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Opponent Testimony

HB 2218 - AN ACT concerning education; establishing the sunflower education equity act; providing education savings accounts for students; establishing the sunflower education equity scholarship fund.

Provided by

Deena Horst and Ann Mah, Legislative Liaisons

Kansas State Board of Education

To

Committee on K-12 Education Budget

February 6, 2023

Chairwoman Williams, Vice-Chairwoman Landwehr, and Ranking Minority Member Winn:

HB 2218 establishes the Sunflower Education Equity Act, which provides education savings accounts for students and establishes the Sunflower Education Equity Scholarship Fund.

While this is similar to the bill we saw last year, this bill provides more specifics on how the funds will be made available to students including establishing a board to provide management and oversight of the program. One issue we see with this board is that there is no requirement that the individuals appointed have knowledge about educating different levels of students and can ensure that tax dollars are being appropriately used.

There is listed several WHEREAS statements with which we have essentially no disagreement and believe that the same can be said about any quality pre-K to 12 education institution whether they be nonpublic or public schools. We do question why there are no maximum age requirements mentioned. Regular education students have an age limit of 19 to play sports and so is usually thought to be the age limit unless the student has disabilities that qualify him/her to receive education services until reaching the age of 21.

We have numerous concerns with HB 2218. First, the original bill was limited to students who were at-risk. This bill has no such limitations, thereby allowing any student to qualify for a

Kansas leads the world in the success of each student.

Sunflower Education Equity Scholarship regardless of need. Second, there does not appear to be any requirement for annual accountability measures to guarantee that the taxpayer funds are being correctly spent by nonpublic educational options, as are required for public schools. Third, questions also remain regarding how taxpayers can determine how their investments of tax dollars in the qualified private schools are producing academic growth, compared to the academic growth achieved in public and other private schools. Fourth, it appears the State is setting up two sets of rules: one where, under the guise of protecting taxpayers, accountability and shaming for those believed to not be meeting the preferred scores on state assessments are the norm for public schools; and the other... a lax accountability where tax dollars can be used for what is assumed to be a good program of study but for which there is no requirement that students take the same test as public school students so a true comparison can take place. Fifth, there is no report required of nonpublic schools that indirectly receive tax dollars to ensure those students are learning as taxpayers expect.

As previously mentioned, there is no requirement for members of the Sunflower Education Equity Board to have a background in K-12 education, yet the board is charged with making education decisions regarding the appropriateness of expenditures from the fund. Such decisions could be arbitrary in nature and inconsistently applied by different Sunflower Equity Boards. To that end, there is no requirement that expert opinions be sought before a decision is rendered when board appointees do not have such experience.

The Treasurer is being provided with funds for administrative costs associated with this program, which presumably are intended to provide for hiring additional staff for the additional work assigned to the Treasurer. Similar accommodation should be provided to the Department of Education to fulfill the expectations of the board.

In addition, there are some sections that are problematic because of the way they are written. These sections follow with explanations of our concerns:

Sec. 6(a)(2) may be interpreted to waive a parent's obligations to register a home school. Currently, all private elementary or secondary schools are required to register the name and address of the private school with the State Board. The bill reads "If the parent of a qualified student who is schooled at home makes application to enroll in this program, such application does not constitute registration pursuant to K.S.A. 72-4346... and nothing in this act shall be construed to require a parent to register with the State Department of Education pursuant to 72-4346." If that means a parent can avoid having to register their home school with the State Board by enrolling in this program (which it appears to be), this bill does more than change funding – it removes the state's ability to verify that a home school is being operated by a certain family – its only authorized method of oversight for home schools. Registration does not provide the state with any oversight of operations, education content, etc., only the fact that the school exists.

Sec. 12(b) requires public schools to allow resident students to take the state assessments, but (c) refers to limiting the data made available to 3rd parties (presumably to KSDE and USDoE). It is not possible for a public school to sign a student up to take the state assessment without receiving SOME information from the private school. It is possible that signing up the student to take the assessment could include written consent to provide certain data as needed, but the potential conflict between 12(b) and (c) needs to be clarified.

Sec. 12(c) prohibits any accredited private school from ever participating in the Sunflower Education Equity program. Those private schools will have to choose between state accreditation or being qualified for this program, because (1) prohibits data on “feelings, attitudes, beliefs or practices” from being shared with the program’s board – which probably means they aren’t allowed to conduct any evaluations of social or emotional development. More importantly (2) prohibits qualified schools from disclosing student data to KSDE without written parental consent every single time KSDE asks for student data. Schools are unable to maintain State Board accreditation without making that school’s student data available to KSDE.

Following the State Board of Education’s position on the issue of using taxpayer funds for schools, we rise in opposition to the proposed creation of student education accounts, which require that the taxpayer-generated funds be used for nonpublic school attendance. There seem to be many general requirements assigned to the Sunflower Education Equity Board regarding the expenditure of funds, but no requirement that the board set expectations for the achievement of the students. There are no proposed future Legislative Post Audits to identify that programs offered by the nonpublic schools are meeting the expectations that are placed on public schools because they are receiving tax dollars.

Thank you for your consideration of concerns held by members of the Kansas State Board of Education and others within the public education community when you work HB 2218.