



Chairwoman Williams and Members of the Committee,

Thank you for the opportunity to testify today in support of HB 2048 to expand Kansas' existing tax credit scholarship for low income students scholarship program. There is no silver bullet in K-12 education, but many states across the country are enacting, or expanding, school choice programs to specifically help select student populations especially in need of extra help. This could be foster children, low income children, children who are bullied, or children who are unable to read at grade level.

As you certainly know, this is National School Choice Week. A group of schools, students, parents and others hosted a rally about the importance of educational choice earlier today that saw scores of students and several schools from all over the state visit the Kansas Statehouse.

These choice programs are but one of the many ways that our students will receive the educational opportunities they absolutely deserve.

Certainly, many kids receive a quality education in Kansas, but the facts also make clear that many do not. This fact is true across districts and the state. This is true despite the best efforts of countless teachers, counselors, paraprofessionals, and others working in our public schools. It should surprise no one that a public school system responsible for educating 500,000 students cannot serve each of those children equally well.

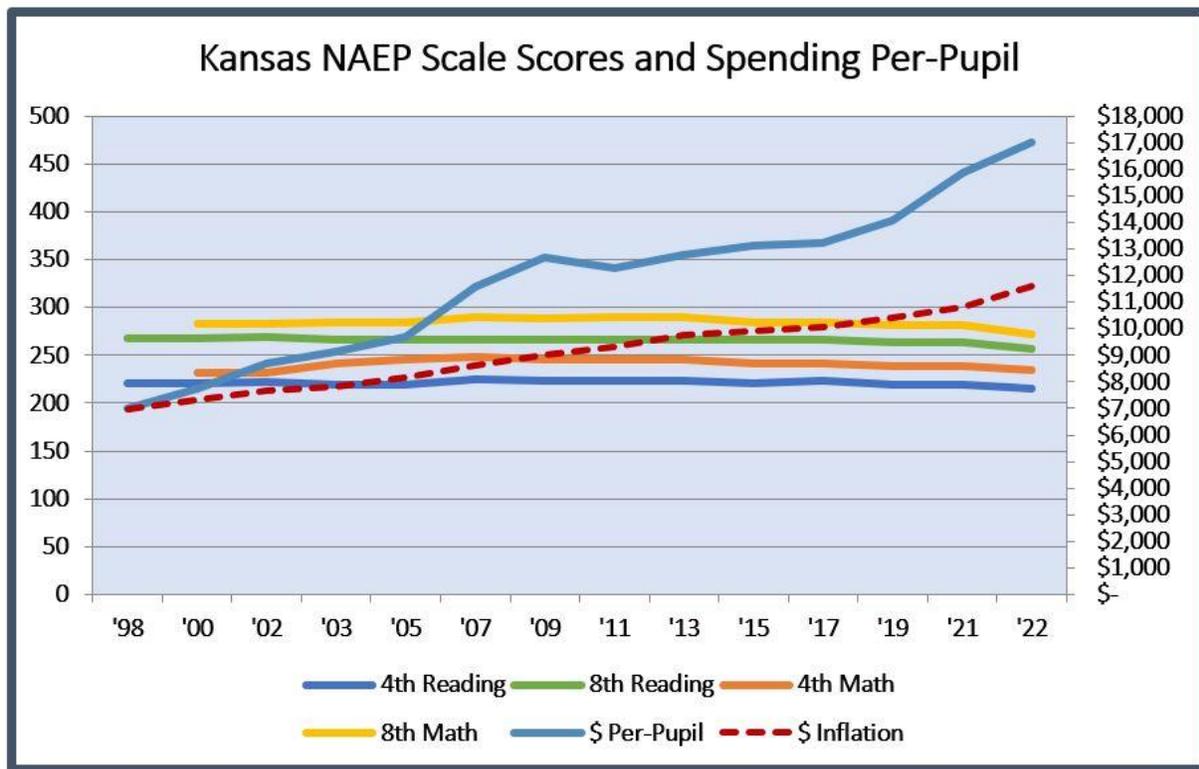
I would also like to point out the stagnating overall achievement in Kansas schools and the staggering achievement gaps between low-income and non-low-income children. There are many reasons for these long-term trends, and they must be addressed.

The National Assessment of Educational Progress demonstrates the difference in achievement for low income children compared to higher income students. This is data from a national exam and looks at all students from a statistically valid and representative sample of Kansas pupils.

Not only did the 2022 NAEP composite scores drop considerably from 2019, Kansas students are now performing worse than in 2003. Only one in four Kansas 8th graders is proficient in math or reading. Only 30% of 4th graders are proficient in math, 35% in reading. The proficiency rates for low-income students are much lower.

The ACT score for Kansas students is slightly lower than it was 20 years ago and only about one in five students are college-ready in English, Reading, Math and Science. State assessment results also reflect stubbornly low achievement overall and persistent achievement gaps.

All of this is against the backdrop of *Gannon* litigation and increasing school spending. Had per-pupil funding been increased for inflation since 1998, it would have increased from about \$7,000 per-pupil to less than \$12,000; instead, it is now nearly \$17,000 and rising.



From state exams, to the NAEP, to the ACT, or graduation rates. It is abundantly clear that “achievement gaps” are a tragic reality of education. Not just in Kansas but across the country. Higher income children are achieving academic success at a much higher rate than their lower income peers.

Again, many or even most students across Kansas get a fine education. However, even the lawyers representing Schools for Fair Funding in the ever-present *Gannon v. State of Kansas* lawsuit testified that too many children are being left behind. The Court itself has also confirmed this point by referencing the 25% of low-income students who are behind their peers academically.

Some are forced to attend underperforming public schools while others struggle to find the right fit to suit individual needs. This is not to say that teachers and school administrators are not amongst our most dedicated citizens. It is simply a recognition of fact and experience.

The substance of the proposal before you aims to address these facts for a portion of Kansas students.

For some, moving to a different school district simply is not an option as money or a career prevents it. They send their kids to school based upon rigid school district boundaries and hope for the best. For many, the district-based system is sufficient but the numbers suggest that it does not work for everyone.

The *Espinoza* and *Carson* decisions from the U.S. Supreme Court struck down the bigoted Blaine Amendments, recognizing them as an outdated relic of America’s past.<sup>1</sup> Also, I would also direct the committee’s attention to “[School Choice and State Constitutions](#)” from the Institute for Justice. This

report deals with something this committee has discussed in the past – Blaine Amendments. This report highlights three separate citations for why this idea, Blaine Amendment, should not preclude consideration of school choice in Kansas - 2004 Kansas Att’y Gen. Op. 2004-5 (Mar. 19, 2004); *Americans United for Separation of Church & State v. Bubb*, 379 F. Supp. 872 (D. Kan. 1974); *Atchison, T. & S. F. R. Co. v. Atchison*, 28 P. 1000 (Kan. 1892).

Kansas Policy Institute is a strong supporter of Kansas public schools and wants them to be the best in country. Our public schools, our teachers, and our administrators spend their lives helping young people learn. Those schools will always be the place where the vast majority of Kansas families send their children.

However, the goal is not to have good public schools in and of themselves.

The goal is to give every Kansas child the opportunity to succeed. That will mean attending a high-performing public school for most children, but it should also include a different avenue for children where the local public school is not the right fit.

Thank you again for the opportunity to present today. I urge the committee to provide more customized educational opportunity via an expansion of the tax credit scholarship program.

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<sup>i</sup> <https://www.theatlantic.com/ideas/archive/2020/01/espinoza-montana-bigoted-laws/604756/>