

**Testimony of Vickie Sandell Stangl, President of the Great Plains Chapter
of Americans United for Separation of Church and State
Before the Kansas House of Representatives Committee on Education Budget
March 6, 2012**

My name is Vickie Sandell Stangl and I am the president of the Great Plains chapter of Americans United for Separation of Church and State. I am speaking on behalf of the Great Plains chapter and all of Americans United's members and supporters in Kansas. Thank you for allowing me to explain why Americans United urges you to oppose HB 2767, which would enact "the Kansas Education Liberty Program."

Americans United is a nonpartisan, national organization committed to preserving the constitutional principles of separation of church and state and religious liberty. We oppose tax credit schemes, such as HB 2767, because they are back-door voucher systems, and have the same constitutional flaws inherent in voucher systems, as they are both subsidized by the state. This bill violates the Kansas Constitution and represents misguided education reform policy.

Even more than the First Amendment to the U.S. Constitution, the Kansas Constitution erects an absolute wall of separation, prohibiting public educational funds from flowing to sectarian education. Article 6 of the Bill of Rights mandates that, "No religious sect or sects shall control any part of the public educational funds." Education tax credits are indirect voucher programs because the tax credit constitutes public funding: when the government grants a tax benefit, it forgoes that income. Once funds under this bill are given to a private religious school, they can be spent on worship, religious training, and salaries paid to religious personnel—a clear violation of Article 6. In fact, most private schools, and most schools that will opt to accept

students under this scheme, will likely be religious in nature;¹ thus, this tax credit system serves just as a way to divert public money to religious schools.

Moreover, state funding for private schools harms our public education system by misappropriating funds that could be used to aid our cash-strapped public schools. Such a system simply fails low-income families. This tax credit will not decrease education costs. Rather, tax money that would ordinarily go to public schools would instead pay the tax benefit, thus limiting the capacity of the public schools. Kansas has struggled for years with cuts to its education financing,² and it is inappropriate to spend millions of dollars, which will also include additional costs associated with new personnel and considerable administrative burdens to carry out the program, for students to attend private school.

In addition, these backdoor vouchers would use taxpayers' money to subsidize the education of only a small minority – only families with the money to cover the cost of the rest of the tuition, uniforms, transportation, books, and other supplies at private schools can benefit from this scheme. Instead, Kansas should invest that money in public schools for the benefit of all students.

The fact that public funding of private schools has, in no way, been successful in improving students' achievement, provides even less reason for legislators to consider such a program. In short, vouchers—like these backdoor vouchers—do not work. According to multiple studies in the District of Columbia,³ Milwaukee,⁴ and Cleveland⁵ school voucher

¹For example, in *Zelman v. Simmons-Harris*, the Supreme Court found that, of the 3,700 students participating in Ohio's Pilot Project Scholarship Program in the Cleveland City School District, 96% enrolled in religiously affiliated schools. See *Zelman v. Simmons-Harris*, 536 U.S. 639, 647 (2002). Indeed, approximately 80% of the students participating in the DC voucher program attend religious schools. See U.S. Dep't of Ed., *Evaluation of the D.C. Scholarship Program: Final Report*, 17-18 (June 2010).

³U.S. Dep't of Ed., *Evaluation of the D.C. Scholarship Program: Final Report* (June 2010).

⁴Witte, Wolf, et al., *MPCP Longitudinal Educational Growth Study Third Year Report* (Apr. 2010); Witte, Wolf, et al., *MPCP Longitudinal Educational Growth Study Second Year Report* (Mar. 2009); Witte, Wolf, et al., *MPCP Longitudinal Educational Growth Study Baseline Report* (Feb. 2008); Witte, *Achievement Effects of Milwaukee Voucher Program* (Feb. 1997); Witte, et al., *Fifth Year Report Milwaukee Parental Choice Program* (Dec. 1995).

programs, students offered vouchers do not perform better in reading and math than students in public schools. Last August, the Wisconsin Legislative Audit Bureau released a five-year longitudinal study,⁶ which concluded that students in Milwaukee using vouchers to attend private and religious schools perform no better on standardized tests than their counterparts in public schools. Against this background, we especially urge you not to instate a tax credit program that is costly for Kansas and proven not to work.

Last, most private schools, and most schools that will opt to accept students under this scheme, will likely be religious in nature;⁷ thus, this backdoor voucher system serves just as a way to divert public money to religious schools. As a result, students could be forced to participate in religious activities, despite the fact that their school expenses are being paid by the state. Moreover, all state taxpayers, regardless of their religious affiliation, will be paying for religious education. These outcomes are contrary to constitutional notions of religious freedom.

Americans United is committed to the protection of public education. However, we strongly believe that the nation's civil liberties must be upheld even in difficult circumstances. It is wrong to capitalize on the plight of students in failing schools by attempting to push through a divisive and unsound back-door voucher proposal that would severely undermine a longstanding commitment to public education. For the reasons discussed, we urge you to **oppose HB 2767**.

Thank you for the opportunity to provide testimony on this important matter.

5 Plucker, et al., *Evaluation of the Cleveland Scholarship and Tutoring Program, Summary Report 1998-2004* (Feb. 2006); *Evaluation of the Cleveland Scholarship and Tutoring Program, Executive Report 1998-2002* (Feb. 2006).

6 Legislative Audit Bureau, *Test Score Data for Pupils in the Milwaukee Parental Choice Program (Report 4 of 5)*, 17 (Aug. 2011) ("The project's five year longitudinal study shows no significant difference in the performance of Choice and similar MPS pupils after four years of participation.")

7 For example, in *Zelman v. Simmons-Harris*, the Supreme Court found that, of the 3,700 students participating in Ohio's Pilot Project Scholarship Program in the Cleveland City School District, 96% enrolled in religiously affiliated schools. See *Zelman v. Simmons-Harris*, 536 U.S. 639, 647 (2002). Indeed, approximately 80% of the students participating in the DC voucher program attend religious schools. See U.S. Dep't of Ed., *Evaluation of the D.C. Scholarship Program: Final Report*, 17-18 (June 2010).