



Testimony before the House K-12 Education Budget Committee
in opposition to
**Senate Bill 61 – Amending the tax credit for low income students scholarship program act to
expand student eligibility**
by
Game On for Kansas Schools
February 23, 2021

Madam Chair, Members of the Committee:

[Game On for Kansas Schools](#) is a nonpartisan grassroots effort among Kansans who share a belief in high-quality public education as a right of all Kansas students. We advocate for Kansas public schools to ensure our teachers, principals, superintendents, and school board members have the resources necessary to deliver quality education to all Kansas students. We inform communities across the state about issues and legislation affecting their students, and our membership extends statewide.

Our concerns regarding this bill are extensive. We continue to stand opposed the tax credit scholarship efforts as we have since 2014. The underlying bill is an ALEC (American Legislative Exchange Council) bill.¹ Sections of Kansas' tax credit scholarship program are identical to the ALEC boilerplate bill. ALEC is not an advocate for Kansas children or schools but is a national group that promotes corporate interests and seeks to erode support for public schools. In alignment with ALEC's extreme goals, this bill provides for the diversion of taxpayer funds to private schools. As we have seen in other states, the initial bill was merely the first step. We are now testifying against the fifth attempt at expansion.

We are often told that tax credit scholarships are a combination of donor philanthropy and state altruism, but donating money only to receive seventy percent (70%) that is given back is not philanthropy; it's tax avoidance. During this economically challenging time, we oppose the expansion of a program that diverts of up to \$10 million annually from the State General Fund, lessening funding availability for schools and other state responsibilities.

We have always disagreed with the original bill's claim that tax credit scholarships allow poor children to "escape failing schools" and reassert our disagreement today. So called "failing" schools tend to be schools with high numbers of disadvantaged students whose challenges of poverty, food and housing insecurity, homelessness, and trauma cannot be overcome by the schools alone. Even accepting for a moment, the classification of "failing" schools, the fact that this bill specifically seeks to eliminate the requirement that a student attends one of the 100 lowest-performing schools to receive a scholarship undercuts the rationale of the program – to help children "escape" those schools. Simultaneously, it exacerbates budget pressures on our public schools by fostering school enrollment declines, making it even harder for our schools to serve all Kansas children.

If the stated purpose of Kansas' tax credit scholarship program is to serve students "at-risk," then this bill's expansion of eligible students from those who qualify for free lunch to include those who qualify for reduced-price lunch is problematic. Students who receive reduced-price lunch are not automatically "at-risk." The "at-risk" proxy in Kansas law which triggers funding for at-risk programs is free lunch. This bill expands the tax credit program to students who do not fit the proxy definition of "at-risk" according to Kansas law, and it does not require recipients to provide any additional evidence they are a student at-risk. This seems an inappropriate expansion of the program to allow tax-credit scholarships for students beyond the target population.

By opening this program up to students in all Kansas public schools, a student could now use a tax credit scholarship to leave a "high performing" public school and pay tuition at a lower-performing private school. Tax credits should not be used for such purposes. School choice exists in Kansas, but if we have public subsidies at all they should not be expanded to allow their use for inferior educational options.

Justification for this program and this bill has been largely based on the alleged superiority of private schools. Unfortunately, the voucher/tax credit scholarship experiment has been underway for decades in other cities and states, and research shows that these programs do not lead to improved student performance.² According to a longitudinal study pub-

lished in 2018 by professors at the University of Virginia, there is no evidence that private schools are better at promoting student success.

“In sum, we find no evidence for policies that would support widespread enrollment in private schools, as a group, as a solution for achievement gaps associated with income or race. In most discussions of such gaps and educational opportunities, it is assumed that poor children attend poor quality schools, and that their families, given resources and flexibility, could choose among the existing supply of private schools to select and then enroll their children in a school that is more effective and a better match for their student’s needs. It is not at all clear that this logic holds in the real world of a limited supply of effective schools (both private and public) and the indication that once one accounts for family background, the existing supply of heterogeneous private schools (from which parents select) does not result in a superior education (even for higher income students).”³

There is also substantial research documenting ways in which private schools utilizing vouchers in other states have shown a lack of accountability,⁴ higher attrition rates,⁵ fiscal mismanagement, fraud and a lack of adequate academic services.⁶ Given the lack of evidence nationally that these programs are actually effective, we are concerned that schools participating in Kansas’s program have also not provided evidence the program is achieving its goal. There are no accountability measures in this program to demonstrate that the students it aims to serve are actually making the improvements sought. There is not data available on the Board of Education’s Performance Level Reports that tracks the academic progress of this particular student cohort. As parents, we believe if taxpayer dollars are to be distributed to private schools, those schools ought to show they are providing students with a strong education. Without clear data from the program on its success improving the educational outcomes of students already enrolled, or even a mechanism for monitoring the success of students going forward, we cannot see its value and so oppose its expansion.

We also oppose this bill because it is discriminatory. While the current program requires schools to be accredited, they are not required to be accredited by the State. Thus, they still may not be required to provide everything that public schools are required to provide. They can discriminate and turn away students they find undesirable. There is nothing in this bill that requires participating schools to provide transportation or lunches and they are not required to take all of those who apply. Thus they already are limited to those children that don’t need those services, and they can turn students away who may be more difficult to educate. They are also free to counsel out students who turn out to be more difficult, sending them back to the public schools. The current program guideline states:

“Participation in the educational scholarship program constitutes a waiver from special education services provided by any school district, unless the USD agrees to provide such service to the qualified school 57(f).”⁷

This ensures scholarship-receiving school do not have to accommodate learning disabilities, emotional disabilities, physical handicaps, behavioral challenges or any situation they find too difficult or too expensive. If anyone is to provide these services, it’s to be the public schools. Furthermore, Kansas regulation does not require the program schools to make their ability to deny services clear to parents when enrolling their students, nor is a disclaimer that parents are waiving their IDEA rights listed on the state-provided parent consent form.⁸ Kansas parents deserve to be informed about the nature and quality of their children’s education. Transparency is key. Not only does this program allow private schools to reject students with special needs, for any reason, it does not make them disclose it.

We believe it defies logic to tell our public schools they must be transparent, evidence-based, efficient and must minimize administration and then allow the diversion of public dollars to exclusive, less-accountable schools with their own buildings and administrators. In no other part of our public life do we expect government to pay for an alternative solution to the public option. Just as we do not give people money to buy books if they prefer not to use the library, or provide a car if someone prefers not to ride the bus, we should not fund separate educational systems to satisfy personal preference. If there are improvements to be made in our educational system, we should strive to make them so that **all** Kansas children can benefit, not just the few who meet the criteria of this program or the desired profile of participating schools.

Throughout Kansas’ history, parents have had the choice about where to send their children to school. The question at hand is whether, in a time of limited resources, it makes sense to divert some of those funds to a separate program of edu-

cation without evidence of their value. We oppose this bill, which subsidizes private schools with public dollars, fails to protect the educational interests of the students using the program, and harms the vast majority of Kansas children who rely upon our public schools for their education. We urge you to oppose Senate Bill 61.

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