

SESSION OF 2021

SUPPLEMENTAL NOTE ON SENATE BILL NO. 61

As Recommended by Senate Committee on
Education

Brief*

SB 61 would amend law relating to the expansion of the Tax Credit for Low Income Student Scholarship Program (Program). The bill would specifically amend Program provisions relating to student eligibility requirements, school eligibility requirements, and reporting requirements. It would also make technical updates.

Student Eligibility

The bill would expand student eligibility to all students who qualify for the federal free and reduced lunch program. Students who have previously received an educational scholarship from the Program would also continue to be eligible for the Program, regardless of eligibility for the free and reduced lunch program, as long as they are under 21 years of age and have not yet graduated from high school.

Under current law, student eligibility is limited to students considered "at risk" as defined in KSA 72-5132 (the Kansas School Equity and Enhancement Act) as students who are attending public school or students who have been eligible to receive an educational scholarship that are currently under 21 years of age and have not yet graduated high school.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

School Eligibility Requirements

The bill would expand the list of public schools whose students are eligible for the Program to include all schools operated by a unified school district.

Under current law, students in public elementary schools identified as one of the 100 lowest performing schools are permitted to utilize the Program.

Reporting Requirements

The bill would add a requirement for qualified schools participating in the program to prominently display a link on their website that directs individuals to statutorily published reports on the Kansas State Department of Education's website as pursuant to requirements in law pertaining to accountability reports.

Technical Amendments

The bill would make several technical amendments.

Background

The bill was introduced by the Senate Committee on Education at the request of Ace Scholarships SGO, Kansas LLC.

[*Note:* A companion bill, HB 2068, as been introduced in the House.]

Senate Committee on Education

In the Senate Committee hearing on January 26, 2021, **proponent** testimony was presented by representatives of Ace Scholarships SGO, Kansas LLC; the Catholic Education

Foundation; Ed Choice; Holy Savior Catholic Academy; Support Catholic Schools; and a private citizen. Written-only **proponent** testimony was provided by representatives of Americans for Prosperity, the Catholic Diocese of Wichita, Excel in Ed in Action, Holy Family Catholic School, the Institute for Justice, the Kansas Catholic Conference, Kansas Policy Institute, Sacred Heart Cathedral Catholic School, St. Anne Catholic School, St. Patrick Catholic School; and two private citizens. The proponents generally stated that these changes would create a more equitable system that more accurately reflects families' financial situations. They also stated that this would align the Program with similar programs found in other states.

Opponent testimony was provided by representatives of Game On for Kansas Schools, the Kansas Association of School Boards, the Kansas PTA, the Mainstream Coalition, Pittsburg Community Schools, and the Shawnee Mission School District. A representative of the Kansas School Superintendents Association and United School Administration of Kansas also provided testimony. Written-only **opponent** testimony was provided by the Blue Valley School District, Education First Shawnee Mission, Kansas National Education Association, Kansas State Board of Education, Olathe Public Schools, Schools for Quality Education, Seaman Unified School District, Spring Hill School District, Stand Up Blue Valley, USD 231 (Gardner Edgerton), and USD 265 Board of Education (Goddard). The opponents generally stated that these changes go against the original purpose of the Program by removing the school eligibility requirement for students who may utilize the Program. They also stated that unlike public schools, the qualified schools would be allowed to choose which students they wanted to accept.

No neutral testimony was provided.

Fiscal Information

No fiscal note was available at the time the Senate Committee took action.

However, a fiscal note was prepared for the companion bill, HB 2068. According to the fiscal note prepared by the Division of the Budget, the Department of Revenue (Department) cannot estimate the additional number of contributions resulting from the enactment of HB 2068. The Department notes that the maximum individual scholarship is \$8,000 per eligible student and the total amount of tax credits provided each year is capped at \$10.0 million.

Education; Tax Credit for Low Income Student Scholarship Program