

Opponent Testimony of SB 87  
For the Senate Education Committee  
February 6, 2025  
Ann E. Mah

Chair Erickson and Members of the Committee:

Thank you for allowing me to provide this testimony in opposition to SB 87. This bill expands the tax credit for the low-income student scholarship program. Not only should this program not be expanded, it should be eliminated. Kansas voters do not want this voucher scam and it undermines our commitment to public education.

It increases the amount of the tax credit to 100% of the amount donated and allows the total in lost state taxes to go to \$20 million a year. Further, it adds additional qualifying students whose needs may have no relationship to academic performance. For example, it incentivizes military students to attend private schools, but there is no correlation I know of that indicates they would be better off in private schools. In fact, likely the opposite is true. A number of public schools near military facilities in Kansas are now Kansas Purple Star Schools. These schools help military-connected students respond to the myriad of challenges they face in transition and help keep them on track for success.

Perhaps now we can stop the pretense that the scholarship program was ever about helping low-income students go to better performing schools to achieve academic success. It is now clear this is all about defunding and privatizing public education and helping wealthy donors. If there ever was a question as to whether this was about academically struggling low-income students or about the money, SB 87 answers that question. Has anyone ever heard of a 100% tax credit up to \$500,000 for a program? It just supports the reality that it is not a large number of parents of public school students asking for this scholarship program; it is the billionaires in Kansas seeking to get a tax break and privatize public education.

How does this program and its expansion hurt public schools and public school students? First, it promises help that is not delivered. The poorest students cannot afford the best private schools, even with scholarships. They likely have to provide their own transportation, and that alone can be a disqualifier. There is no proof that scholarship students do better in private schools since there is no specific reporting required, and the legislature seems to have no appetite for oversight of private schools that receive funds via the scholarship program, while requiring a multitude of reports from public schools.

Further, there were just 2,360 students in the program in the 2023-24 school year, even though there are well more than 200,000 income eligible students. That should be proof enough that poor students either cannot afford private schools, are not being accepted, or just want to stay in public schools.

Let me give another example. If a family with three students, say, 1<sup>st</sup>, 3<sup>rd</sup>, and 8<sup>th</sup> grade, leaves a school, the school can lose \$25,000-\$30,000 in funding (assuming the students are on free and reduced lunch). However, the school saves nothing in expenses. They must continue to provide the same number of teachers, bus routes, and classrooms as before. For small, rural schools near metro areas, this can be particularly devastating if a few families leave. Further, if a private school takes a special needs student but cannot provide the required services, those services must 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. A double whammy for taxpayers.

The fact is, “school choice” is just that. The schools choose the students. The students do not choose the schools. Let me relate the application process for just one private school in Topeka that was approved and has participated in the program. They require a photo of the student, two years’ grades, and two years’ state assessment scores. Then the school may do additional assessments to be sure the student is academically prepared. Students should not evidence any significant learning disabilities or behavioral problems. The student’s parents must show that they are Christians and active in a local church. Is this what Kansas parents and taxpayers want? Does it sound like a student who is struggling in public schools would be welcomed here? Or a child with issues?

Kansas public schools don’t have the luxury of rejecting the hard-to-teach students. They are required to take every student. If children are unloved, unfed, unclothed, beaten, broken, or damaged, public schools still take them and help them to be the best, most successful person they can be. I believe that is what most Kansas taxpayers want. They do not want to remove funding from public schools and give it to schools with unique agendas and no oversight.

Voucher proponents contend that private schools that are accredited have “oversight”. But even if a private school is accredited by KSDE, there is a long list of things that differ. Here are just 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 prohibition discrimination based on race, religion, gender, sexual orientation, ethnicity, or national origin. Private schools must comply only if they accept federal funds.
4. Public schools must provide English Language Learner services for students who need support to learn the language.
5. Public schools have a level of transparency and accountability to the public through publicly available budgets, board meetings, and other information.
6. Public schools must provide a secular education that does not promote a particular religious doctrine.
7. Private schools do not have to follow suspension and expulsion laws as they apply to public schools.
8. Public schools must comply with the bullying and Jason Flatt Act statutes.
9. Public schools must publish their building report card on their websites.

Vouchers have never withstood a vote of the people in any state when the people were given a chance to speak. Most recently, the states of Nebraska, Kentucky, and California rejected private school vouchers. In Nebraska, 58% of voters threw out their existing voucher system. In Kentucky, 65% of voters rejected vouchers and it lost in every single county. In Colorado, 55% of voters rejected a constitutional change. If you are so sure this is what Kansans want, let's put it on the ballot and find out.

Perhaps the biggest charade is that students would go to schools on scholarship that are better than public schools. First, we have no data that shows any scholarship students improve academically in private schools. I also suggest that public schools with demographics similar to private schools perform just as well. But it is a fact that students can use taxpayer money to leave a nationally-recognized and awarded public school to go to a poorer performing private school. That should never be allowed.

This committee should be about doing what is best for all students, not just some. The notion that "the money should follow the child" is also hooey. When I pay my state taxes for K-12 education, that money goes to educate all children, not just my child. It is a tax I pay to provide education for the general welfare of the state and public good of all. Whether I have children in school or not does not matter. I pay the same tax. When I pay taxes for public golf courses, I don't get to take those dollars and head to a country club that I might like better. The state does not owe me a custom golf experience and it doesn't owe my child a boutique school! It's another ridiculous notion some pro-voucher advocates use to confuse the issue.

Having said that, let me say that most private schools do a good job of educating students. I know that from more than 25 years of experience accrediting public and private schools. However, private schools do a different job than public schools. They serve niche markets. Their patrons are less diverse and wealthier on the average than public schools. If you think there is something private schools offer that every child should have, then let's provide that for every child, not just some.

Providing an adequate and equitable education for all Kansas children is the state's number one obligation. If public schools need help, then provide what they need so every student truly has a chance, not just some students. Don't kneecap public schools with reduced funding. Don't pit them against private schools that are competing on an unlevel playing field. What parents and taxpayers want is a strong public education system. That is what our state, our families, and our students deserve. I urge the Committee to reject SB 87 and instead work on keeping our public schools strong.

Respectfully submitted by

Ann Mah  
Former State Representative District 53  
Former State Board of Education Member District 4