



900 S.W. Jackson Street, Suite 600
Topeka, Kansas 66612-1212
(785) 296-3203
www.ksde.org

Danny Zeck
District 1

Melanie Haas
District 2

Michelle Dombrosky
District 3

Ann E. Mah
District 4

Cathy Hopkins
District 5

Dr. Deena Horst
District 6

Dennis Hershberger
District 7

Betty J. Arnold
District 8

Jim Porter
District 9

Jim McNiece
District 10

Opponent Testimony

SB 83 - AN ACT concerning education; relating to the tax credit for low income students scholarship program; providing for additional student eligibility; increasing the tax credit for contributions made pursuant to such program; amending K.S.A. 72-4353 and 72-4357 and K.S.A. 2022 Supp. 72-4352 and repealing the existing sections.

Presented to the House Committee on K-12

Education Budget

Thursday, March 2, 2023

by

Ann Mah and Dr. Deena Horst, Legislative Liaisons

Kansas State Board of Education

Chairwoman Williams and members of the Committee:

Thank you for allowing us to provide this testimony in opposition to SB 83. This bill expands the tax credit for the low-income students' scholarship program.

This bill expands the grades eligible from eighth grade to ninth through 12th (or 21 years of age). It increases the income eligibility from free or reduced-price meals to 400% of the federal poverty guidelines, which today would be more than \$100,000 annually for a family of four. It also increases the tax benefit for donors and allows for the total amount of tax credits to increase annually in certain conditions. Further, it adds additional qualifying students whose needs have no relationship to academic performance or need. The Kansas State Board of Education opposes any expansion of the program.

It is concerning that what was first billed to be a scholarship program to assist low-income, academically struggling elementary students in their quest to achieve academic success by transferring to a successful private school is being changed to focus on middle- and upper-middle-income students who may want to attend a private school for reasons other than academic. The addition of high school students is particularly troubling because it will likely be used to further the recruiting of athletes, which is occurring in some private schools today.

Kansas leads the world in the success of each student.

The poorest students cannot afford the best private schools, even with scholarships. Providing their own transportation can also be disqualifying. We also have not been shown any data that proves that scholarship students perform better in private schools. There seems to be a perception that scholarship students move to private schools that are better performing than public schools. It is a fact, however, that scholarship students can leave a nationally recognized public school to go to a lower-performing private school. We would ask that such a use of public funds not be allowed. Further, oversight and specific reporting of success or lack of success of scholarship students should be required. Putting millions of taxpayer dollars into an unproven program without oversight is an abuse of the public trust.

The fact is “school choice” is often just that. Private schools choose the students. The scholarship students do not choose the schools. Let us relate the application process for just one private school that is approved for the program. The school requires two years’ grades, and two years’ state assessment scores. Then, the school may perform additional assessments to be sure the student is academically prepared. Students should not evidence any significant learning disabilities or behavioral problems. We question just how accessible this school is to a struggling student.

Further, “qualified schools,” even if they are accredited under the Kansas Education Systems Accreditation (KESA) program, do not have to follow the same rules as Kansas public schools. Here are some examples:

1. Public schools must provide a free education to all students, regardless of family income or background.
2. Public schools must provide special education services to students with disabilities.
3. Public schools must comply with state and federal laws, such as those prohibiting discrimination based on race, religion, gender, sexual orientation, ethnicity, or national origin. Private schools must comply only if the school takes federal funds.
4. Public schools must provide meals to students who are eligible for free or reduced-price lunch.
5. Public schools must provide English Language Learner services for students who need support to learn the language.
6. Public schools have a level of transparency and accountability to the public through publicly available budgets, board meetings, and other information.

7. Public schools must provide a secular education that does not promote a particular religious doctrine.
8. Private schools do not have to follow suspension and expulsion laws as they apply to public schools. They can expel any student for any reason and return them to public schools.
9. Public schools must comply with the bullying and the Jason Flatt Act statutes.
10. Public schools must publish their building report card on their websites.

Kansas public schools are required to accept every student, including the hard-to-teach students. If they are unloved, unfed, unclothed, beaten, broken or damaged, we still take them and help them to be the best, most successful people they can be. We believe most Kansas taxpayers want strong, successful public schools that assist all students in learning to be responsible citizens. Most do not want to remove funding from public schools in order to give it to private, exclusive schools with no oversight.

How are public schools hurt by SB 83? Let us provide an example. If a family with three students, say first, third and eighth grades, leaves a school, the school can lose \$25,000-\$30,000 in funding (assuming the students are on free lunch). However, the school saves nothing in expenses. The district must continue to provide the same number of teachers, bus routes, and classrooms as before. For small, rural schools near metro areas, it can be particularly devastating if several families leave. This will be exacerbated by increasing the family income level for qualification. In fact, Oklahoma recently rejected a voucher program largely because of the negative impact on rural schools and communities. Further, if a private school takes a special needs student but cannot provide the required services, those services will likely be provided by the public schools. In these cases, the state pays both the private school tuition along with state aid to the public school. That is a double cost for taxpayers.

Public schools are the cornerstone of our Kansas economy and our democracy. We believe what most parents and taxpayers want are strong public schools that serve all students. If public schools need help, then provide what they need so every student truly has a chance and every parent has a choice, not just some students and some parents. We respectfully ask that our schools not be penalized with reduced funding, nor be pitted against private schools that are competing on an unlevel playing field. That is what our state, our families and our students deserve. We urge the Committee to reject SB 83 and instead assist in keeping our public schools strong.

Thank you again for providing us with the opportunity to share thoughts and concerns regarding SB 83.