition and send your child(ren) to a private or parochial school. If you find yourself in the economic upper middle class or higher you have educational choice. The president of the United States is a leading example of someone who is exercising educational choice. So the question for me is, "Why can't we have an educational system that gives educational choice to all Americans instead of only the privileged few?" It seems our present system is inherently unfair since it does not give educational choice to most Americans. A voucher system would give choice to all.

Presently many school districts are struggling to find ways to get parents more involved in the education of their child(ren). QPA requires that each school building have a Parents Advisory Committee involved in the decision making process for school improvement. Those of us who have been involved in parochial and private education have had significant parental involvement for years. Our parents have educational choice, and as a result have a great deal of energy for insuring that their child is receiving the best possible education. Their involvement has made our schools more responsive to parent concerns and has created a better learning environment for our students. We experience a high sense of

House Education
Feb. 14, 1994

Attachment 8

parents and teachers working together for the sake of the student. A voucher system would rather naturally cause that to happen in all schools if the school is to survive.

Presently few of our schools, public or private, have diversity in their student body population. The school reflects the immediate neighborhood in which it is located, and most of our neighborhoods are not very diverse. Our Lutheran Schools (even though all of our urban schools are integrated) also reflect little diversity with most of the names sounding similar to Gunderman, Meyer, Schmidt or Kunzmann. I believe that diversity is good. The earlier our children can experience others different from them the more likely they will learn acceptance and appreciation for God's diverse creation. A voucher system would encourage diversity. This has happened in our private institutions of higher learning - our colleges and universities. I think it would also happen in our elementary, middle and high schools, both private and public.

Finally, I would be less than candid if I didn't confess that the Lutheran Schools in Kansas would have much to gain if a voucher system would be enacted. Our Lutheran Schools have a rich history of quality parochial education. We are the largest protestant parochial school system in Kansas and in the United States. Twenty years ago, we had over 30 Lutheran schools in Kansas. Today we have 18. Every year a number of our schools discuss the feasibility of continuing to offer this choice to parents. One of the things that has made our educational system so strong in American is that we have had diversity. Some parents have always been able to choose schools which teach values, ethics and the importance of religious faith that is consistent with their own beliefs. With the increased cost of education in recent years, the diversity of choices for parents has dramatically decreased on the elementary and high school levels. Diversity of choice remains on the undergraduate level because the government has seen the importance of giving financial aid to qualified students who wish to attend parochial and private colleges. My prayer is that the Kansas legislature would also see the importance of a voucher system that will improve education for all on the elementary and high school level by giving educational choice to all.

Thank you for this opportunity.

Alan D. Gunderman, Executive Director
Educational Services
Kansas District - LCMS
2318 SW 10th Avenue
Topeka, KS 66604
phone 357-4441

TESTIMONY

H.B. 2754

House Education Committee, Room 519S
February 14, 1994 - 3:30 p.m.

KANSAS CATHOLIC CONFERENCE
Bob Runnels, Executive Director

Thank you Mr. Chairman and members of the House Education Committee both for your interest in education and for my chance to appear and testify in support of House Bill 2754.

Our forefathers from the beginning of our Republic recognized the importance of education. Their support was first for private education that later evolved into a public education system.

COMPETITION THE STRENGTH OF A FREE ENTERPRISE SYSTEM

Recent history tells us of the folly of governments not forced to compete. Certainly one of the major reasons Communism failed was because it did not have to compete ... and year by year it became less efficient.

Today the nations with a free enterprise system have a much higher standard of living than in the countries that lived so long under Communism.

House Education
Feb. 14, 1994

Attachment 9

VOUCHERS AS A VEHICLE FOR EFFICIENCY

Each year you have appropriated large increases of aid for education in Kansas. The cost of educating a child in Kansas (K-12) is now over \$6,000 a year.

At the same time educating a child in our system is around \$1989 for K-8, and \$3737 for 9-12.

Non-government schools have a high degree of decentralization. To cite an example, in our Catholic Schools in Central and Northeastern Kansas 3 people, a superintendent, an assistant superintendent, and a secretary administer 47 schools with around 14,000 students.

WHAT IS BEST FOR THE CHILD

Competitive testing scores place our students at a higher level of achievement than those in public education.

One of the keys of non-government education's success is that it emphasizes the basic skills of reading, writing, and arithmetic.

Other key ingredients are the emphasis on parental involvement, student discipline, homework requirements, respect for others and dedicated teachers.

SOME STRENGTHS OF THIS LEGISLATION

It identifies parents rather than schools as voucher recipients.

It employs a need based test for the program's first five years.

The gradual increase in voucher value eliminates the concern that it will be a "budget buster".

There are protections against "mass movement" of students from any school.

The bill is sensitive to society's poor, and by providing for special education students, it is equally sensitive to the educationally disadvantaged.

A FINAL THOUGHT

Non-government schools teach **VALUES** to children ... and **DISCIPLINE**. Beyond test scores this is the greatest benefit. A sad fact is that there are one-half as many children in our schools today than there were 40 years ago ... and our state and you are the losers. Without some support those children who need our help ... just won't be able to have a choice. The continued higher cost in government education is putting education in non-government schools beyond the reach of a great segment of our population.

February 14, 1994

My name is Robin Jackson. I reside in Hutchinson, Kansas, where I am an analytical chemist for a private laboratory, and my husband is an independent businessman. We have two children who are currently in private schools, but until two years ago were always in public schools. I have also done a small amount of home schooling to supplement standard schooling in the areas of foreign language and advanced science to further challenge my children. My parents were both public school teachers and I was educated in public schools until college. I graduated from a private liberal arts college in North Newton, Kansas. I have both continuing education and graduate studies from a combination of public and private institutions. In fact, we are a patchwork quilt of many combinations in my family, all brought about because there have been different needs met by different institutions at different times.

Just as no one person nor no one institution can be all things to all people at all times, there is no way for one choice in education to do it all for everybody. We do not all consult the same physician or attorney; nor do we all shop at the same stores; eat in the same restaurants; or even drive the same model of car. Why on earth should we all be forced to make the same choice in education for our children? When we as consumers enter the marketplace for goods and services with our money in hand, we can shop around until we find that which suits us best. The goods and service providers who give us what we want, are the ones that survive and thrive. This is competition, this is free enterprise, and this is what works to ensure quality.

When parents can take "their" money, and I say "their", because it was taken from them as taxes, and shop for the right educational choices for their children, the schools that satisfy parents will be the ones to thrive, and this will ensure accountability, excellence, and achievement.

Why all this reference to competition? Because at present, the public educational system is a monopoly controlling all the allotted funds for education. And what is the result of this monopoly? Since the early 1960's, all measurable levels of school achievement in this country have gone down. In 1984, the U.S. Department of EDUCATION published the report, "A Nation At Risk," detailing how much of a decline our educational system was in. This report is so well known and so widely accepted, that the phrase "at risk" is a common part of educational jargon now. Clearly, the one way to help fix this system is through competition, which will reward that which works, and cut out that which does not work.

When I called in to say that I would like to be scheduled to testify before you today, I was asked what group I was representing. I was taken aback for a moment, and then replied that I was just a parent. Just a parent indeed! There is no group with greater impact or concern for children than parents. And there is no group which can best discern that which is proper for each child. That is exactly what the voucher system is all about -- parental choice in the matter of education for their children.

We would be hard pressed to find many people who would disagree that our present public educational system is badly in need of fixing, and that parents are the best judge of that which is best for their children. What better way of satisfying these needs than with competition brought about through the voucher system? The children of Kansas need the voucher system, and they need it now!

HOUSE EDUCATION
Feb. 14, 1994
Attachment 10

Mr. Chairman and Members:

As you Education Committee members know, Publication #256 documents the legislative intent of our current education article. On page 37, that Education Committee stated: "Present constitutional interpretation is that neither the existing constitution nor the proposed amendment prohibits the distribution of public funds for the benefit of pupils in private parochial schools...The child rather than the private organization, thus is benefited...."

Clearly, then, the education article was designed to benefit each Kansas school child. His/her choice of school is irrelevant under our Kansas Constitution.

Unfortunately, the education law that you wrote--the School District Finance and Quality Performance Act--does not recognize the "child-benefit" theory, from our constitution, but rather the "school district-benefit" theory.

I have filed a lawsuit which seeks to have the "school district-benefit" theory declared unconstitutional because it destroys a family's educational freedom and favors the interests of district monopolists. To receive a financial benefit the child/family is compelled to accept instruction at a proscribed school, (safe or unsafe), or receive no benefit, whatsoever. By excluding them from the count of pupils if they choose another school, the districts are empowered to cut off benefits to children/families who do not want to be controlled by their school district.

Kansas legislators are to "make suitable provision for finance of the educational interests of the state", not the special interests of the education establishment.

Any House Education Committee member who is financed by these special interest groups opposed to vouchers, (\$100 +) should declare their conflict of interest, and recuse themselves, instead of voting "no" on HB 2754. Kansas voters have the right to know if you are voting for their interests or KNEA's. Ethics dictate that members disclose how much each has received from KNEA, their related PAC affiliates, or if any are employed by a school district, so that you will not benefit at public expense.

Student vouchers will save Kansas taxpayers not only in classrooms but in courtrooms. The education finance laws written by the Kansas legislature, ever since Brown vs. The Board, have been declared unconstitutional. It is time to get it right for the sake of the children--ALL OF THE CHILDREN-- mine included.

Mary A. Gomez, 15918 West 144 Street, Olathe, 66062, 782-0728

HOUSE EDUCATION
Feb. 14, 1994
Attachment 11

TESTIMONY

H. B. 2754

House Education Committee Room 519S

February 14, 1994 3:30 P.M.

Superintendent of Catholic Schools

Archdiocese of Kansas City in Kansas

Chairperson

Kansas Association of Non-Government Schools

Sister Michelle Faltus, SFCC

Thank you Mr. Chairman and members of the House Education Committee for your interest in the betterment of education for our youth as well as the opportunity to make a presentation in support of House Bill #2754.

I have been involved in parochial or non-government schools for some 32 years. Over these years there have been many attempts to eliminate or reduce the penalty that parents must pay because they choose non-government schools for their children. Also over these years little or no progress has been made in this regard.

Is the idea of implementing choices in education a bad cause? Would it be the ruination of the quality of education in our country? Is it too expensive? Is it a foreign idea to democratic countries to respect the individual rights of its citizens? Is it

HOUSE EDUCATION
Feb. 14, 1994

Attachment 12

in violation of the United Nations resolutions on the fundamental rights of parents to educate their children in the way they deem most appropriate? Is it in violation of the line between Church and state? The answer to all of these questions is NO!

There is nothing wrong with the idea of implementing choice in education. And it is a very sad commentary if public education thinks the idea of parents having a real choice in education would devastate their system of education. Actually, the tax-cost of the voucher is less than the tax cost if a student remains in the public school. Cost per pupil in public education is \$5000.00 - \$6000.00. Cost per pupil in non-government schools is around \$2000.00. Public education would benefit dollar-wise.

Probably the one most important choice i.e. education for their children, is one which is denied parents in this democratic country of ours. The Kansas Constitution was amended by a statewide vote of the people in 1966 to assure that state aid to parents of students in parochial schools does not offend the Kansas State Constitution. (Refer to publication 256, 1965 for the related history)

So why have our national and state legislators refused to move on this issue? Mostly because the strong interest groups that presently enjoy their monopoly of educational resources of this country are well organized and quite vociferously fighting any change in the status quo.

Increasing concern over the quality and content of public education however, has sparked a nationwide movement of educators and parents calling for "REAL CHOICE" in the schooling of their

children.

Scholastic Vouchers would provide that kind of choice giving all parents, rich and poor, the freedom to choose what kind of education their children receive.

One of the purposes of the KANS (Kansas Association of Non-Government Schools) is to give an organized and clear voice to the importance of unpenalized choice in education.

As a parent, President Clinton made a CHOICE in the schools which his daughter attends; why isn't that same choice offered every parent in this state and in this country?

Paula Puderbaugh
1534 College
Topeka, KS. 66604
(913)357-5032

Mr. Chairman and Members of the Committee:

My name is Paula Puderbaugh, and I am here in support of House Bill #2754. I am a single parent. My daughter, Alexandria, will turn five in May and will begin kindergarten next fall. Because I know that school will become a large influence on the type of person she will someday be, I must pick the school that I believe will teach her the same values that she will learn from me. Values that will lead her to be a moral, caring, responsible member of society.

Public schools can't do that. Public schools aren't allowed to teach morals or responsibility. They are merely allowed to impart knowledge and then let the child use that knowledge in whatever way they choose. For this reason, among others, I want Alexandria to attend a Catholic school.

But I can't afford to send her to a Catholic school on my own. My gross income was \$4600 last year. That, along with \$300 per month in child support, was barely enough to pay rent and keep us fed, much less be able to afford \$1800 in tuition. Why, simply because we are financially poor, should my daughter be denied the education she needs and deserves?

I could go on about freedom to choose, and justice for tax payers, and the other issues you'll hear about today, but I won't. I simply want what's best for Alexandria.

I hope all of you will support this bill. I hope you will help Alexandria, and others like her, get the education they deserve. Please support House Bill #2754.

I would be happy to stand for questions at the pleasure of the Committee.

HOUSE EDUCATION
Feb. 14, 1994
Attachment 13

Mr. Chairman and members of the committee, I'm Donna Penny from Troy, Kansas. I'm an education graduate and hold a current teaching certificate. I support quality education whether it be in a public, private, or home-school setting, evidenced by the fact that after home-schooling 6 years, our children are currently in public high school where I also substitute when I'm not volunteering at a private school.

I support HB 2754 because it empowers parents to have a real choice in the education of their children. By "choice" I mean a financially feasible choice. We are a one-income family; my husband is a laborer in a factory, so a private school education for our children has not been a financially feasible choice for us.

Now as we look ahead to college expenses, we wish that even the trust fund set up in Section 5a of HB 2754 would have been there for us.

When parents have a choice in the education of their children, they support it and are involved in it. I believe that I speak for thousands of parents in saying that we need the empowerment which this bill provides to have an active choice in the education of our children.

Thank you for hearing my testimony. I'll be happy to answer any questions.

HOUSE EDUCATION
Feb. 14, 1994
Attachment 14

Good Evening Members of the Committee:

My name is Ms. Lillian Yvonne Bittaye. I am the Directress of the Sojourner Truth Observational Study Hometel LTD., a tutorial assistance and supplementary educational program designed to provide services to children who are suspended from school for whatever reason, as well as, to assist students who are just having problems in school and may need a little extra stimulation in order to stay on track.

I have a 4 year degree from Spelman College and have substituted in every grade level; including the alternative school, between three different school districts. Time and time again, I continue to find students who express their unhappiness and boredom in the classrooms of most public school settings. They feel that there are so many children who are burdened with multiple personal problems that no one has the time to deal with them on an individual basis. This generally leads to many of them being labeled as behavioral problems due to the fact that they act out inappropriately in order to elicit someone's attention. I have found that being able to work with them in a smaller setting helps me to be able to identify and address the issues as they arise rather than to continue to suppress them until they become impossible to deal with and/or correct them. Take for instance, something as simple as time tables. It would seem obvious to me that a child who is having problems in division might not have mastered the techniques of multiplication.

Most public school classrooms are so crowded that a teacher could easily overlook this observation and/or not have the time to entertain the problem. I have also finally excepted the fact that our children today are not like the children of yesterday and therefore are in need of an alternative means of learning. There are also many children who do not fit into the quote, unquote, "typical classroom environment", and would benefit from a bill of this nature. I personally feel that this bill would be beneficial in addressing the issue of what are we going to do about the juvenile offender crisis. Many of these youths are not uneducationable, they just need to be taught the way their brain functions.

I believe that this bill could provide them with their last opportunity to be educated in an appropriate setting. Please do not rob them of what could be their final opportunity to be educated!

House EDUCATION
Feb. 14, 1994
Attachment 15

Kathy Hawkins, principal
Open Door Baptist School
Kansas City, Kansas

I am a graduate of the Kansas City school system, attended and graduated from a Kansas university and was employed by the USD 500 school system before becoming involved with private Christian education. I am the principal of a school with an enrollment of 103 students whose parents live primarily in Wyandotte county.

It was only a matter of time that the choice issue would arrive in Kansas. With the horror of QPA facing parents and educators alike, parents as never before need to have a choice in the education of their children. For years, parents who have made the choice to place their children in private education have continued to pay taxes for schools they choose not to use and pay those taxes without representation. The vouchers would be a step in a positive direction to halt the unfair burden placed on parents who make this choice, while causing the education system in general to clean up its act as other players who are doing the fine job of educating our young are allowed to enter into the arena.

We do not make the choices in education that we do because we believe that the local educational systems have gone awry; although changes in the public system have left us no choice but to train our children elsewhere. We believe that we as parents are to decide how our children are to be educated. Vouchers will confirm that we, as parents, are allowed to be the authority making the key decisions about our children.

HOUSE EDUCATION
Feb. 14, 1994
Attachment 16

John McDonough 8530 Bradshaw, Lenexa, Kansas 66215 (913) 888 4

In Support Of Student School-Voucher Legislation: Presentation To The
Kansas State Legislature's House Education Committee.
State Capitol, Topeka, Kansas February 14, 1994

I am grateful to Representative O'Connor for her efforts on behalf of freedom-in-education, and for opportunities to support student SCHOOL-VOUCHER legislation, which can do so many good things for Kansas school children.

One of the good things this VOUCHER legislation can do is to free the children from the physical dangers they face in the schools that you, this committee, monopolistically operate -- financially coercing the children to endure -- their families to fear, to suffer.

Please refer to the underlined paragraph below, as I read it aloud.

Increase in home schooling is part of a national trend

By Elaine Bessler
Sun Staff Writer

12.14.93

More and more Kansas and Johnson County families are holding class at home.

From 1991 to 1992, the number of home schools in the state jumped from 1,800 to 2,300, said Vern Stephens, education program specialist for the Kansas Department of Education.

So far this year, there are 3,700 registered home schoolers -- about 8 percent of them in Johnson County -- but many others do not register, Stephens said.

The movement follows a national trend. In the past 10 years, the number of school-age children being home educated in the United States increased from 92,500 to 375,000, according to the Home School Legal Defense

Association.

"QPA (Quality Performance Accreditation) is scaring some parents," said Stephens. "There are people who don't agree with what's being taught or how ... maybe their children are failing."

Rod Bieker, attorney for the State Department of Education, said, "At first, the reasons were based on religious beliefs. Now, the emphasis has changed to I'm going to pursue it because I'm afraid to send my children to public schools. It's dangerous."

Bieker has been pushing for 14 years for legislation to allow and regulate home schools. But he is not optimistic that it will happen in 1994, an election year.

Shawnee Mission school boards have for years opposed legalizing home schools. However,

if such legislation is considered, they would like home schools to meet the same requirements as placed on regular state-approved public and parochial schools.

"It is a volatile issue," Bieker said. "I wish it would come up every year until we got a reasonable law. I think we should have reasonable limitations and restrictions to assure that the children are indeed being educated."

"This would include testing or other ways to check. It would give them some accountability. Otherwise, some are going to end up on the public roles. I believe in parental rights and responsibilities but the state also has a very compelling interest in assuring that children do get an education."

Added Bieker, "The vast majority would be

able to provide a good education for their children and are. What I'm concerned about is the small minority of parents who cannot provide the basic education their children are entitled to. If a parent is doing a good job, the state ought to leave the family alone."

The state board was requested to propose home schooling legislation in 1991, Bieker said, but the Legislature was busy wrestling with the new school finance law that year.

HOUSE EDUCATION
Feb. 14, 1994
Attachment 17

CITIZENS FOR
EDUCATIONAL FREEDOM
P.O. BOX 19081
LENEXA, KS 66285

County's juvenile crime at all-time high in

By Steve Baska
Sun Staff Writer

1 94
28

582 for you
adults

Drugs in school parents' top fear

1993 in Johnson County, their level of violence was related. Volkswagen active g rea

Security at School

Metal Detectors Find A Growing Market, But Not Many Guns

Spot-Checking of Students With Hand-Held Wands Brings Its Own Problems

Violence In The Schools

A recent survey shows that American students are subject to a disturbing level of violence. A sampling of the findings:

Most victims are boys

Percent of students who say they have been victims of violence at or near school, 1993

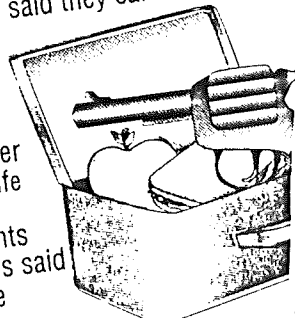
BOYS	
GIRLS	16%
ALL STUDENTS	23%

Impact of guns, knives, grades

13% of students said they carried a weapon at school

7% of students said they threatened another with a gun or knife

39% of students with poor grades said they were crime victims



SOURCE: Survey by Harris and Assoc. of 1,180 public school grades three to 12 from Sept. 22 to Oct. 5; 3% error margin

By Tamara Henry
USA TODAY

When it comes to their children's education, parents are more worried about drugs and violence than grades and teachers, says a Gallup poll this week.

Drugs are the 78% of The Gal. Parentin, 68% listed were able to one category

"Parents' founded," says of the Universi. In his annual s. Johnston found d. ning to increase a. graders, after dec ing the 1980s. youngsters begin us. of drugs in junior hig

About 400 parent dren ages 12 and un, surveyed March 25-26 Gallup poll, which has

STARS FEEL VIOLENCE, TOO

FOR JOEY LAWRENCE AND JENNA VON OY,

co-stars of the hit NBC sitcom Blossom, school violence is personal. "I go to a private school, partly for the education and partly for safety reasons," says 17-year-old Joey. "I've had things stolen from my locker: a leather jacket, a Walkman.

And there's a feeling of violence in school and outside of school. Nobody drives convertibles anymore, because nobody wants to take the chance of exposing their head to a bullet." Jenna, 16, says kids in her driver's ed class in Connecticut this summer "were talking about how someone had been stabbed in school the day before." Jenna, whose brother was beaten in preschool, suggested a violence plot.

Now, in a joint USA WE Blossom effort, an episr "38 Special" will air in time early this fall, fe teen boy and girl wh to our school safer Joey says he h episode will laur against violenc beg and push country to d

'Blossom' star Mayim Bialik, center, with Jenna von Oy and Joey Lawrence



INSIDE THE TELEVISION BLOSSOM

Anitra Ruben (Page 12) and Eric Wuestenberg (Page 14) have been chosen by USA WEEKEND to be in a school violence episode. In an upcoming issue, we'll give details of the air date and what happens when teens meet teen stars.



Seattle police used tape to block off the area at Whitman Middle School where teacher Neal

Summers was fatally shot. Classes began Monday. The assailant escaped.

Teacher is fatally shot

17-2

FOUR YEARS THIS YEAR of an excl

Security at School: New Market for Metal Detectors
Grows, but Success at Finding Weapons Is Limited

Schools no longer a haven from violence

Stabbings, assaults occur in cities, suburbs.

Teachers in trouble

As bad as it is for students, their teachers must deal with many of the same problems. A bone-chilling new chapter on school violence is included in a new book

Continued on Page 6

Violence growing in schools

Continued from A-1

more serious
"Social
safety
IN
SCHOOLS

IT JUST
KEEPS
GETTING
WORSE'



VIOLENCE is a big reason that Robert Medeiros, front, dropped out of his Fall River, Mass., high school. Robert and friends Kirk Scott and Kym McAllister perform anti-violence rap.

YEARS AGO, 22% of our teen readers said they felt unsafe in school. Now, the figure jumps to 37%. In this special issue, the eye-opening results of a massive new survey of 65,000 teenagers, many of them everyday victims of violence

USA Weekend 8/13/93

We all know it. You know it. Those schools of yours, in many cases, are terrible places for kids, even for their teachers. Why you can get hurt real bad in them, easy and often. And unless you get lucky, you gotta-go into them, day after dangerous day. A current study says Kansas public schools are the 15th most dangerous of the 50 states of the nation. And, some say, the kids may not learn much in them either.

Please refer to the center fold of my hand-out to you for just a few of those articles with headlines like ... (Open and read several.)

This committee, and your counterpart Senate Education Committee, are to blame for these tragedies. You can fix it with ~~VOUCHERS; but you won't, won't even give it a try, because most of you are politically owned by the public school mafia — the kids be darned.~~

I close with a few more quotes -- these from the back cover of my hand-out to you.

Please note this disclaimer: Neither Representative O'Connor, nor anyone else, bears any responsibility for my remarks here.

65,000 TEENS WRITE IN* SURVEY RESULTS

OVERALL

✓ **37%** of students don't feel safe in school.

▶ Only 14% of private school students feel unsafe.
But 39% of public school students feel unsafe.

✓ **50%** know someone who switched schools to feel safer.

VIOLENCE & THEFT

✓ **43%** of public school kids avoid school restrooms.

20% avoid hallways;
45% avoid the school grounds.

26% of girls, **49%** of boys were hit last year at school.

29% of girls were threatened;
30% of boys were in fights.

67% say lockers aren't a safe place for valuables.

22% have been robbed of an item worth more than \$10.

SEX & SAFETY

✓ **27%** of girls were sexually harassed last year.

▶ The older the girl, the worse the problem:
12% in grades 6-7 and 33% in grades 10-12 were sexually harassed. 8% of boys were sexually harassed.

70% say boys and girls are equally safe — or unsafe — at school.

WORRIES & LEARNING

✓ **63%** say they'd learn more if they felt safer.
▶ 86% would be happier in general if they felt safer.

47% say teachers spend at least half of their class time disciplining students. ✓

41% of students think about their safety at least a quarter of the school day.

CAUSES

55% in grades 10-12 know weapons are regularly in school.
▶ 20% of all teens wouldn't report a kid carrying a gun.

79% say violence often is caused by 'stupid things like bumping into someone.'
▶ Followed by, in order: boyfriend-girlfriend disputes, outsiders, racism, gangs

49% in grades 10-12 say race often is a factor in violence
▶ 33% in grades 6-7 think race often is a factor.

SOLUTIONS

✗ **37%** say students who hurt others should be required to do community service.
▶ 33% want to suspend or detain them; 23% want to kick them out of school permanently.

42% think the single best safety improvement would be to send bad kids to special schools.
▶ 22% want extra security guards; 23% want anti-violence classes; 13% want metal detectors.

*ABOUT THE SURVEY: The results of this unscientific survey are based on the written answers of 65,193 sixth- through 12th-graders who responded individually or as classes to a questionnaire printed in the April 23-25 issue of USA WEEKEND and in the Classline Today teaching plan, and distributed by the National Association of Secondary School Principals.

17-4

My name is Bret Kroh. I am the superintendent over a private Christian elementary school in Kansas City, Kansas.

I favor school vouchers being made available to parents so they can be financially enabled to choose where they wish to have their children educated, whether public or private. This should be made available to parents without fear of interference in any form from government assessments as to what they believe is quality education. If I as a parent am the kind of parent I should be under the current way of things, I will know whether or not my child is receiving a quality education. The notion that it will be dangerous and damaging to children to entrust and empower their parents with the decision of school choice, is a notion that implies that I as a parent am incapable of knowing what is best for my child. The goal of all education is to have parents like me involved in our children's education. If the school voucher and parental choice is not acceptable to the state legislature, they are saying to me that my involvement will be less because I have been financially enabled to fulfill what I believe is best for my child. Or could it be the state is saying that they really don't want me involved?

We at Open Door Christian School believe in what we have to offer. We are ready to compete with anyone when it comes to the educating of children. We're asking for the fair and equal opportunity to play this game. I hope there is no one that is afraid to invite schools like us to come along.

House Education
Feb. 14, 1994
Attachment 18

John Kincaid, President
Roosevelt Reform Republicans
2515 Belle Haven Dr.
Lawrence, KS 66046
(913) 843-6528

2-14-94

Dear Committee Members,

My name is John Kincaid. I am the President of the Teddy Roosevelt Reform Republicans, a Lawrence based, progressive political group known for its stand on family issues. We endorse school choice vouchers, and are committed to grass roots political action to support this step forward in educating our children.

Today I have not come as an activist, but as the father of five, with a sixth child on the way. My twin girls, Tiffany and Jessica, were diagnosed in second grade as "slow learners". They sometimes don't understand the material as easily as do other children. In January of this year, an outside source tested the twins for academic achievement. We found they have learning gaps from the third grade on, notably in English and Math. The public school system had passed them on to the sixth grade without **noticing** this problem, much less correcting it. Tiffany and Jessica now attend a private school equipped to deal with these problems. There, students work at their own grade level in each subject, at their own speed, independent of other students. Until they master the material, more difficult material is not given.

I also have two boys, John and Nathan. Both have been medically diagnosed with Hyperactivity and the Attention Deficit Disorder, which is characterized by a short attention span, constant movement and talking, and a lesser degree of control over emotions and actions. Nathan attended Broken Arrow Elementary in Lawrence during first and second grade. Though an intelligent child, Nathan did very poorly in academic work and school behavior. The classroom structure, instruction style, and lack of individual attention aggravated his disorder, and contributed to conflict between him, his teacher, and other students.

Today, Nathan is home schooled. His learning problems still exist, but he averages 90% or higher in all subjects. He is a grade ahead, and will finish his fifth grade subjects by June. Meanwhile, his **former** classmates are now in fourth grade.

Our present school system treats children like dough, forced through the same cookie cutter system, and moved at the same rate down the production line. There is no real provision for slow, troubled, or gifted students, who learn at a different rate than the majority. Year after year, thousands of children "drop off" this conveyer belt, or graduate with only a marginal ability to read, write, or compute. The public school system **is not** and **cannot** be all things to all people.

Why is the N.E.A. **afraid** of school choice? The Postal System has not gone out of business because of U.P.S. or Federal Express! Instead, true competition has forced them to become more consumer friendly. Could it be that the N.E.A. is afraid of school choice because it **can't** compete? If the President and First Lady can choose a private school for Chelsea, why would you deny that right to a poor, single mother living in the inner city?

This is not a matter of money - the money is already taxed and budgeted! It's a matter of control, and **who** has the right to choose! Democrats like to talk choice - what **more fundamental** choice could there be than the choice of **how and where** your own child is educated? Parents, ultimately, **are** and **should be** responsible for ensuring their child's education. Public schools will perform better when they become accountable to their **true** customers - the children. Having the money follow the child - instead of the child following the money - will help ensure that parents have the **rights** and the **means** to do what is best for **their** own child's education. School choice is the **best** possible means to ensure that **parents** retain the right to fulfill that duty.

HOUSE EDUCATION
Feb. 14, 1994

Attachment 19

Fred Thorp, MPA, Esq.
4234 North 109th Terrace
Kansas City, KS 66109-4171

February 14, 1994

House Committee H.B. 2754 Kansas School Voucher Act

Thank you for the opportunity to present this testimony in support of H.B.2754, The Kansas School Voucher Act. Each of my children benefited from receiving a public school education, yet I totally support this timely legislation.

My wife and I's oldest son earned a Master's in Public Administration. Our second son earned his Doctorate in Musicology. The second son, Keith was academically challenging to his teachers and taught many class lessons to his peers throughout his Wyandotte High School days. Because Keith was essentially held back by the public school system, our third child went to Muncie Christian School until we moved. Then she attended public school beginning at the sixth grade level. This transition to the public school environment was difficult for our daughter.

Rebecca was accustomed to working in a closely structured educational system using Accelerated Christian Education (ACE) materials. Such a system requires considerable self-discipline and motivation to work on your own to achieve various academic levels. She excelled in these formative years of her life and today home schools our grandson with admirable results.

In the public school environment, Rebecca experienced a high degree of malaise due to other's lack of a disciplined educational environment. Because of earlier preparation, she overcame this negativism and graduated from Kansas City Kansas Community College with Phi Theta Kappa honors, fifth in class, and President of the Student Senate. She was elected most Outstanding Student for nineteen community colleges in 1986.

My wife and I are pleased to lend our names and support to the Kansas School Voucher Act. We feel it is time Kansas Legislators confront the status quo of public schools and demand a greater return on the investment of public monies poured into the existing system. It is long past time for public educators to be challenged to compete for their market share of students by earning the right to instruct.

I encourage you to take this legislation a step further. Section 8 speaks to an academic assessment program conducted by the school district where the child resides. This is an excellent idea as opposed to "Outcome Based Education" or better known as *the dumbing down of America*. Lets take this measure a step further and make academic assessment apply to all students in the State of Kansas. After all, if the State is and rightly so, concerned about academic results, let the assessment and the resultant penalty for failure apply to all children in the same equal fashion. Let's challenge the National Education Association (NEA) to stand in the light of truth with their Humanistic Secularism and see what the results are when determined on a level playing field.

-more-

HOUSE EDUCATION
Feb. 14, 1994
Attachment 20

Fred Thorp, MPA, Esq.
February 14, 1994
H.B. 2754

The major opposition for this legislation will come from the NEA. That is to be expected of the NEA representation for its union members. However, competition for Kansas students seeking a quality education is not all bad. *The public education system needs a major wake up call and this legislation is just that.* If the NEA's record is so great, then why are high school graduates experiencing such difficulty entering college or completing job applications? Many public high school graduates today read at levels embarrassing to themselves and frustrating to employers.

There is interesting case law addressing "equal and uniform taxation." Taxes are said to be "equal and uniform" when no person or class of persons in the taxing district, whether it be a state, county, or city is taxed at a different rate than are other persons in the same district upon the same value or the same thing, and where the objects of taxation are the same, by whomsoever owned or whatsoever they may be. (Weatherly Independent School District v. Hughes, Tex.Civ.App, 41 S.W.2d 445,447), Blacks Law Dictionary, Sixth Edition.

Allow me to stretch the application of principle here. Taxpayers sending children to "Kansas nonpublic schools" have not shared in this principle of "equal and uniform" for years. It was a matter of principle and personal choice for my wife and I along with many others to send our daughter to a Christian school where she would properly develop life-long learning habits. The Kansas School Voucher Act in effect balances the revenue scale to support equality for every student in whatsoever educational opportunity. That is the American way!

Therefore, I urge your consideration and passage of the Kansas School Voucher Act that all Kansans will share in the same opportunity for a quality education.

Respectfully,

Fred Thorp, MPA, Esq.

Ladies and Gentleman of the Committee, my name is Richard Smith. I am an columnist for the Concordia Blade-Empire and the Salina Journal.

I stand before you today for one simple reason, we in Kansas have in front of us right now the opportunity to better ourselves, our children, our future and our state, all in one package. That package is the Voucher initiative before you as written by Rep. Kay O'Connor.

Over the past few months, I have written a number of columns on the voucher system, and attached are three separate columns that I have written. They all contain factual information and I would hope that you take a minute later to look them over.

When I began writing on this subject, I faced a lot of criticism. This criticism did not come from parents, it did not come from other writers, it came from teachers and the National Education Association. It eventually occurred to me why the pressure was coming only from the NEA, and nowhere else: Money now controls the education industry, not the best interest of the children. Ladies and gentleman, I am here today to tell you that a voucher plan will solve that problem.

Basic laws of economics show that increased competition in any field is good for both parties. If the NEA and public schools had to compete for students, education would improve by leaps and bounds. The only problem is, we have too many faceless bureaucrats that believe the solution is more money, it is not, the solution is more care. President Clinton proposes that the federal government spend 53.5 billion for education in his budget for 1995. That is an increase of seven percent over last year. I am sorry, but plain and simple, more money does not equal more care.

True care, I believe, can come from one source, the family. Wouldn't it be great if every parent could send their child to a school that re-enforces the values which they believe? A voucher system could do that very thing. If parents felt that religion should play an important role in education,

HOUSE EDUCATION
Feb. 14, 1994
Attachment 21

they could choose to send their children to a school that teaches that. If they wanted to send their children to a school that teaches discipline, they could do that also. No one knows the needs of America's children better than the parents of those children. Let us empower them with choice. The very choice that should have been theirs years ago. It is no wonder that the highest percent of the support for vouchers nationwide comes from poor and middle class families. Aren't these the people we want to empower? Wouldn't something such as a voucher system help to break that vicious cycle of entitlements that we hear so much about these days?

In conclusion, I believe that a voucher system would be a step in the right direction for Kansas. Let's let our state lead the nation with the first fully functional school voucher program. Plato said that "the direction in which education starts a man will determine his future in life." Let's pass this voucher bill and give the children of Kansas a bright and promising future. This bill is about competition, it is about choice, and it is about our children and our state. Let's stop the games, let's stop the politics, and let's stop the bureaucratic nonsense. It is time we focus on the one issue that the NEA forgot about years ago: the children. Thank you.

Vouchers Will Offer Much Needed Boost to Education

A trend has begun in America today, and it is destroying us from the inside out. It is a trend that we conservatives call "dumbing-down America," and it is a trend that will eventually lead to a society of mediocrity.

"Dumbing-down" refers to the current situation in our public schools. The fact that everything must be politically correct, or that the teachers must cater to every student's needs on the same level is the most socialistic, utopian based theory I have ever heard. People are inherently different. An intelligent child may learn a certain way in school, or at a faster rate. In our public schools, that child is neglected or pushed aside. In the long run, that child will just adapt to the teaching style, thus not working to his fullest potential. Even leftist writer Anna Quinlen admits this is occurring. She recently wrote an article on how our schools are ignoring the intelligent. This is what is currently called outcome based education, the idea that "the best education for some is the best education for all." A general statement such as this is not one of a democratic, capitalist society. It is one that appears to have come from someone such as Marx or Engels. Then again, maybe it came from Thomas More's *Utopia*.

Maybe this is why educators are so afraid of the voucher system, as proposed by Rep. Kay O'Connor of Olath. They will lose the control they now possess. Schools will have to become accountable to the parents.

After much reading and analysis of the Kansas voucher system, I have decided that many of the fears that people have are based on misinformation on the part of the anti-voucher advocates.

Racial Segregation into Elitist Groups Will Not Occur

Seeing how this might arise as a problem, O'Connor has structured her system to prevent such an occurrence. For example, only a select number of students from each school will be allowed to take advantage of this in the first year, followed by more the second year, and so on.

Year one will allow for only those students in a family of four making under \$15,000 to be eligible. Year two the income amount moves to \$17,500.

Another problem that has been taken care of is the fact that students will abandon public schools to take advantage of voucher schools. This is being safeguarded by the fact that the plan will not allow any school with an enrollment over 200 to lose more than 10 percent of its total. This number decreases to 5 percent for schools under 200 students.

This will have a profound effect on the intelligence level in our society. Giving students in poor families a chance to attend the same quality school that rich students attend will greatly increase their potential for success. Case in point: Readers Digest published a "voucher success story" in their July 1993 issue. Natasha was a second grader at a Milwaukee public school. One night she was asked by her mother to read aloud. She could not. After meetings with teachers and administrators with no progress, her mother moved her, with the help of a voucher, to a private school in Milwaukee. Natasha is now a sixth grader doing just fine. She is at the level she is suppose to be at and "her attitude is 100 percent better." Natasha can sum up her success in one sentence, "My teacher won't let me slip."

Now what is wrong with that? She was a student on her way to certain failure, only to be saved by a change of schools. She was capable all along, but was never properly challenged. The public school she was attending was not

meeting her needs, so she moved on. Was it not her right, as well as the right of her parents. I challenge anyone to show me where in the Constitution it says tax dollars must go to public schools only.

Money Will Fund Religious Schools.

This is the worst argument I have heard yet. Even if it was true, what is the problem? It is a documented fact that 94 percent of all the quotes used by us today that came from our founding fathers contain scripture. These were the very people that attended school where religion was taught in the curriculum along with math and science and literature.

Most Americans believe that separation of church and state is in the Constitution. This is simply not true. The original idea was created by Andrew Jackson, and was intended to protect the church from government intrusion. Only in the past couple of decades has this been turned around by those who wish to protect our students from the evils of religion. Not until 1962 did the Supreme Court pass down what we now know of as separation of church and state. But I digress.

The simple fact of the matter is, money will be going to the education of the students, not the religion of the school. I would hope that in the current system, my tax dollars would go towards the education of children, not the beliefs of the public school. Is it right to demand taxes of those parents who send their children to a private school? Do they support public schools? So why should they pay the taxes?

Public Schools Will Die

As with any business, which education has become, competition spurs growth. The NEA and the teacher union have the market cornered with their control over public education and the funding it receives, and they don't want to lose that control. A shift of funds and an increased field would open a whole new realm of competition in education. Current teaching fads would have to be replaced by actual methods with proven results. In all reality, a voucher system would create a level of competition not only between students, but between school districts and teachers, to be the best they possibly could to attract students.

I want to make it very clear that this article is in no way directed at Concordia High School. The education I received was of the finest quality, and the teachers were second to none. However, this is not the case in bigger cities, even those in Kansas such as Wichita or Topeka. A voucher system will not have any affect on Concordia schools, but will lead to greatness among the poor families in bigger cities. It will eventually lead to the replacement of entitlement with empowerment.

Malcolm S. Forbes Jr. put it best when he said, "by making the school directly accountable to the parent, the referendum would tremendously improve performance." The performance he speaks of not only refers to students, but teachers as well. Children are the future of America. Shouldn't they receive an education that prepares them for the real world? If we continue at this rate, our children will graduate from high school and move into a world that is moving too fast for them. They will be under-prepared, and not able to handle real life situations. Why? Because a public school system controlled by money and unions held them down, and told them they are no different, or better than anyone else. So much for the American dream.

... From Right Field

by Richard Smith

"Be a positive critic, lead in reform, expose wrongdoing or misuse of power. Make the editorial page a forum for exchange of comment and criticism even when it is in conflict with the newspaper's opinion."

Oscar S. Stauffer

I thought long and hard about this article, and I listened to many people on both sides of the issue before making a decision. In fact, I began another article about Crime and Gun Control to run today, but I opted to take this route. That article will appear in the near future.

There comes a time when one needs to decide just how far he should go to defend what he believes in. Tom McLaughlin did it last week, and I have chosen to do it this week. Let it be known now that I listen to Rush Limbaugh because I am a conservative, I am not a conservative because I listen to Rush Limbaugh. The thoughts in this article are genuine, not just a repeat of the information given on the Rush Limbaugh show.

This article was researched for many weeks prior to its writing, and it is all based on fact. This is, however, the last time I intend to write on the voucher issue. It is now up to you, the people who read this paper, to decide. This column will never lower itself to making fun of someone to prove a point, nor will I use sarcasm instead of facts to prove a point. The only point sarcasm proves is that one cannot write his point of view in a rational way backed with the facts he has obtained. Bear in mind that this is just a portion of the facts. Many more lie within the pages of award winning newspapers and magazines. The ball is now in your court to find them and decide for yourself on this issue.

The information in this article was taken from a wide range of sources, which include The Los Angeles Times, The Wall Street Journal, The Economist, The Washington Post, The Salina Journal, Forbes Magazine, Education Reporter, Education Week, Christian America, The Wichita Eagle, Newsweek, U.S. News and World Report, and many others. I attempted to get the mainstream, media response to school vouchers as well as personal opinion, and here is what I found. This, mind you, is the positive side of the issue only.

Let us begin with Prop. 174, which failed in California this past November. It was, much like our own Kansas plan, a voucher/choice referendum. A study by the Hoover Institute, which appeared in the Oct. 11th issue of Forbes magazine, reported that the California teachers union imposed a special levy of \$63 on its 225,000 members. This was used for anti-voucher ads and commercials only. In fact, the anti-voucher people outspent the pro-voucher people 5-1 on T.V. and radio ads. These are facts, released by the California Teachers Association, not some right-wing point of view.

The anti-voucher flow of information didn't stop there. Many teachers in California took advantage of their one on one contact with the students and sent home to the parents statements against Prop. 174. In addition, Governor Pete Wilson's office received hundreds of letters from children around the state urging him to take the anti-voucher stand. Many of these letters were identical, almost like they were copied off a chalkboard.

No wonder the proposition failed. Whether it was a good idea or not, the steady stream of anti-voucher material overwhelmed the public and led to its eventual demise. This was proven in a follow-up article in the current Forbes Magazine (Dec. 20). Once again the study was conducted by the Hoover Institute. It stated that the people polled after the election said they voted

against it for three important reasons: it was written poorly, it would suck funds from public schools, and it would benefit only the private schools.

Does that sound familiar at all?

Maybe we should look at the only running voucher program in the nation, in Milwaukee. This is not Reader's Digest mind you, it is from authors such as James Kilpatrick and the Center for Rebuilding America's Schools.

It is reported that only four percent of the participants in the voucher program are white. All of the rest are minorities. For instance, over half of all of the students are black or Hispanic. The rest are Filipino or Asian, or other minority groups.

Let's bring it closer to home. It is written in the Kansas plan that in the first year, only a family making less than \$15,000 a year is eligible. That number shifts to \$17,500 in the second year. This is very important, because it is the fear of the anti-voucher people that only the worst students, or the hardest to educate, will be left in public schools. This type of restriction on income will affect minorities, which fit in this category in larger communities.

In fact, The L.A. Times reported that the highest percent of support for a voucher system came from poor and middle class families.

I ask you, is this elitist?

Money was also an issue, and it is taken care of in the Kansas plan. Under the plan, only half of the funds will be taken per student from the public school to the private school. The other half goes back into the public school. This is a safeguard against destroying the public school institution. Kay O'Connor made sure this was included in the plan to act as a buffer against the money leaving the school.

One of the last issues that needed facts to back it up was that private schools put out students of low quality. The National Assessment of Educational Progress reported that last year, students in private schools beat students in public schools by an average of 4.5 percent in math, 4.8 percent in science, and 12.5 percent in reading. This study was not slanted either, it was done by an objective, third party.

I write this not to cause problems; that is never my intent. I am writing it because my first attempt might have left out key facts. I simply wanted to say, "One side said vouchers are bad, I feel they are good." I didn't mean to offend anyone, or make anyone mad. If you agree with me, that's fine. If you don't agree with me, that's fine.

Keep this in mind though. The percentage of teachers who send their own children to private schools is three times higher than the public at large. The NEA is now bigger than the Teamsters nationwide, and in Detroit, they are bigger than the Auto Workers Union. In California, they are the biggest lobbying group in the state. I would hope their first priority would be education, not politics.

A recent Gallup Poll indicated that a whopping 70 percent of all the people they polled would like to see the U.S. adopt a school choice policy.

It is about competition, it is about choice, and it is about a better tomorrow for our children. As the L.A. Times put it, "The money will go toward education, not a bureaucracy. No more politics. No more games with our children. Just education."

This is the last time I will talk about this issue until the debate begins in the Kansas legislature. There are many other issues that deserve attention now, and I did not intend for this one to escalate to such a level. For it is true that an issue such as this can be debated for years with good arguments on both sides. I just feel it is a good idea, pure and simple.

... From Right Field

by Richard Smith

On Monday, February 14, the battle for freedom begins at the Statehouse in Topeka. For on this day, the House Education Committee will begin hearings on School Choice.

Harken back, if you will, to the article occupying this space on December 13, and the promise I made in the last paragraph. Simply put, "this is the last time I will talk about this issue until the debate begins in the Kansas legislature." Well, the time has come, the bill is out (HB 2754), and the debates have begun.

Representative Kay O'Connor of Olathe, who has led the charge for school choice in Kansas, called the voucher system "the future for education." Indeed, this new idea of parents controlling their children's future should be grasped and held on to for dear life. Too many times, I have read about the NEA and local school systems barging into families' lives and telling parents what is best for their children. Case in point, religion and its place in the school.

In an effort to alleviate this, O'Connor has taken the courageous first step towards parental control by introducing the School Choice Bill in the Kansas House of Representatives. What follows is an explanation of the bill by Kay O'Connor's office.

The Kansas School Voucher bill calls for:

1. Phasing in the dollar value gradually over six years.
2. Phasing in eligibility gradually over the same period.
3. First year protection to prevent more than 10 percent loss of public school enrollment.
4. Nationally recognized academic testing required for students using vouchers.
5. A student's college trust fund to be established with savings from private schools.
6. Vouchers to be redeemed by any accredited or non-accredited private school.
7. A larger voucher allowance for "special education" students.

Looking at these provisions, one can clearly see that this bill is not a haphazard attempt at the destruction of the public school, but a planned move toward a stronger and more intelligent state. It is a genuine attempt to empower parents and students to achieve greatness at this beginning level. Joseph Alibrandi of the L.A. Times put it very simply, "Instead of being forced to accept the proposals of faceless bureaucrats (or any special interest group) in the future, parents would be able to choose a public or private school that serves their children's needs best." In other words, if this plan can get through our legislature, parents will have control of their children's future. It will allow for more parental involvement, increased spending for students, and smaller student/teacher ratios. I warn you not to be fooled by the nay-sayers who predict doom and gloom if this initiative passes. For it is in everyone's best

interest to see this through.

Maybe, for the sake of argument, we should look at the points against school choice and ponder their validity. I am sure they will be made time and again in the days to come.

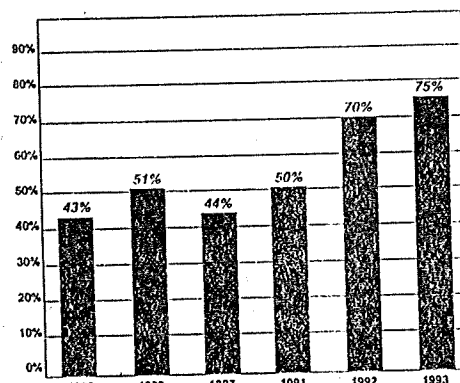
Opponents say that a voucher plan will destroy all public schools. This is semi-true. A good voucher plan will destroy only the bad public schools. Freelance writer Bruce Herschensohn wrote "some will probably close, and they should if they are no good. The ones that are good will continue to attract parents and their children." It is kind of like an old horse that is no longer capable of working, it will eventually have to be sent down-river and replaced with a new horse.

They also say that private schools will keep the poor students out due to costs. Yet it has been proven time and again that private schools cost less with a voucher because they are more cost efficient. A recent study of black families showed that 88 percent of them favored a school choice plan. In fact, a 1993 Gallup Poll stated that 75 percent of people they surveyed around the nation would like to see an adoption of school choice at the national level (see graph). Herschensohn points out that "it is a terrible state of affairs when parents must send their children to schools where they are not even sure if the kids are safe, much less getting a good education." This is exactly the reason why black parents want the opportunity to send their children to public schools.

One last argument against school choice is that splinter groups will form, thus creating a class system. But if you look very closely, you can see this is occurring within the private schools right now. In big cities, schools that are located in the ghetto are attended by a majority of black children. In the rural areas, the schools are attended by a majority of white children. A plan that would allow for parents to send their kids to any school they want would begin to break this segregation. In fact, it has been proven that private schools currently draw from all income groups. Beyond this, it has been proven that minority students in private schools have outperformed white students in public schools. Now that, my friends, is promising for America.

We as a state must rally behind this cause. For it is not only an issue about schools, but about freedom and choice. We must take this opportunity for greatness and run, not allowing anything or anyone to stop us. This issue is about hope, it is about our basic rights, and it is about our children. On February 14, voucher supporters from around the state should take the time to fill that committee room and show our legislators that we really care about the future of Kansas and the future of our children. I, myself, will be testifying in favor, along with people from all over the state and nation. It will be a long, hard battle, but in the end I have confidence that the right decision will be made on the basis of fact, and school choice will become a reality in Kansas.

Would You Like to See
the U.S. Adopt School Choice?
(percent answering Yes)



Source: Gallup Poll, 1993

To Rep. O'Conner, Bruns and M. Smith
In reference to H.B. #2754
House Committee on School Choice Legislation

As parents who are responsible for the education of four children, we are very interested in H.B. #2754. It is imperative that parents be given a choice of educational opportunities for their children. Far too often, Parents have to struggle with the conflict between the directives and mandates of Public Schools, and the God given directives to train and raise up their children in the Nurture and Admonition of the Lord. For this reason I support H.B. #2754.

There is, however, one section that does need to be considered. In **Sec. 8(b), pg. 5**, the Public School Agency has the responsibility for assessment of the nonpublic school child. There should be a method whereby the parent can access an Independent Agency for reassessment. In my experience, the Public Schools have not been as responsive and objective as Independent Agencies have been. Time after time, I have experienced instances where there has been a conflict of interest between the financial interests of a Public School, and the individual educational needs of the child. The resources of the Public School, or the perceived lack of reimbursement funds, can have a negative effect on the assessments done by the Public Schools. This is why the availability of Independent Assessments is so important.

Children with special needs, who have been identified, and are being served by an Individual Educational Plan (IEP) already have measurable academic goals defined. The assessments of these children are already governed by state and federal statute, and should not be included in the assessments governed by this act. In order to eliminate any confusion or guess work, H.B. #2754 should specifically exclude these children from the assessments ordered by **Sec. 8(a) and (b)**.

Therefore, **Sec. 8(b), pg. 5** could be amended to include the following:

If the parent of a program eligible child, or a Kansas nonpublic school, does not agree with the assessment results from the testing provided by the Local Public School District, then the parent, or Kansas nonpublic school can request that an Independent Agency perform a reassessment. The results of the reassessment will be given equal consideration in measuring the academic improvement of the child.

The assessments governed by this act will not apply to any program eligible child who is being served by an Individual Educational Plan (IEP).

I would also like to state that the minimum academic performance required by this act be equally applied to both nonpublic and Public Schools.

Sincerely,

Keith and Sarah Radcliffe
Lyons, Kansas

HOUSE EDUCATION
Feb. 14, 1994
Attachment 22

February 14, 1994

To: House Education Committee
Re: House Bill 2754 - School Vouchers

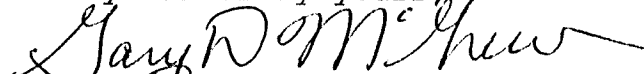
We wish to express our strong support for school vouchers and for this bill which will initiate them in the state of Kansas. Our support is based on reasoning which is simple and straightforward. School vouchers will level the playing field for both schools and parents.

Parents will be empowered to make the choice concerning where their child will receive an education without the financial penalty of paying property taxes to support a school whose value system they do not agree with and whose academic quality may not measure up to what they want for their child, and then paying tuition to a private school to obtain the education they do desire for their child. This will give children of less affluent parents the same opportunity for an education conforming to their parents' standards and value systems as the children of wealthy parents.

The playing field will also be leveled for schools, in that both public and private schools will compete on an equal basis for students. The previously-held financial monopoly of the public school system will be broken and free enterprise will govern parental choice of schools. This will force both public and private schools to provide a better education for all children, because they will be competing for students (and therefore funds) on an equal basis. Parents who do not choose a Christian education for their children will have the public system and private secular schools to choose from, while those who want the Christian value system instilled in their children at school as well as at home, may choose a Christian school or a home-school, all without financial penalty.

Nothing could be more just and fair to all concerned and we strongly urge the committee and the full House to pass this bill as expeditiously as possible. We will be praying for you.

Very sincerely yours,



Gary D. McGrew

Principal

and the parents of Life

Christian School

323 S. Kansas

Columbus, KS 66725

316-429-2424

House Educational
Feb. 14, 1994

Attachment 23

AUSTIN K. VINCENT
ATTORNEY AT LAW
2222 PENNSYLVANIA
TOPEKA, KANSAS 66605-1255
(913) 234-0022
1-800-945-6170

February 14, 1994

Representative Duane Goossen
Chairman, House Education
Rm. # 115-S
Capitol Building
Topeka, KS 66612

HAND DELIVERED

Re: CHECK Position on HB 2754 (Kansas school voucher act)
in support of school choice for accredited schools and **in opposi-
tion to vouchers for home schools.**

Dear Representative Goossen:

I am writing as the representative of the Christian Home Educa-
tors' Confederation of Kansas (CHECK). I do not speak for all
home educators; however, CHECK is comprised of representatives of
thirty-six local home education support groups throughout the
state and, to my knowledge, is the only statewide organization
serving home educators.

First, CHECK supports measures that will genuinely improve the
public education system and believes that competition within the
public system would be helpful, if not essential to its survival.
CHECK is very supportive of parental choice; as much if not more
so than anyone else. Therefore, CHECK does not oppose the con-
cept of school choice or vouchers for state accredited schools.

However, we know that we will only retain the choice we now have
as long as we accept full responsibility for that choice. There-
fore, after much discussion and consideration, CHECK has taken a
position very solidly opposed to the provision of state funds to
home educators in the form of vouchers.

It is not our intent to undermine the good intended by HB 2754.
We simply do not wish to jeopardize the creative liberty we now
have to build strong families and to respond the individual needs
of our children by becoming part of the public system.

If the committee deems the concept of vouchers for non-accredited
schools worth further consideration, I would suggest the follow-
ing amendment on page 2, starting at line 2:

House Education
Feb. 14, 1994

Attachment 24

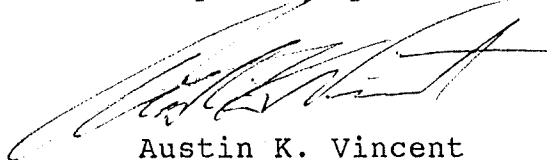
Sec. 2 (e) ***For purposes of this act, "private elementary or secondary school" means a school which is defined by K.S.A. 72-53,100, and amendments thereto, and which is in compliance with the requirements of K.S.A. 53,101, and amendments thereto, but shall not include a school organized and in compliance with K.S.A. 72-53,100 et. seq., the only students of which are the children of a single family and which school meets primarily in the home of that family.***

I would also suggest a supplemental note for the bill stating that the above amendment was requested by CHECK, a statewide network of home educators due to its opposition to receipt of vouchers by home educators. This would provide legislative history to avoid problems with inaccurate legal interpretation in the future.

It is requested that you have the secretary distribute copies of this letter to your committee members.

Your interest and public service is appreciated. Please feel free to call upon me if you have any questions about this issue or wish to further discuss this matter.

Respectfully,



Austin K. Vincent

AKV/amv:DOM-GOSS

cc: Rep. Kay O'Connor
Rep. Tom Bruns
Rep. Marvin Smith
Rep. Vince Snowbarger
Sen. Dave Kerr