



**KANSAS ASSOCIATION
OF SCHOOL BOARDS**
Serving Educational Leaders, Inspiring Student Success

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Oral Opponent Testimony
Before the Senate Education Committee
On Amending the tax credit for low income students scholarship program act to expand student eligibility

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Madam Chair and Members of the Committee,

As affirmed for decades by our members, KASB opposes any proposal to use public funding to aid to private schools, directly or indirectly. We appear in opposition to this bill because we believe the potential benefits *some* students might realize from increased access to private schools are outweighed the potential harm to our system of public education.

Kansas school board members are elected to maintain, develop, and operate local public schools in pursuit of the constitutional goal of educational improvement. To do so, they must represent the interests of *all* students.

We respect private schools and the choice some parents make for them. Many educators move between these two systems. Many families have had children in both. We understand that supporters of such programs sincerely believe some children and families who cannot afford these private schools would benefit from financial assistance.

However, the purpose and goal of public education has always been to provide every child access to a high-quality education, regardless of wealth or family status, location, race, religion, aptitude, or disability. Of course, achieving this goal has been an on-going struggle, but the goal remains. To this end, there are extensive state and federal laws guaranteeing the rights of students to equal access, fair treatment, and special assistance when needed, and regulation and accountability for public schools.

These are appropriate because public schools are open to all children, they are funded by all taxpayers and they are accountable to all voters.

Private schools, on the other hand, are free to select the children and families they serve, the terms of attendance, the programs they offer and the requirements they impose. These differences are

appropriate when such schools are voluntarily and privately funded. However, most so-called school choice programs seek to use public funding – contributed by all taxpayers – to help some children attend schools that can limit who they serve.

In the other words, the school chooses its students, rather than students choosing the school.

Our concern is that programs purporting to give students more options will lead to a system in which some schools receiving public assistance can be selective in their students and specialized in their programs, while public schools will be responsible for educating students that nonpublic schools decide they will not or cannot educate. Most would agree it is easier to be “successful” in education if you select students more likely to succeed and offer only the programs you believe are most likely to succeed.

A private school may directly or indirectly exclude a student as a result of its institutional mission. If that same child does not succeed in a public school, it is considered the public school’s failure.

Our concern is that these programs could encourage students who are more likely to succeed to leave public schools, contribute to a narrative that public schools are “failing” which could cause more parental pressure to leave, and weaken public support for schools that remain the only option for many students. This would disadvantage the students already struggling to deal with chronic poverty, family disfunction, disability, mental illness, and behavioral issues – students who are least likely to be served in private schools.

The current scholarship program bases student eligibility on two things, both of which would be changed by this bill. First, the student must qualify for free meals. While low-income students are more **likely** to have academic, social and emotional challenges, many are successful in public schools. There is no requirement students receiving a tax credit supported scholarship are academically at-risk or struggling with social, emotional, behavioral or other issues.

This bill would allow participation by students and families eligible for reduced-price meals – who on average have better academic performance than free-lunch only students.

Second, currently the student must be attending or would first attend one of the 100 “lowest performing” public elementary schools. The narrative is that these are “failing schools.” But a review of the latest report on the tax credit programs shows that of the 1,053 students who have qualified for a scholarship since 2015, 95.6 percent are from districts with over 70 percent economically disadvantaged students, and 99 percent are from districts with a higher percentage of such students than the state average last year (47.3 percent). These are not “failing schools.” These are districts that happen to serve the highest percentage of students with the highest needs. Of the private school system served by this program, the highest percentage of economically disadvantaged enrollment is 24.7 percent.

What the program has done is allow a small number of students to transfer from some of the higher poverty school systems in the state to some of the lowest. PERHAPS that has benefited those students, but there is no reporting on how these students were doing in the public school, nor how they are doing in their new private school. We do know that low-income students in private schools have lower academic achievement than non-low-income students, just as in public schools.

It is certainly unclear how this helps the tens of thousands of high needs students remaining in those districts, since a loss of students eventually means a loss of funding.

This bill would open the program to free/reduced eligible students attending any public school. Instead of being limited to schools with high percentages of students with higher needs, it would be open to students in all public schools, regardless of the level of student need.

Under this bill, many **more** students would become eligible for scholarships, but on average those students would be **less likely** to have higher academic, social or emotional needs. While the current law does not require eligible students to be high need, at-risk students, we suggest this bill would make it much less likely participants would be in that category.

There are several ways a bill could address this issue. First, it could require participating schools to meet the same requirements for admission, retention, and services as public schools, and accept all students that apply. Second, it could require that scholarships supported by tax credits be limited to students who are actually struggling; for example, those meeting State Board's definition of students who qualify for at-risk services, not simply those who qualify for free meals. Third, it could at a minimum require reporting on the academic and other needs of scholarship students in public schools and their progress in private school after receiving such a scholarship. But this bill does not do any of these things.

In conclusion, this program, which reduces state general fund revenues, would be changed by this bill to be **less** focused on students likely to have the greatest needs. These funds could be used to provide increased funding for special education programs that serve both public and private school students, or increase targeted at-risk programs, or expand early childhood programs for students with demonstrated need.

As a result, we believe this bill, on balance, is not in the interest of **all** students in Kansas.

Thank you for consideration.

Additional Information

This table shows the 13 public school districts that have had students qualify for the tax credit scholarship program since 2015, and the number reported. It also shows the five private school systems in Kansas (accredited and with more than one school), although there are no reported eligible students for the organizations serving the Lutheran schools or Salina Catholic schools.

Next the table shows the percentage of students in each system eligible for free or reduced meals and special education. Finally, it shows the change in the percent of students scoring in the LOWEST performance level on state reading and math tests from 2015 to 2019, the same years the scholarship program has been in effect.

Note that seven districts had a similar or higher increase in students at the lowest in math and eight in reading than the statewide average. While at the lowest rate, the private school systems also had increases in the percent at the lowest level on nine of the 10 measures.

School System	Approved Scholarship Students	Percent Free/Reduced	Percent Special Ed	5-Year Percent Change in Students at Lowest Assessment Level	
				Math	Reading
USD 500 Kansas City	441	75.9%	15.7%	1.8	5.0
USD 259 Wichita	421	77.5%	15.2%	10.6	9.5
USD 501 Topeka	121	72.8%	20.8%	2.0	4.9
USD 443 Dodge City	23	79.7%	12.2%	4.0	14.6
USD 308 Hutchinson	13	68.5%	19.5%	8.6	15.6
USD 453 Leavenworth	12	55.4%	17.6%	10.6	10.2
USD 290 Ottawa	5	54.4%	18.3%	9.4	10.9
USD 303 Ness City	5	43.2%	22.0%	24.2	15.1
USD 233 Olathe	4	26.8%	13.4%	5.0	7.9
USD 428 Great Bend	4	67.0%	15.2%	-0.6	9.6
USD 250 Pittsburg	2	61.6%	18.8%	-0.3	5.7
USD 312 Haven	1	45.6%	13.4%	6.2	7.5
USD 457 Garden City	1	71.3%	14.1%	-1.0	10.3
State Average		47.3%	15.2%	5.2	8.3
Lutheran Schools		17.9%	4.1%	2.3	1.1
Dodge City Catholic		24.7%	11.4%	-2.1	2.6
Kansas City Catholic		13.4%	3.1%	3.5	4.4
Salina Catholic		19.7%	6.4%	3.0	3.7
Wichita Catholic		24.7%	4.0%	1.3	2.6