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February 3, 2021

The Honorable Kristey Williams  
Chair  
K-12 Education Budget Committee  
Kansas House of Representatives  
Room 546-S  
300 Southwest 10th St.  
Topeka, KS 66612

The Honorable Kyle Hoffman  
Vice Chair  
K-12 Education Budget Committee  
Kansas House of Representatives  
Room 546-S  
300 Southwest 10th St.  
Topeka, KS 66612

**Re: Oppose HB 2119 –Private School Vouchers Are Bad Education Policy**

Dear Chair Williams and Vice Chair Hoffman:

On behalf of the Kansas members and supporters of Americans United for Separation of Church and State, I write to urge you to oppose HB 2119. This bill would create an education savings account (ESA) program—also known as a private school voucher—that would fund private school education. Our public schools, which are dealing with economic uncertainty and bracing for budget cuts due to the pandemic, should not be stripped of public funds. In addition, this bill should be rejected because vouchers don't work, fund discrimination, and violate religious freedom. Public dollars should fund public schools, which serve 90% of America's schoolchildren.

**Kansas Should Not Drain Additional Funds from Public Schools During the Pandemic**

Especially at this time, when the COVID-19 pandemic has led to unprecedented challenges for our public-school system, the legislature should not direct additional funding to private schools. Public schools face mounting costs to ensure that students are able to safely and appropriately receive the education and services they need. At the same time, the state faces budget shortfalls that could worsen as the pandemic continues.<sup>1</sup> If we do not sufficiently fund our public schools, there is no fall back.

Furthermore, Kansas private schools have already received nearly \$25 million in forgivable loans through the federal Paycheck Protection Program (PPP).<sup>2</sup> For example, Wichita

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<sup>1</sup> Titus Wu and Andrew Bahl, [Coronavirus, State Budget Among Key Issues in Kansas' 2021 Legislative Session](#), *Topeka Capital-Journal*, Jan. 10, 2021.

<sup>2</sup> This number is an estimate based on the midpoint of possible PPP large loan ranges. It does not include any loans that Kansas private schools may have received for amounts below \$150,000. Samantha Sokol, et al., Ams. United for Separation of Church & State, [The Paycheck Protection Program Has Provided Billions in Federal Funds to Private and Religious Schools](#), 6 (Jul. 29, 2020).

Collegiate School, which charges a tuition of more than \$20,000 a year,<sup>3</sup> received between \$1 to \$2 million.<sup>4</sup> In contrast, Kansas public schools, which were excluded from accessing PPP funding, only received \$84 million in Elementary and Secondary School Emergency Relief (ESSER) Funds.<sup>5</sup> In short, a few dozen private schools received almost a third as much funding as the entire Kansas public school system. Congress also recently passed another COVID relief bill that provides federal funding for assistance and services in private schools. The legislature, therefore, should not send more money to private schools when public schools face extreme budget shortfalls.

### **Voucher Programs Don't Work**

Private school vouchers do not improve educational outcomes. Studies of the Indiana,<sup>6</sup> Louisiana,<sup>7</sup> and Ohio<sup>8</sup> voucher programs revealed that students who used vouchers actually performed *worse* on standardized tests than their peers not in voucher programs. And studies of long-standing voucher programs in Milwaukee,<sup>9</sup> Cleveland,<sup>10</sup> and Washington, DC<sup>11</sup> found that students offered vouchers showed no improvement in reading or math over those not in the program. With a record proving they don't work, there is no justification for funneling more money into vouchers.

### **Voucher Programs Don't Serve Rural Students**

Almost half of Kansas's public schools are located in rural districts, and these schools serve more than one-fifth of the state's students.<sup>12</sup> Vouchers, however, don't provide an actual choice for students in these districts. Rural communities have few, if any, private school options. And students aren't guaranteed access to these schools, which have limited enrollment and may deny admission to students for any number of reasons. If students are able to gain admission with a voucher, they are generally still required to endure long, costly commutes. Vouchers are also especially harmful to the public school systems serving large rural areas because costs for facilities, transportation, administration, and instruction for public schools stay constant while state funding decreases.

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<sup>3</sup> Wichita Collegiate School, [2021-2022 Tuition Schedule \(Grades 1-12\)](#) (last accessed Jan. 30, 2021).

<sup>4</sup> Kevin Hardy, [Here's Which Kansas, Missouri Businesses, Schools and Churches Got PPP Money From the Feds](#), *Kansas City Star*, Jul. 8, 2020.

<sup>5</sup> U.S. Dep't of Educ., [Elementary and Secondary School Emergency Relief Fund State Allocations Table](#) (last visited Jan. 28, 2021).

<sup>6</sup> Megan Austin, R. Joseph Waddington, and Mark Berends, [Voucher Pathways and Student Achievement in Indiana's Choice Scholarship Program](#), 22, Russell Sage Found., 2019.

<sup>7</sup> Jonathan N. Mills and Patrick J. Wolf, [The Effects of the Louisiana Scholarship Program on Student Achievement after Four Years](#), 2, Univ. of Ark., May. 2019.

<sup>8</sup> David Figlio and Krzysztof Karbownik, [Evaluation of Ohio's EdChoice Scholarship Program: Selection, Competition, and Performance Effects](#), 32, Fordham Inst., Jul. 2016.

<sup>9</sup> Patrick J. Wolf, [The Comprehensive Longitudinal Evaluation of the Milwaukee Parental Choice Program: Summary of Final Reports](#), 7, School Choice Demonstration Project, Univ. of Ark., Apr. 2010.

<sup>10</sup> Jonathan Plucker et al., [Evaluation of the Cleveland Scholarship and Tutoring Program. Technical Report 1998-2004](#), 166, Ctr. for Evaluation & Educ. Policy, Univ. of Ind., Feb. 2006.

<sup>11</sup> Ann Webber et al., [Evaluation of the DC Opportunity Scholarship Program: Impacts Three Years After Students Applied](#), 4, U.S. Dep't of Educ., May 2019.

<sup>12</sup> Daniel Showalter et al., [Why Rural Matters 2018-2019](#), 109, Rural School and Community Trust, Nov. 2019.

## **Voucher Programs Fund Discrimination**

Public schools are open to and must serve all students. Private schools accepting vouchers, however, often deny students admission or expel them for a number of reasons, including based on their religion, sexual orientation, gender identity, academic abilities, disciplinary history, or ability to pay tuition. And private schools do not have to abide by federal civil rights laws that apply to public schools. For example, students with disabilities that use a voucher would forfeit many of the protections provided to students under the Individuals with Disabilities Education Act (IDEA) because they are considered parentally placed in private schools and lose the quality and quantity of services available to students in public schools.

Moreover, private religious schools can discriminate against employees by claiming an exemption from employment nondiscrimination provisions under Title VII of the Civil Rights Act and the ministerial exception.<sup>13</sup> Private religious schools have used religion as a basis to fire teachers for their reproductive health choices,<sup>14</sup> refuse to hire a teacher because of the belief that a mother should stay at home with her children,<sup>15</sup> and fire a teacher because he is in a same-sex marriage.<sup>16</sup> No school that receives public funds should be able to discriminate against a student or employee because of who they are.

## **HB 2119 Would Violate Religious Freedom**

Kansas's existing voucher program funds religious schools,<sup>17</sup> and there is no reason to believe this voucher would be different. Yet, one of the most fundamental principles of religious liberty is that government should not compel any citizen to pay for someone else's religious education. Indeed, this principle is twice enshrined in the Kansas Constitution.<sup>18</sup> Passing HB 2119 would send more money to religious schools in violation of this core religious freedom protection.

## **Conclusion**

For all the above reasons, Americans United opposes HB 2119. I have enclosed with this letter two documents outlining further some of the problems associated with vouchers. Thank you for your consideration on this important matter.

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<sup>13</sup> See 42 U.S.C § 2000e-1; *Hosanna-Tabor Evangelical Lutheran Church & Sch. v. E.E.O.C.*, 565 U.S. 171, 194 (2012) (teacher considered a minister for purposes of ministerial exception was barred from bringing an employment discrimination suit under the ADA); see also *Our Lady of Guadalupe Sch. v. Morrissey-Berru*, 140 S. Ct. 2049 (2020).

<sup>14</sup> See, e.g., *Herx v. Diocese of Ft. Wayne-South Bend Inc.*, 48 F. Supp. 3d 1168 (N.D. Ind. 2014); *Ganzy v. Allen Christian Sch.*, 995 F. Supp. 340 (E.D.N.Y 1998).

<sup>15</sup> See *Ohio Civil Rights Comm'n v. Dayton Christian Schs., Inc.*, 477 U.S. 619 (1986).

<sup>16</sup> See Dep't of Justice, [Justice Department Files Statement of Interest in Indiana Lawsuit Brought by Former Teacher Against Archdiocese](#) (Sept. 27, 2019).

<sup>17</sup> For the 2016-2017 school year, every student who used the voucher attended either a Catholic or nondenominational Christian school. Celia Llopis-Jepsen, [Kansas Private Tuition Tax Credit Program Sees Early Growth](#), KCUR, Aug. 4, 2017.

<sup>18</sup> Kan. Const. Bill of Rights § 7; art. VI § 6(c).

Sincerely,

A handwritten signature in black ink, appearing to read "Nikolas Nartowicz". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Nikolas Nartowicz  
State Policy Counsel

cc: Members of the House K-12 Education Budget Committee

**Private school vouchers take many names**, including “scholarship” programs, tuition tax credits, education savings accounts, and portability schemes. Regardless of what they are called, they use public dollars to fund private schools and divert scarce resources away from the education system that serves 90% of American children.

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**Private school vouchers undermine public schools** by diverting desperately needed resources away from the public school system, which accepts all students, to fund the education of a few, select voucher students. Given the fiscal constraints at the federal, state and local level we simply cannot afford to fund two different education systems—public and private—on our taxpayers’ dime.



**Private school vouchers do not save taxpayer money.** In voucher programs, the public schools from which students leave for private voucher schools are spread throughout a school district. The reduction in students from each public school, therefore, is usually negligible and does not decrease operating costs of those public schools. That is one of the reasons why some voucher programs have resulted in multi-million dollar deficits and tax increases.



**Private school vouchers do not improve academic achievement.** Repeated studies of voucher programs across the country show that vouchers do not result in better test scores for students, and in many states, have led to declines in academic achievement.



**Private school vouchers do not lead to improvements in public schools.** There are many, proven ways to improve public schools such as reducing class sizes, offering a well-rounded curriculum and increasing parental engagement. Resourcing our neighborhood public schools so that students have inviting classrooms, well trained teachers, and support services such as health care, nutrition and after-school programs will ensure our children can compete in the global economy.



**Private school vouchers do not offer real choice.** Vouchers give a choice to private schools, rather than parents and students. Voucher programs are governed by different laws in different states, but most allow private schools to accept taxpayer dollars but still reject students with vouchers for a variety of reasons, ranging from disability to ability to pay. And, even with vouchers, most parents still cannot afford the full cost of attending a private school.

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**Private school vouchers fail to provide accountability to taxpayers.** Most voucher programs lack accountability measures, and according to studies of voucher programs, many also lack proper oversight to ensure they meet even the minimal standards that do exist.



**Private voucher schools do not provide students with the same rights and protections they would otherwise have in public schools,** such as those in Title VI, Title IX, the Individuals with Disabilities Education Act, Title II of the Americans with Disabilities Act, and the Every Student Succeeds Act. And, students who attend private schools using vouchers are stripped of the First Amendment, due process, and other constitutional and statutory rights offered to them in public schools.



**Private school vouchers violate the fundamental principle of religious freedom** because they fund religious education with taxpayer funds. They also threaten the autonomy of religious schools by opening them up to government audits, control, and interference.



**Private voucher schools do not adequately serve students with disabilities,** often failing to admit them or provide them the same quality and quantity of services available to students in public schools, including those mandated under each student's individualized education plan (IEP).



**Private school vouchers do not adequately serve low-income students** because the cost of tuition and fees at schools that accept vouchers generally exceeds the amount of the voucher, making voucher schools unaffordable for most low-income families.



**Private school vouchers often fund poor quality schools.** Because voucher programs lack accountability and oversight, vouchers often fund poor quality schools, including those that employ teachers with no credentials, operate from dilapidated buildings and lack proper facilities, and teach questionable curriculum.

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The **National Coalition for Public Education** comprises more than 50 education, civic, civil rights, and religious organizations devoted to the support of public schools. The missions of NCPE's member organizations greatly vary, yet we are united in our position that Congress should not expand existing or create new federal voucher programs.

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February 5, 2021

House K-12 Education Budget Committee

**Written Testimony in Opposition to House Bill 2119**

Chairwoman Williams and Members of the Committee:

The Shawnee Mission School District is opposed to House Bill 2119, which will establish an educational savings account for parents while diverting scarce public dollars away from public schools. The bill will erode the ability of public schools to continue in their role as the engine that drives the success of Kansas. Public schools are the ones that open their doors to serve every child in Kansas. It is important for every child, including and especially those in poverty, to have strong local public schools that meet their academic and social-emotional needs. Solutions to improving academic outcomes for every child rest with the ability to help teachers and administrators work in partnership with parents to design schools that use research-based practices to improve learning. In public education this work is done openly, transparently and under the authority of a locally-elected Board of Education. Public funds are for every child and require the accountability that go with the responsibility. HB2119 affords no such accountability for public funds.

The Shawnee Mission School District legislative platform reflects the policy priorities of our Board of Education and our District. Our approved 2021 legislative platform asserts:

18. Support legislation to repeal or reduce the private education tuition tax credit program, and oppose vouchers, or similar programs, such as the Kansas Hope Scholarship Act from 2019.”

<https://www.smsd.org/about/legislative-information/legislative-advocacy-and-platform>

Some of the components in HB 2119 are especially concerning.

**At-Risk:** The elimination of statutory compliance with the Kansas School Equity and Enhancement Act in House Bill 2119 eliminates the statutory definition of “at-risk,” and replaces that provision with the assertion the student is “eligible for free or reduced-priced meals under the school lunch act.” This provision creates a very broad eligibility pool, which is no longer based on academic need or low achievement. It further ignores the public school requirement to maintain approved at-risk assistance programs, which provide support for at-risk students. Finally, such a profound change to state law should only be considered after careful consideration of all of its impacts, something that is next to impossible in the midst of a pandemic.

Public schools are held to high standards for educational outcomes and student achievement, because they are funded by the taxpayers. Publicly elected school boards are accountable to the citizens and taxpayers, and follow open meetings, open records, and auditing laws. Since this proposed law would allow education savings accounts to receive the financial benefits of taxpayer funds, Kansas taxpayers should expect that same level of accountability and transparency be accomplished by amending the bill to include the following provisions:

- The bill should be amended to add provisions that would include as an eligibility requirement that entities that receive education savings account funds must adhere to state and federal anti-discrimination laws.
- The second change would add an additional requirement to the required KSDE performance accountability report that the report must include specific data reported by both public school districts and any organizations or institutions receiving education savings account funds. The annual reports beginning in 2022 should include the number and percentage of students with either an IEP or at-risk status, as defined in KSA 75-5232.
- The third amendment should include a requirement for an audit by the Division of Legislative Post Audit for the 2023 school year on the education savings account program, as was done for other components of the school finance formula. Finally, all recipients of expenditures from education savings account funds should be statutorily identified as subject to contractual and financial audits, as are public schools per KSA 46-1114.

Resources for educating all citizens through the public school system are critical, as we have just emerged from nearly a decade of court and legislative battles to complete satisfaction of constitutionally adequate and equitable funding. Work needs to be done by all of us to provide educational outcomes for low-income and low-performing students. In the midst of a pandemic and resulting financial disruption, House Bill 2119 is not the solution.

If I can provide any additional information or answer questions, please do not hesitate to contact me.



Dr. Mike Fulton  
Superintendent

Direct line: 913-993-6401

E-mail: [mikefulton@smsd.org](mailto:mikefulton@smsd.org)



2020-2021 LEGISLATIVE POSITIONS  
*Five Shawnee County Public School Districts*

# ONE UNITED VOICE



## Shawnee County School Districts

The 27,705 students of Shawnee County, Kansas, are served by five public school districts. Leadership from all five Shawnee County public school districts worked collaboratively to create our 2020-2021 Shawnee County Legislative Positions. Our Legislative Positions were mutually created with the belief that Shawnee County students are our top priority, there are significant societal benefits gained by supporting exemplary public education, and all Kansas students deserve an adequate and equitable public education.

## Shawnee County Combined Facts

Student enrollment:	27,705	Economic Impact on Shawnee County Economy:	
Square miles served:	483	• Total FTE Staff	4,849
Facilities:		• Total Payroll	\$272,831,891.42
• Elementary Schools	32		
• Middle Schools	10		
• High Schools	7		
• Alternative Programs	7		

## COVID-19 has presented numerous challenges and needs that have required new and different ways to address them.

- Social-emotional needs have sharply increased
- Access to technology and reliable internet connectivity have presented challenges
- Repurposing spaces to expand building capacity to protect social distancing have increased costs
- New personal protective equipment and disinfecting procedures have been required
- Increased staffing needs have surfaced to teach students in repurposed spaces



# 2020-2021 Shawnee County School Districts Legislative Positions

## School Funding

### We support

- **Funding the safe operations of school in each Phase of Education (Phase 3 Onsite, Phase 2 Hybrid, Phase 1 Remote)**  
As a result of COVID school operating guidelines will require additional resources such as masks, cleaning and sanitizing; space for social distancing; remote access and other needs.
- **Implementation and assessment of standards and the accreditation process adopted by the Kansas State Board of Education.**
- A formula must account for changing student needs, higher expectations, and increasing costs. Given the significant statistical relationship between socio-economic status and students to be found to be at-risk of academic failure, reliable measure of poverty, such as free-lunch status, must be an indicator for allocating funds intended to address the needs of at-risk students
- Fully fund early childhood education.
- Fully fund special education. The state is not funding its statutory commitment to pay for 92 percent of excess special education costs.
- Consider high and low enrollment.
- Provide equalization aid for Capital Outlay.
- Continue Local Option Budget.
- Fund Bond and Interest at the full percentage required by law.

## Teacher Recruitment

### We support:

- Local Boards of Education hiring the most qualified candidate, and if necessary, to pay any actuarial costs established by KPERS if a KPERS retiree is the most qualified candidate.
- Alternative methods for obtaining professional licensure and increasing reciprocity with other states.
- Establishing statewide financial incentives to encourage teachers to both enter and stay in the profession during the pandemic.

## Access to Technology

### We support:

- **Access to affordable broadband service for all Kansas students, families, and schools.**
- COVID has highlighted the need for broadband as students have relied on remote access to schools and may continue doing so due to underlying health conditions and quarantines. One of the major issues identified by school districts is the lack of broadband access and devices by students and families for remote learning. Students are in need of individual devices.

## KPERS

### We support:

- Long-term, sustained commitment towards the funding of KPERS.
- Equitable provisions for all public employees when working after retirement.

## Social Emotional Health

### We support:

- **Increasing support for mental health needs of students and staff.**  
Educators expect many students will face additional mental health issues associated with the COVID pandemic. COVID-related issues follow years of growing concerns about mental health issues affecting student health, safety and learning, and when long-term access to health services may be worsened by the economic impact of the COVID-19 pandemic. Districts may need to alter or increase services under on-site, hybrid and remote learning models. School and mental health providers will need to work together to determine the best delivery model for each community.
- Expand Medicaid, which will increase health insurance coverage for a significant number of families in our community, promoting family access to health care, as well as increased opportunities for students to be successful in school.

## Approved by each Board of Education

Auburn-Washburn School District #437  
Seaman School District #345  
Shawnee Heights School District #450  
Silver Lake School District #372  
Topeka Public Schools #501

Tom Bruno  
James Adams  
Lauren Tice Miller  
Jake Fisher  
Dr. Scott Mickelsen





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House K-12 Education Budget Committee  
Chair, Rep. Kristey Williams  
Hearing: February 4, 2021

Position – OPPOSE HB 2119

Chair Williams, and Members of the Committee,

The Mainstream Coalition opposes HB 2119, distributing public money to private schools.

The right to a suitable education is guaranteed by the Kansas Constitution to any Kansas child. This is accomplished by providing a system of public education that is available to every Kansas child, regardless of income, geography, ability, race, or any other factor.

Private education is an option for those students whose circumstances allow it. But private educational institutions in Kansas are not held to the same standards of performance, reporting, accessibility, or non-discrimination as public schools.

This bill is a transparent attempt to fund private educational institutions with public tax money. And yet, the State cannot *guarantee* that students at those institutions will receive a suitable education. The State *can* work to guarantee the education available in public schools, through this Legislature, the Kansas Department of Education, and the Kansas State Board of Education.

This is the crux of why public money should not fund private schools.

If, as some legislators have suggested, the public schools are “failing” some students, then it is within the power of the State to fix that. We would suggest adding more funding for public education, not less, as a place to start.

We ask you to please oppose passage of HB 2119.

Thank you,

Michael Poppa  
Executive Director of the Mainstream Coalition  
michael@mainstreamcoalition.org

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Founded in 1993, the Mainstream Coalition is a nonpartisan nonprofit that advocates for common sense public policy in Kansas. Our members do more than vote.



**Written Testimony: HB 2119 – Student Empowerment Act (opponent)**  
**House K-12 Education Budget Committee**  
**February 8, 2021**  
**By: Dr. Tonya Merrigan, Superintendent, USD 229 Blue Valley Schools**

Madam Chairwoman and members of the Committee:

Thank you for the opportunity to submit these comments on HB 2119. USD 229 has a history of working with members of this committee as we mutually seek to enhance student learning opportunities in our state. It is our hope to strengthen that moving forward, although we do stand in opposition to the legislation before you today.

Blue Valley has a student population of more than 22,000 and consistently ranks in the top tier of high-performing schools, both in the state and in the nation. (See “Quick Facts” at end of testimony.) The Blue Valley Board of Education has a long-standing priority position that states:

*[Blue Valley] opposes public funding of private schools, including offering public tax credits that decrease state revenue, that do not comply with the same standards and requirements of public school districts, including governance by an elected local school board.*

**Retrospective Eligibility**

A particularly problematic piece of HB 2119 is the **retrospective nature of qualifying students** for the savings accounts – that is, basing eligibility on circumstances occurring prior to this law being in effect.

This last year has been challenging in ways our district, like the rest of the nation, could not have imagined. We share the frustrations of so many in this pandemic, who want to see classroom learning return to its former status. Our board wrestled with decisions that balanced our desire to have full in-classroom learning return in the 2020-21 school year, against the guidance of the State Board of Education’s COVID-19 gatekeeping criteria sent to us just before the school year was to begin in August.

Local school boards rely on the State Board, in its constitutional oversight role, for guidance in all aspects of K-12 student education. Therefore, upon receiving the State Board’s gatekeeping guidance, it was unanimously adopted by our local board. That gatekeeping criteria recommended remote or hybrid learning, based on the COVID-19 infection rate in Johnson County for most of this school year.

HB 2119 would have the effect of penalizing our school district for following the student instruction guidance provided us by the State Board of Education.

**Major School Finance Reform**

Overall, HB 2119 **proposes a significant reform of K-12 school finance** by directly diverting public education funds for private education opportunities. Because it is fairly vast in its proposed changes, we are left with questions and concerns regarding a number of the bill’s provisions, such as:

- The increased burden it places on our district’s resources to monitor and notify parents of student eligibility;
- The Kansas Constitution in Article VI, section 5 clearly establishes the relationship between the State Board of Education and locally elected school boards, but there is no contemplation of such

relationship with the State Treasurer's office. We believe this sets up the strong potential of future school finance litigation;

- The mechanics are unclear regarding how funding would flow from the savings accounts should a student's parents reverse course and decide to return that student to a public school within a school year, after initially choosing a private school route; and,
- This bill will require additional funding of costs associated with managing this program within the State Treasurer's office, as well as those attached to managing the requirements within our school district.

As with any significant reform, we believe this legislation would be particularly well-served by appointing an interim committee to further vet and explore its various moving parts.

Before closing, we want to acknowledge the K-12 Education Budget Committee's commitment to improving student learning opportunities across our state. USD 229 shares that commitment and has a vision of excellence in student performance and learning opportunities, so that our students may have the strongest hope of future education and career success throughout the globe. We wish that for all students.

**USD 229 Blue Valley Schools: Quick Facts**

K-12 Enrollment	21,608	ACT district composite average*	24.3
Early childhood – 12 Enrollment	22,171	ACT state average	20.4
Average Daily Attendance	95.9%	SAT district average	1313
Graduation Rate	96.6%	SAT state average	1237
Teachers with a master's degree or higher	73%	*with 96% of students taking the ACT test	



Date of Testimony: February 2, 2021

Bill Number: HB 2119

Testimony by: Megan Peters, Chair - Education First Shawnee Mission

In Opposition Testimony: Written Only

Dear Chair Representative Williams and Members of the House K-12 Education Budget Committee:

I am writing to voice **my opposition for HB 2119**, which includes provisions to move dollars intended for our public schools to voucher programs. As Chair of Education First Shawnee Mission (EFSM), a parent-led education advocacy group in the Shawnee Mission School District, I am strongly against using tax revenue designated for our public schools for privatization. EFSM opposes vouchers in any form, but we are particularly frustrated by this bill, which would create education savings accounts diverting funds from our public schools to fund private school tuition for students who attended schools that were in hybrid or remote learning modes at any time this year or last. Hybrid or remote learning modes were based on county health department determination in the midst of a pandemic and should not be leveraged as a political tool to attack the viability of our public schools. Therefore, it should not be considered.

In addition, HB 2119 lacks accountability and transparency for how the public funds are used at any private accredited, nonaccredited, or unregulated homeschool. This lack of accountability could very well result in funds being diverted from public schools to private schools that are also in hybrid or remote learning modes. If the main concern of opponents of the bill is the mode in which learning takes place then this bill completely fails to remedy that. The lack of accountability extends to student success as well. There would be no accountability for the private schools receiving the funds to ensure that students were excelling in their state government funded private education.

Kansas has always been a place where we value the education of our children. This bill was written without accountability to ensure student success, without a remedy to the supposed learning mode issues, and would divert state education funds which are already stressed in the economic impact of the pandemic. We encourage members of the committee to commit to transparency in governance and reconsider support for this bill.

**As a parent and a Kansan, I am firmly in opposition to HB 2119 and I ask you to oppose this bill as well.** I encourage you to focus on doing the job that the Kansas taxpayers have selected you to do...fund our schools and stop playing political games with our children's education.

Regards,

Megan Peters - Parent and Chair, Education First Shawnee Mission

Overland Park, Kansas - educationfirstshawneemission@gmail.com



# Olathe Public Education Network

Advocacy Group for Olathe Public Schools

## HB 2119

Creating the student empowerment act to provide an education savings account for students who are academically at-risk.

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February 4, 2021

Written Testimony to House K- 12 Education Budget Committee

Honorable Chair, Representative Kristey Williams

Roger Ruvalcaba, Committee Assistant  
785 - 296- 3971  
roger.ruvalcaba@house.ks.gov  
Room 286 - N, State Capitol Building

### **Oppose House Bill 2119 – Education Savings Accounts**

Hearing: Thursday, February 4, 2021, 3:30 PM Room 546 – S

Honorable Chairman Williams and Committee Members:

We appreciate this chance to provide written testimony on HB 2119 education savings account bill. OPEN, Olathe Public Education Network, opposes this voucher program and others like it, consistent with our position of supporting public education and the prudent, accountable use of taxpayer dollars designated for all public school students, both typically developing students and students requiring the needs of special education programs.

We are especially concerned about new Amendment H, new section 2:  
“‘Qualified private school’ means any accredited private school (h) and any **nonaccredited private school** [emphasis added] registered with the state board of education . . . .”

The misdirection of our tax dollars over to unaccredited, even informal schools, represents an appalling misuse of taxpayer funds and a dismaying lack of accountability on the part of the state legislature. This committee is accountable for the careful, judicious use of taxpayer funds, and this bill violates that mandate.

House bill 2119 also drains public school budgets during a pandemic, when public school resources are already stretched as districts meet the educational and nutrition needs of our students, often through long volunteer hours by teachers and staff. In addition, now more than ever, public school districts, unlike private and unaccredited schools must and do serve ALL students, especially those children needing special education services. At this moment, Special Education must be funded by statute. This bill represents an unfunded mandate.

Public schools need more equipment and services for distance learning, both improved internet hardware and software. This is no time to be sliding public school monies over into inadequate private school vouchers and ignoring the legal requirements for special education.

Currently in Johnson County, students in remote, hybrid and in-building classrooms are experiencing significantly improved mental health outcomes, even with the economic and social stresses of the pandemic. Any argument that student mental health will benefit from this ill-conceived voucher program is unconvincing. We are encouraged to report that most of our children and grandchildren are facing this pandemic with resilience and optimism, and our taxpayer dollars must rightfully be directed to the public schools they attend and we support.

We are requesting that you work to fully fund schools—these schools benefit not only our kids, but also our community, and we will continue to support our schools and the farsighted, equitable use of our tax dollars, always to be invested in accredited, financially accountable public education programs.

Thank you for taking the time to read this testimony and thank you for your work on this committee.

Joan T Gilson, PHD  
14282 W. 151st Ter Apt 200  
Olathe, KS 66062  
913-829-9316

**OPEN**  
**Olathe Public Education Network**

Nikki Johnston McDonald, Director  
Nancy Ingram  
Cheri Tabel

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“Johnson County’s youth suicide rate fell 33% during the pandemic last year.”  
Juliana Garcia *Shawnee Mission Post*. Feb 02, 2021





**Mark Desetti, KNEA**

[mark.desetti@knea.org](mailto:mark.desetti@knea.org)

**Written testimony; Opponent**

**House Bill 2119** - Creating the student empowerment act to provide an education savings account for students who are academically at-risk

**House K-12 Education Budget Committee**

**January 26, 2021**

Madam Chair, members of the Committee, thank you for the opportunity to submit written testimony in opposition to House Bill 2119.

We stand in opposition to this bill and would ask the Committee to consider four issues that drive our opposition.

### **Issue #1, The Cause**

This bill forgets that there is a reason that schools went to remote learning or hybrid learning models. One might argue that there are over 400,000 reasons. Kansas and the United States are in the throes of a terrible pandemic. Kansas, sadly, has been one of the most impacted states.

This is not the fault of the public schools. This has been a failure of our government on all levels and of many of our citizens in all communities who have refused to do what was necessary to stop the spread of this disease - a disease that is spread in large gatherings like classrooms, conferences, sporting events, and more.

Schools moved to hybrid or remote learning to save lives. While young children do not get the virus like adults do, the adults in our schools have suffered. When teachers are infected or quarantined and substitutes will not come in the buildings, how do we have in person instruction?

No one made decisions about closing school buildings lightly. These decisions were not made solely by school boards or school superintendents but were guided by the Kansas Department of Health and Environment, County Health Departments, the State Department of Education, and communities at large. No one doubts that learning likely suffered during this time.

Using the pandemic and the response to it - a response done with the goal of saving lives - to enact a program to remove as many students as possible from public schools is inappropriate. This is a time to be working to return our public schools to full capacity and in-person learning, not attacking those schools for their efforts to protect and serve their communities during this pandemic.

### **Issue #2, Accountability**

This program is predicated upon the assumption that all students in public schools are currently failing and need to be sent to private schools where all students are currently thriving.



Yet as with every such program that gets proposed, there is no accountability required of the private schools that would now be taking state money. Non-accredited private schools are eligible to receive state funds under this program. There is absolutely no requirement that private schools report any student performance data at all, ever. There is no required tracking of these students to ensure that their academic performance has improved or even stayed flat. There is no requirement that these students participate in state assessments or that they participate in any assessment program.

The plain truth is that while some private schools are state accredited, they are not required to be so. In which case, this program would likely encourage those schools to leave the state accreditation program. Why take at-risk students if those students might mean your overall reported assessment results might decline?

### **Issue #3, The Bureaucracy**

This bill purports to be helping children but instead simply sets up a massive bureaucracy in public school district offices and the State Treasurer's Office with the intent of moving as much state money as possible from public schools to private schools.

The first bureaucracy to be established under HB 2119 is in the school districts where administrators track at-risk students according to the students' academic performance but now must also track the number of hours every individual child in the district spent in one of several learning arrangements that the child might have experienced over two years. This new bureaucracy will also be required to notify the parents of each individual child that their child is eligible to leave the public school and go to a private school either because the child is in an at-risk program or experience remote learning.

The second factor - hours spent in some form of remote learning - has nothing to do with the academic performance of the student. In fact, the student may be highly successful in the public school's remote learning program, but this child is now eligible for state funding in a private school.

So, the public school is expected to manage a new bureaucracy to track the individual performance and remote learning hours of each individual student and then send notices to parents that their child(ren) has met the criteria for attending a private school at state expense.

The second bureaucracy established in this bill will be in the State Treasurer's office where more staff will be required to verify the use of state dollars by parents, the eligibility of private schools for the program, the collection and expenditure of the individual accounts, and tracking how much time each individual student is spending in the resident public school, the private school, or in privately contracted educational services. The Treasurer's office must also report all of this to the State Department of Education which will expand the bureaucracy in their fiscal department to determine the amount of weighted funding these students would have generated for the district during the last years the student was enrolled full-time for low enrollment, high enrollment, bilingual, at-risk and career technical education weightings.



## **Issue #4, Admissions**

Why should a private school accept an at-risk student when it would be easier and better for the school's reputation if they limit their admissions to high-achieving students?

Private schools can do this now - they can discriminate for admissions based on religion, gender, sexual orientation, primary language, disability, behavior issues, performance on an admissions test, or just about any other criteria one can think of. They can deny admission based on space. Public schools on the other hand take every child in their attendance center regardless of any of the above factors including whether there are enough desks in the building.

By giving permission to private schools to select only those students who fit their own definition of "eligible," you allow the private schools taking state money to selectively recruit students who are most likely to be either outstanding academics or exceptional athletes. If you are thinking this program will help at-risk students, you can be sure that those will be the very children "left behind."

## **In conclusion**

Finally, we would point out that we are coming to a point where the virus will be under control. The vaccine roll-out is under way. The combination of vaccinated individuals and those who have had the virus and developed a level of immunity means that it appears likely the next school year we will all be back in our buildings full time.

This whole experience should be one we learn from. This has been a terrible pandemic and it is not likely to be the last pandemic we face. We should take the lessons of this experience seriously. We should remember that a vigorous response at all levels of government is needed and that everyone must do their part to protect both themselves and their neighbors.

We must also remember that this pandemic showed us how unprepared we are to meet the needs of our citizenry in an outbreak. The lack of PPE made things worse. Ignoring science made things worse. And for education, a lack of preparedness for meeting the instructional needs of children through technology made things worse. Our educators have suffered, and our students have suffered because we still do not have universal access to high-speed internet services; there are too many families without adequate devices or enough devices to connect remotely to their schools; and we have not adequately trained our educators in the use of technology to facilitate online learning.

This time, we tried to do it all at once. We expected that all these issues could or would be solved in a matter of days and apparently, we are surprised that it did not happen. We should not be surprised. But now we should take the lessons of this experience and ensure that we are fully prepared for the next pandemic. This is the time to be supporting our public schools as they prepare to move forward and fully reopen safely, ready to welcome every Kansas child back into their classrooms full time, in person.



# Spring Hill

SCHOOL DISTRICT

Wayne Burke, Ed.D.  
Superintendent - Spring Hill USD 230  
101 E. South Street  
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(913) 592-7200  
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February 2, 2021

Testimony before the

House Committee for K-12 Education Budget – HB 2119

Thank you for allowing us to share our thoughts on HB 2119, creating the student empowerment act to provide an education savings account for students who are academically at-risk. Spring Hill USD 230 is a small, rapidly growing district with a student population of a little over 3,400 students. We are located in southern Johnson and northern Miami Counties.

We have concerns about HB 2119 being heard today. Any private school receiving tax credits and providing scholarships to recipients should have to meet the same accreditation requirements as public schools AND should have to meet the same accountability and admission standards as public schools. For any student moving into Spring Hill USD 230, we are required to allow them to attend our schools. If they have IEP's or 504 plans, we are required follow and meet those plans as well. Currently, we are receiving special education reimbursement at 62% of excess costs. We have been told repeatedly there is not enough money from the state to meet the state law level of 92%. Also, regardless of how far behind a student moving in is in their studies and grades, we are required to accept them into our schools. I've heard the statement, "competition is a good thing" and I concur. What I don't understand is why we have bills that do not have the same requirements for the educational systems involved? If private schools receive state funds, they should be required to meet all of the same obligations as public schools.

Thank you to the committee for its work on behalf of Kansas students. Improved student learning is very important and we appreciate the committee's work on this endeavor.

Respectfully submitted,

Dr. Wayne Burke  
Superintendent  
USD 230 Spring Hill

**Board of Education**

101 E. South Street • Spring Hill, KS 66083 • 913-592-7200 • [www.usd230.org](http://www.usd230.org)

## Private School Vouchers Don't Work in Rural Areas

More than one in four schools in America are rural and nearly one in five students attend a rural school, which is approximately 8.9 million students. Of those rural students, nearly half of rural students are from low-income families, more than one in four is a child of color, and one in nine has changed residence in the previous year. In 23 states, a majority of rural students are from low-income families. On average, 3.5% of rural students are considered English language learners, but many districts have much higher percentages.<sup>1</sup>

Roughly half the nation's rural students live in just 10 states and at least half of public schools are rural in 13 states. At least one third of all schools are rural in 12 other states.<sup>2</sup> Growth in rural school enrollment continues to outpace non-rural enrollment growth in the United States, and rural schools continue to grow more complex with increasing rates of poverty, diversity, and students with special needs. Public schools, which are bound by federal civil rights laws, are the most well-equipped to serve this diversity of students.

### Rural Areas Lack Actual School Choice

Unlike the typical suburban middle class or urban family, rural families have few access points to schools other than their in-district local public schools. For example, while 92% of urban families have access to one or more private schools within five miles, only 34% of rural families have access to such a choice.<sup>3</sup>

In addition to logistical challenges, there are also financial challenges. For rural states like Nebraska,<sup>4</sup> adequately financing rural public schools is already difficult. Even public school choice options like charter schools, which are financed through public revenues, have yet to flourish in many rural areas. Given these challenges, voucher programs in rural states are rare. Indeed, of the most states where more than half the students attend rural schools<sup>5</sup> only three (Oklahoma, Mississippi and New Hampshire) currently have voucher programs.

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<sup>1</sup> Daniel Showalter, et al., Rural Sch. & Comty. Trust, [Why Rural Matters 2015-2016: Understanding the Changing Landscape](#) (2017).

<sup>2</sup> *Id.*

<sup>3</sup> Kristin Blagg & Matthew M. Chingos, Brookings Ctr on Children & Families, [Who Could Benefit from School Choice? Mapping Access to Public and Private Schools](#), Evidence Speaks Reports, Vol 2 #12 (2017).

<sup>4</sup> Daniel Showalter, et al., Rural School & Community Trust, [Why Rural Matters 2015-2016: Understanding the Changing Landscape](#) (2017).

<sup>5</sup> *Id.*

## There Are Significant Barriers to Choice in Rural Areas

Transportation is challenging. Rural schools face significant challenges in transporting children between their homes and their schools. “Rural schoolchildren were more likely than their suburban counterparts to have bus rides of 30 minutes or longer. Their rides also tended to be more arduous, traversing poorer roads and more hilly or mountainous terrain than those experienced by suburban students.”<sup>6</sup> Rural districts can spend twice what urban districts spend per pupil on transportation.<sup>7</sup> And there are other costs that come with longer commutes: when students spend more time commuting, that means less time to participate in extracurricular activities, do their homework, or help out at home, as well as increased safety issues for children leaving for school and arriving home in the dark.

Another major hurdle in bringing vouchers to rural communities is that the public schools are more than just places for children to learn: they serve a critical social and economic function by serving as the primary employer of small communities, offering healthcare for children and adults alike, and frequently offering food pantries, breakfast or lunch programs and night classes. A decision by a rural family to withdraw a child from the public school and enroll them elsewhere doesn’t mean that the family disconnects from the school—it simply means that the school has fewer resources to provide the non-educational benefits critical for community members.

And with lower average enrollments, rural schools encounter diseconomies of scale as they attempt to spread the cost of facilities, transportation, administration, and instruction over a smaller revenue stream.<sup>8</sup> If enrollment for rural schools declines further, it will only increase the challenge of providing federally mandated programs for students in special education, English-language instruction, and ensuring students have access to school personnel and curriculum.

## Private School Vouchers Are Untenable in Rural Areas

Even conservative education leaders like Chester Finn, who helmed the Thomas B. Fordham Institute, agree that private school choice is untenable in rural schools. “Choice, save for the virtual kind, is harder to make work in spread-out suburbs, small towns, and rural areas, where one seldom has workable access to multiple schools,” Finn wrote. “I strongly suspect that most Trump voters with kids—to the extent that education is on their minds—are chiefly interested in having their current schools work better, ensure a decent and prosperous future for their students, including readiness for real jobs.”<sup>9</sup>

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<sup>6</sup> Aimee Howley & Craig Howley, [Rural School Busing: ERIC Digest](#) (2001).

<sup>7</sup> Kieran Killeen & John Sipple. Rural Sch. & Comty. Trust Pol. Program, [School Consolidation and Transportation Policy: An Empirical and Institutional Analysis](#) (2000).

<sup>8</sup> Jesse Levin, et. al., Inst. Of Educ. Sciences Nat’l Ctr. For Educ. Evaluation & Reg’l Assistance, [Do Schools in Rural and Nonrural Districts Allocate Resources Differently? An Analysis of Spending and Staffing Patterns in the West Region States](#), (2011).

<sup>9</sup> Chester E. Finn, [Do Trump Voters Want Vouchers](#), Fordham Inst., (Dec. 9, 2016).



The **National Coalition for Public Education** comprises more than 50 education, civic, civil rights, and religious organizations devoted to the support of public schools. Founded in 1978, NCPE opposes the funnelling of public money to private and religious schools through such mechanisms as tuition tax credits and vouchers.

K-12 Education Budget Committee  
Chairwoman Kristey Williams, 546-South  
Written testimony on information concerning remote, hybrid, and in-person learning

My name is Kate Doerksen, Board of Education President USD 266 in Maize, Kansas.  
I can be contacted at [katedoerksen266@gmail.com](mailto:katedoerksen266@gmail.com).

Date of Hearing: Feb. 3, 2021

To Chairwoman Williams and K-12 Education Budget Committee Members:

I have been a Maize Board of Education member for more than five years. We have enjoyed a healthy functioning school board in this district for most of those years, passing two large bond projects and addressing boundary issues, among other things. Then the COVID pandemic hit, and addressing what is in the best interests of our students and how best to educate our children during this pandemic has literally ripped our school board as well as our community apart. Not having clear guardrails around what to do across the state as a single body has allowed districts to make their own decisions school-by-school, creating an environment in which we are making decisions based on what another district is doing and not in our students' and staff members' best interests. It has created an environment in which the loudest group with the biggest social media presence gains influence and persuasion at a time when science and data should speak the loudest and be most influential. Our school board members and some administrators have received hate mail, vandalism, and other impacts to their private businesses and lives because of this.

Our district has experienced multiple learning models during the course of this pandemic because of the fluctuating community spread of the virus and the emerging science. We started in Spring 2020 in full-time remote teaching and learning when we knew very little about the spread of the virus and we needed time to organize how to best instruct our students online. Then we spent the summer months with a group of more than 100 staff members designing learning models that could be used in Fall 2020. We engaged medical professionals who volunteered their time to help us understand pandemic science. We purchased lots of personal protective equipment, sanitizer, and masks and designed socially distanced schools. We started Fall in a hybrid model in order to cut the school population in half to ensure social distancing and safety of our students and staff members. We offered full-time remote teaching and learning to those families who were afraid and/or hesitant to come into buildings for legitimate reasons (immunocompromised, elderly family members, etc). We brought elementary students back full-time, went fully remote around the winter break and back into hybrid in January. Our administrators, teachers, and families are tired of the ever-changing landscape of education.

As the nation argued about the validity of COVID and the numbers and impact, so too did our school district. A growing group of parents also grew tired of what they deemed as subpar education and insisted their children come back to school 5 days per week, "just like other districts." The science, the community spread, and our medical advisors advised against that, but science and community were thrown out the window and replaced with frustration and insults. School board members must face significant pressure from their constituents.

I also take issue with the state's insistence that state assessment tests be mandatory this year. To demand that our students, in this pandemic time of various learning models and anxiety, take a standardized test that may not adequately measure their success and rate of learning this year is disappointing. This requirement appears to be an attempt by some to seek false evidence that public schools are ineffective and/or falling short. The truth is that our teachers and staff members are working more hours and harder than ever during a year that looks like no other.

We know our families and students have suffered greatly during this pandemic, and we know people are experiencing COVID fatigue. Legislators could have done a better job of supporting schools during this pandemic by setting up gating criteria that was mandatory to follow for every district so the playing field was equal. I also believe since the largest part of our state budget is for education, indicating it is the state's priority to educate children, school staff members should have been in group 1A to be vaccinated so we could get our students back in the classroom as soon as possibly safe for all. You should have supported that, and you should still be advocating for that now.

It is not too late to help. We need your support both financially and legislatively to help our students get back into the classroom. Send out standard scientific directives on what schools must meet to bring students back in full-time, advocate for vaccinations for our school staff members as a priority, and set aside money for mental health and school programs so we can help our students catch up when they do come back. Don't leave all the decision-making to a group of volunteer community leaders sitting in a boardroom who may or may not have any background in educating children.

Thank you for your service in the Kansas Legislature, and if there is anything I can do for you or to help you better understand our situation, please let me know. I am happy to discuss our situation with anyone who will listen. In addition to being a proud school board member, I am also a scientist who does understand pandemic science and data.

Sincerely,

A handwritten signature in cursive script that reads "Catherine M. Doerksen".

Kate Doerksen  
Maize USD 266 Board of Education President



Testimony before the  
**House Committee for K12 Education Budget**  
on  
**HB 2119**  
by

**Jess Herbig**  
**Executive Director of Instructional Supports**  
**Goddard Public Schools USD 265**

Madam Chair and members of the committee

We stand as an opponent of HB 2119

Thank you for allowing us to share our perspective on HB 2119. The Goddard School District, USD 265, is in Sedgwick County and serves approximately 6,000 students. We will serve as a host district next year for special education services for the Clearwater USD 264, Cheney USD 268, and Conway Springs USD 356 school districts. The total number of students in the newly formed Goddard Special Education Cooperative will be approximately 9,000 students. Our district covers 65 square miles and is a suburban district west of Wichita, Kansas. We currently have four parochial schools and two private schools that lie within the boundaries of the Goddard Special Education Cooperative.

We stand as an opponent to HB 2119 for the following reasons:

- We feel HB 2119 would be detrimental for students who receive special education services at a private school. Public schools are required to provide special education services for students who attend a private school within our boundaries. There are currently special education staff, placed by our district, at two of the four parochial schools within the future Goddard Special Education Cooperative. These staff members provide special education services for students who attend the parochial school. Providing services onsite for these students allows the student to feel more connected to the school and allows staff the ability to provide services on site to these students. It also cuts down on the loss of instructional time as students are not being bussed to one of our district schools to receive their services.
- We feel HB 2119 will drive up costs to provide special education services for students. This legislation could take millions of public dollars out of the state general fund pool to fund services for students whose special needs are not provided for by the state school finance formula. This would cause our district to change the way that we provide special education services for students in our private schools.

- We feel that HB 2119 will increase transportation costs. If dollars are taken away from public schools, we will have to transport these private school special education students back to our district to receive services. This will drive up transportation costs as it will require our district to transport the student to and from their private school to receive services.
- This bill will put a greater strain on special education staffing. We currently have a difficult time finding qualified special education staff to fill our vacant positions. If this bill passes, we will have to bring staff back on site to provide special education services. Creating schedules that would allow staff to provide services for these private school students on top of their current caseload would put a strain on our special education staff.

We feel it will have a significant negative impact on the work we are currently doing for ALL students. We are committed to helping all students feel success and appreciate our current partnership that we have with our private schools. HB 2119 will negatively impact families with special education students attending private schools.

Respectfully submitted,



Jess Herbig  
Executive Director of Instructional Supports  
Goddard Public Schools USD 265

Testimony before the  
**House Committee on K-12 Education Budget**  
by

Steve Nordby, Garden City High School Principal, Unified School District 457  
February 4, 2021

Chairman Williams:

Thank you for the opportunity to address the committee. I am Steve Nordby, Principal of Garden City High School, in Garden City, Kansas. I am also a father of two relatively recent graduates. I have had the privilege of working with students and parents in public schools since 1994. I am testifying in opposition to HB 2119.

As principal of a large diverse high school I work with many students every day. Our students come from homes that speak over twenty languages and have direct origins in over twenty-eight nations. With a school population that is over thirty percent English Language Learners and over sixty percent economically disadvantaged, I understand the varying needs of students and their families. As a National Blue Ribbon School (2012) recognized for closing the achievement gap, the dedicated staff of Garden City High School has proven that with the proper tools and support we can meet the needs of all students that enroll at GCHS.

Under this legislation, there is no requirement that would prevent private schools from selecting and recruiting high achieving students, both academically and athletically, while denying admission to other students.

Private schools accepting state public funding should be required to comply with all state requirements including, but not limited to: attendance and discipline reporting; auditing, including the annual KSDE audit and an outside audit conducted by a CPA; meeting teacher licensure requirements; and compliance with state statutes regarding suspension/expulsion. Private schools accepting state public funding should also be required to comply with all federal requirements of Title VI, VII, and Title IX just as public schools are required to do.

This legislation would reduce revenue for public schools, which has yet to be restored to full funding levels. This bill would remove needed resources to educate the high-needs students in public schools. There will be additional costs to administer this program. That additional cost will either require a tax increase or it will be necessary to reduce other areas of the state budget.

During my career, I have regularly encountered students / families who have chosen to leave public school to do virtual school or homeschooling only to return in a semester or two after experiencing little success and falling behind their peers. This bill could provide a financial incentive for families to make choices with no guarantees that children would have the needed support to be successful. I believe it could also allow for abuse of the system in unregulated homeschool settings.

The body of research on school voucher programs is clear, that school choice programs do NOT improve student achievement. Most recently, research on voucher programs in Indiana, Louisiana, and Ohio show that students in voucher-supported private schools do not perform as well as their peers in public schools in mathematics (Waddington & Berends, 2018; Mills & Wolf, 2019; Figlio and Karbownik, 2016).

To be very clear, I am not undermining the role of private schools. Private schools serve an important function in our communities and my school district has a very good relationship with our local private schools. However, private schools are no longer private schools if they accept public funding. And as such, they should be required to follow the same state and federal guidelines that the public schools must follow.

Thank you for your time and consideration.

Steve Nordby

Testimony before the  
**House Committee for K12 Education Budget**

on

**HB 2119**

by

**James R. Schmidt**  
**Vice President for the Board of Education**  
**Geary County Schools Unified School District 475**

Monday, February 8<sup>th</sup>, 2021

Madam Chair and members of the committee

I am proud to be a 5<sup>th</sup> generation farmer from the beautiful Flint Hills of Kansas. And I am even prouder to be a husband to my wife Sarah and father to 4 kids between the ages of 9 and 18. I sit before all of you today in this committee hearing as an opponent of HB 2119 in its current form.

To begin, I would like to personally thank each of you for affording me this opportunity to share my perspective on HB 2119. As our school district's name truly indicates, USD 475 is located in greater Geary County. We serve several communities within our county including both rural and urban children. We also are very proud to be considered the home school district for our wonderful neighbors on Fort Riley including the Big Red One. In totality, on any given year, we serve between 6,500 and 7,500 students of which over 50% and historically upwards of 60% are students of military and/or military impacted families. Because of this, we are truly a school district within the State of Kansas that has a global reach while providing critical educational needs to a population of students that are as diverse in their cultures, languages and backgrounds as they are in their needs, talents and aspirations. I could spend the rest of my time with you all today and beyond bragging to you about what it means to my wife and I to be able to raise our 4 children in this amazing district along with describing to each of you the worldly advantages and experiences they will have as they enter this global society as young adults having a high school diploma from USD 475.

Alas, we are here today to focus on HB 2119 and the impacts, both intentional and unintentional, that it could have on our district and numerous other districts across our great State. As you can tell in my opening, like many of our fellow districts in Kansas, at USD 475, we are extremely proud of our school district, our facilities and most importantly, the staff and students that ultimately form the foundation for our community

as a whole. Outside of our friends on Fort Riley, we are the largest employer in Geary County which inherently positions us at the core of the economic engine for the communities and county we serve. So like any many other great examples in our State, as our school district goes, so goes the economic well-being of the municipalities of which we serve. This is a well known fact that I believe we can all agree upon regardless which side of the aisle each of us may choose to sit on. With this in mind, as committee members on this important Kansas House committee, you all often hold the keys to not only the educational success of our students but also, in a large part, the economic engine that drives our State, especially outside of the 3-4 most populated counties. I believe this is a challenge you all have openly accepted by being on this committee and one that you are up to facing and improving upon every day that the Kansas Legislature is in session, and beyond.

That being said, everyone in this discussion today is aware, having lived it in one means or another, the recession in 2009 and the years to follow were difficult for the majority of the school districts in Kansas and beyond for that matter. Like many others, USD 475 had to make some tough decisions in order to stay viable and still conduct the business for which we are blessed to do – educating children. Prior to the paradigm shift in March of last year thanks to COVID, we were clipping along and making things happen every day for our students, their families and our staff. We have a new high school in the works, we have greatly expanded an already amazing early childhood program and we had a renewed focus on providing for our students' needs, not only from an educational standpoint but from a social and emotional development standpoint. As a Board of Education member that was on the front lines of the initial COVID response, it was gratifying to see our district come together with our community to put our children's needs first and find solutions to problems we as a collective had only considered on whiteboard sessions if even that. To this day, we continue to flex and adjust with each new opportunity that COVID throws at us. As an outsider looking in, not being an educator myself, I stand in awe of how our staff and students have adapted and excelled well beyond what we considered 'normal' some short 11 months ago!

So in getting to the point of me being here today, based on my research and conversations, both with my colleagues and several colleagues of yours on both side of the aisle, it would appear that HB 2119 is structured in a way that would provide allowances that would weaken our State's critical public-school system. The approach of this specific bill would basically put out a mindset of its now every family, even every student, for themselves. And that concept concerns me given the vast diversity of social and economic make up of the families we all serve across Kansas today. If I may, in the beginning, I failed to share a key aspect of what makes me tick. In addition to being blessed to be able to raise our kids on a 5<sup>th</sup> generation family farm, I just so happen to be an engineer by training. As an engineer, we are taught 2 key things: 1) always begin with the end in mind and 2) drive to determine the root cause of why something didn't work so that a better path can be determined. With these key guidelines in mind, I believe I understand the end goal that the writers of this bill would like to achieve given what it is intended to provide. And I also feel I know the root cause of why it will fail to accomplish that same end goal.

As a fiscal conservative and firm believer in the benefits of small government, I feel that, ultimately, we all want the same thing, a great education for Kansas' kids. Unfortunately, I feel HB 2119, as it stands today, will do nothing to accomplish that. In fact, I fear it may likely have the counter effect. In closing, I will share with you one key takeaway that I have learned both as a parent and as an elected member of the USD 475 Board of Education. Throwing darts at a dart board to see what sticks might work in other service industries but it does not work in our chosen industry of service which is educating the next generation of Kansans. They don't deserve to be experimented on to see whether the concept proposed in HB 2119 might or might not work. They have already had enough to work through given the ongoing COVID pandemic and just recent recovery from the last recession. We, as leaders in this great State, can do better than this. That I am very certain. And, be it as it may, special interest groups be damned, it is our kids that we need to focus on to make certain they enter adulthood with the tools and skills needed to be productive and respected citizens of the communities in which they will call home, ideally in our State.

To be respectful of the committee members' time, I will bring my testimony to a close today and will be more than happy to try and answer any questions or provide any clarifications to my statements should any committee members so choose. Thank you again for your time and attention today. And most importantly, thank you for taking on the challenges of not only being on this committee but also those challenges that naturally exist with being an elected representative in our State. I too can commiserate with your efforts to fight the uphill battle that comes with being openly elected to lead by a growing general population that would rather complain about problems instead of assisting with developing solutions. My best wishes for you and your families.

Respectfully submitted,

James R. Schmidt  
Vice President of the Board of Education  
Geary County Schools Unified School District 475



Kansas Association of Retired School Personnel (KARSP)

2/5/21

Jerry Henn Executive Director

Ernie Claudel Legislative Liaison

This testimony is for HB 2119 and is in opposition.

KARSP is a long-standing group of retired educators that are very interested in how education progresses in the state of Kansas. We believe in a strong public education system and understand that with a strong public education system comes a strong economic Kansas.

HB 2119 destroys public education by allowing vouchers into our state and a KARSP goal is to protect our current retirees and future retirees of public education.

KARSP believes that every student is important and deserves a great education. The differences between public and private schools are many. One of these is how they can discriminate between who gets in and who does not. Private schools do not have to take all students that come to their doors. This creates a situation that causes discrimination. Public schools take anyone that is within their district boundaries. Public tax dollars for public schools. Special education students are where this will hit the hardest. Private schools do not have to take students with disabilities. This causes a huge equity problem within the state.

This bill will reduce money to schools causing weaker public education. Our members are taxpayers as well and support fair and equal education. They want to see good public education in Kansas. They have given their careers to serving Kansas and its students. They want to continue gaining members that support positive public education that represents the entire state, not just a few students.

In summary, HB 2119 is a voucher bill that KARSP does not support. We want equity and public tax dollars going to public schools. Lastly, we believe that all students deserve a great education. Taking public money and giving to private institutions is not fair and equitable.





**House K-12 Education Budget Committee**  
**Written testimony for HB 2119, creating the student empowerment act (Opposition)**  
Prepared by John Allison, Superintendent  
February 8, 2021

Chair Williams and members of the committee:

Thank you for the opportunity to provide written testimony in opposition to HB 2119, which would create the student empowerment act and provide education savings accounts for students who are academically at-risk.

I want to preface our testimony today by saying this: The Olathe Board of Education and staff are committed to providing programs and services that help students progress both emotionally and academically during this unprecedented disruption in the way student learning occurs. We recognize the anxiety and frustration students, parents, and stakeholders feel as we attempt to balance the safety and well-being of our students alongside the obligation to provide the high-quality education our community has come to expect.

The Olathe Board of Education has a long-standing policy position that states:

*Schools receiving public funding should be required to meet state accreditation requirements, provide information about students and financing on the same basis as public schools, and accept all students on an equal, non-selective basis.*

HB 2119 proposes changes that extend beyond *acknowledging the unique individuality and life experiences of each student* or providing for individualized learning opportunities. This bill extends beyond trying to help students who may have regressed academically or been unable to attend school in person during the pandemic. Rather, **HB 2119 proposes substantive changes in education policy, finance, and accountability – and it does so retroactively.**

In Olathe, 29 percent of our students qualify for free and reduced lunch. However, under this bill, the majority of students our district of nearly 30,000 would be eligible for participation in this program based on the criteria. Even with our elementary schools students having returned to full-time, in-class instruction after only two weeks in a hybrid learning environment, some students would be eligible based on other criteria.

**Academic accountability**

The pandemic created barriers in the delivery of creative programs designed to engage students who learn differently and for those students who participate in experiential learning opportunities outside the classroom. We are continuing to adapt learning options and working with our business partners to

provide students and parents with safe learning alternatives. During a pandemic, there are **no** easy solutions.

Elementary students in our districts returned to full-time classroom instruction after two weeks of hybrid learning, though some parents chose not to have their children return at that time. Our middle and high school students have been able to participate in either hybrid or remote learning formats. The board of education is actively working to get students back into classrooms full-time. We know, however, that there will be families who prefer these alternative formats to classroom learning. Our district will work with them to provide the best possible learning experience for their students in whatever setting they choose.

There have been legitimate concerns about the effectiveness of remote learning during the pandemic. This bill goes so far as to include remote learning as one of the criteria to qualify a student's eligibility for the education savings account program. It seems odd, then, that we would use public dollars to allow private organizations to deliver academic programs via remote learning.

Some parents choose to enroll their students in existing virtual school programs. We respect those decisions. HB 2119 does not just fund remote and virtual learning opportunities; it also relaxes academic standards and fiscal accountability. Regardless of the instructional model used, our district continues to monitor and assess student progress. That progress is communicated to students and families in a number of ways, including conferences and grade reports.

To be clear: Our primary concern is not with a parent's preferred delivery method. We recognize the learning experience needs to be highly individualized. That is why we remain focused on outcomes and providing our students with the high-quality learning opportunities that prepare them for success in post-secondary education and the workforce.

### **Fiscal accountability**

The Olathe Board of Education strives to be a good steward of taxpayer dollars. We are not only required, but we support, a transparent budget process that allows parents and community members to have input and ask questions about how resources are used to support student learning. The district holds budget workshops and board meetings that invite public participation. Our budget is annually audited by an external accounting firm to ensure we are following generally accepted accounting principles. That budget is also subject to an audit by the Kansas State Department of Education to ensure that expenditures comply with state and federal laws. And, at the discretion of the legislature, our district is audited by the Division of Legislative Post Audit – but also to ensure that we are in compliance with state laws, but also to intend that we are achieving the outcomes intended by the legislature. All of this information, along with additional budget resources, are publicly available for patrons.

HB 2119 does not impose these same requirements or establish similar expectations for nonpublic entities – whether they be private schools or other nonpublic learning environments. There are few financial requirements other than the submission of receipts for educational expenditures (broadly defined). Unlike school districts, there is no requirement that private entities meet a minimum standard of submitting or publishing a budget plan for how public dollars will be utilized to achieve outcomes for students – something that has been an essential part of our conversations related to K-12 education funding and policy discussions with policymakers.

The funds being directed to nonpublic entities are taxpayer dollars. We believe that they should be held to the same level of accountability as our district.

The Olathe Board of Education appreciates the legislature’s investment and interest in working with us to ensure that each child has the opportunity to learn. We know we are making a difference in our students’ lives and remain committed to working with you to address the needs of all students. If you have any questions, please contact me or Brent Yeager, Assistant Superintendent for Learning Services at (913) 780-8022.

**At-A-Glance: Our Students**

Enrollment (headcount)	29,244	Free and reduced Lunch	26.8%
Ethnicity of the student population		Title I schools (elementary)	9
Caucasian	65.5%	Range of poverty, 52.6% to 82.2%	
Hispanic	17.3%	Graduation rate	92.4%
African American	7.6%	Graduates pursuing postsecondary ed	93.5%
Asian	4.4%	Dropout rate	.5%
Other	5.3%	ACT (average score)	22.6
Attendance rate	96%	Scholarship dollars awarded	\$18.7m

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**February 4, 2021**

**Written Testimony to House K-12 Education Budget Committee**

NAME: Megan Langford

TITLE:

EMAIL ADDRESS: Langford.Megan@gmail.com

CITY: Lenexa, Shawnee Mission School District

BILL NUMBER: HB 2119

BILL DESCRIPTION: Creating the student empowerment act; providing education savings accounts for students who are academically at risk

PROPONENT, OPPONENT, or NEUTRAL: Oppose House Bill 2119 – Education Savings Accounts

ORAL TESTIMONY OR WRITTEN TESTIMONY ONLY: written testimony only

Committee Members,

Thank you for the opportunity to provide remote testimony on HB 2119 education savings account bill. As a public-school advocate and parent in the Shawnee Mission School District, I am opposed to this and similar voucher-type programs. I do not support using our public-tax dollars for private school tuition. This could cost the SMSD millions of dollars in lost funding, an especially difficult pill to swallow after Kansas schools lost more Federal Title I funding than any other state in 2019, and Shawnee Mission School District lost over \$1 million in Title I funding which led to the elimination of Title I status for 5 of 13 Title I schools in our district. Having fewer Title I schools meant the District received fewer emergency funds from the CARES Act, and our schools and teachers have had to do more with less, all in the face of a devastating pandemic.

Additionally, I oppose this bill because voucher-type programs are not required to serve all students. Public dollars should be used to benefit every Kansas child, regardless of educational needs or other characteristics. Private schools are not required to make special accommodations for students with disabilities beyond the school's typical instructional services offered to all students, and parents waive their right to an IEP upon admission. In effect, this means that private schools are choosing their students, rather than families choosing the school.

Thank you for your time and consideration. I urge you to vote NO on HB 2119.

Megan Langford

Lenexa, KS

February 8, 2021

To: House K-12 Education Budget Committee  
From: Dr. Tiffany Anderson, Superintendent, Topeka Public Schools, USD 501  
Dr. Scott Mickelsen, School Board President, Topeka Public Schools, USD 501  
Re: HB 2119, Educational Savings Accounts, written only, oppose  
Email: [jennifer@summitstrategiesks.com](mailto:jennifer@summitstrategiesks.com)

Chairwoman Williams and members of the House K-12 Education Budget Committee:

Thank you for the opportunity to respond to HB 2119, which creates the student empowerment act to provide an educational savings account for students who are academically at-risk. You will find that our testimony is similar to the testimony offered in response to HB 2068 regarding the tax credit for low-income students' scholarship program. We are opposed to the use of public funds to fund private or non-public schools. HB 2119 would have the effect of eroding the funding for the programs and services that are the most effective and most essential offerings for students in Topeka who are considered academically at-risk.

The 27,705 students of Shawnee County, Kansas, are served by five public school districts. Leadership from all five Shawnee County public school districts worked collaboratively to create the 2020-2021 Shawnee County Legislative Positions. These legislative positions were mutually created with the belief that Shawnee County students are the top priority. Significant societal benefits are gained by supporting exemplary public education, and all Kansas students deserve an adequate and equitable public education. You will find information about the Shawnee County Public School system on the front of the One United Voice document attached and our positions on school funding, teacher recruitment, access to technology, KPERS and social emotional health on the reverse. We offer this as a guide for policymakers who are making decisions that impact our public schools. Information about Topeka Public Schools is also attached.

You have received testimony outlining a number of concerns with the bill not only as written, but in concept. Rather than reiterate those concerns, we again draw you to the One United Voice legislative platform. For school funding, one of the best ways to help students who are academically at risk do better in school is to address the challenges they face because of their poverty. Expansion of early childhood education programs helps ensure that students show up at school ready to learn. Expansion of Medicaid, which will increase health insurance coverage for a significant number of families in our community, promotes family access to health care, as well as increased opportunities for students to be successful in school. Support services at schools and help for students' families in the community help students and families with the things that make it harder for them to succeed. Full funding of the statutory commitment to pay 92% of excess special education costs would have great impact on services available to free and reduced price lunch eligible students.

Support for mental health needs of students and staff has never been more critical and necessary. Educators expect many students will face additional mental health issues associated with the COVID pandemic. COVID-related issues follow years of growing concerns about mental health issues affecting student health, safety and learning, and when long-term access to health services may be worsened by the economic impact of the COVID-19 pandemic. Districts have altered or increased services under on-site, hybrid and remote learning models, and our schools and mental health providers work together to determine the best delivery model for each community.

Topeka Public Schools Mental Health Intervention Team (MHIT) identifies and eliminates barriers for students and families which need clinical therapy and to access the local Community Mental Health Centers (CMHCs) services. To support staff in developing a deeper understanding of trauma, we have partnered with the Childhood Trauma Academy to offer Neurosequential Model in Education (NME) training. It is a way to educate school staff about brain development and developmental trauma and then to further teach them how to apply that in the classroom, particularly for those children with adverse child experiences.

Under HB 2119 and HB 2068, some schools receiving public funds would not have to provide important programs and services required and offered by public schools. HB 2119 would work to erode our public school system. Public funding for schools is put to better use when invested in our public schools. Please oppose HB 2119.

Thank you for the opportunity to address this important issue,

Dr. Tiffany Anderson, Superintendent, Topeka Public Schools USD 501

Dr. Scott Mickelsen, School Board President, Topeka Public Schools, USD 501

NAME: Holly Coleman

TITLE: SMSD parent, school volunteer, and Kansas taxpayer

EMAIL ADDRESS: chadhollykc@gmail.com

ADDRESS: 12209 W 101st St, Lenexa, KS 66215

BILL NUMBER: HB 2119

BILL DESCRIPTION: Creating the student empowerment act; providing education savings accounts for students who are academically at risk

PROPONENT, OPPONENT, or NEUTRAL: Opponent

WRITTEN TESTIMONY ONLY:

I am writing to express my profound support of public schools and passionate opposition to ESAs, vouchers, or any other misleading term used for a system that diverts public tax dollars to private institutions. I will begin by sharing our very positive experience remote schooling our two elementary children in the Shawnee Mission School District. My sixth grader is in gifted with an IEP and accommodations to meet his needs for advanced math (honors Geometry as a 6th grader). His teachers have been as thoughtful and diligent as ever to see that he is still engaged and challenged while learning at home. His test scores have continued to grow and be in the 99th percentile. On the other end, I have a first grader who ultimately spent 3 quarters inside a school building before everyone went remote last spring. Despite being new to a formal learning environment, he is also doing well as a remote learner. His teacher is very engaging and attentive to her virtual classroom. She monitors the kids while keeping them interested and involved in their lessons. He is also growing according to test scores. None of our teachers rely on just virtual meetings. They have written, printed assignments that require hands on work from students. They read. They get up and move their bodies.

I know not all remote students experiences are the same. Such differences are the fault of state funding not the desires of a school district and it's staff. Kansas has spent years gutting it's education funding, and it will take years to get back to meeting basic standards. In a pandemic that has upended every part of lives across the globe, basics would not cover what is needed to accommodate students. Even countries with robust public education systems had to provide additional funding to meet safety needs. Yet they did it because they see the clear value in equitable public education. If Kansan's want equitable education, including the instance of remote learning, the answer is to appropriately fund public schools across the state. Increase the state budget for public schools, and they will be able to meet the needs of all students in all situations. Stop tying their hands and then blaming them for not using those hands. Give public educators what they need. They are great heroes and miracle workers as it is, so imagine what they can accomplish when they actually have the funding to fully support our students.

As a taxpayer, I am appalled that elected officials meant to serve the public would send my tax dollars to a private institution. I do not pay taxes to see them given to an institution that is allowed to make money by charging for it's service, fundraise, obtain loans, and any number of other methods open to private groups and companies. Not

only do they have no right to public dollars, there are no regulations in place to even ensure that any money they receive is used for education. They can use it for anything they want. And while doing whatever they feel like with those public tax dollars, they can deny acceptance to students for no reason whatsoever. And even if they accept students, ESAs/vouchers almost never cover the cost of attending such an institution. ESAs are a lie, and my tax dollars better not be sent to one. I am happy to pay tax dollars that support my community through public services like police, road maintenance, and public schools. I absolutely do not pay tax dollars to see them taken from such public goods and services to, instead, be misused and given to private institutions. If you claim to support responsible government use of tax dollars, then you should absolutely be opposed to ESAs. Public money is simply disguised by a fancy term (ESA or voucher) to fund private schools. It is a gross abuse of tax payers' trust, blatant misuse of tax dollars, and has no place in our system.

I do not support Kansas Bill HB2119, and I urge, I expect, all of you to throw it out of the committee immediately.



Testimony before the  
**House Committee for K-12 Education Budget**  
on  
**HB 2119**  
written testimony by  
**Karl McNorton, USD 345 School Board Member**

I am an opponent of HB 2119.

My name is Karl McNorton and I am a school board member in the Seaman School District here in Topeka. Our district serves approximately 4,000 students. This includes special education students, lower academic performing students, higher academic performing students, religious students, non-religious students, LGBTQ students and families, and minority students. We serve all students and families and we believe *public* funding should stay with *public* schools for the benefit of all kids.

We have several private schools within our county and share many students. We have private school students who utilize our resources for special services which private schools do not provide. Some of our families choose to send their students to private schools in earlier years and transfer to our public schools as they look for more course offerings and other opportunities. This year, some of our families chose private schools in order to meet the needs of childcare during remote learning with a plan to return to our buildings, if they haven't already. As you can see, public schools are already working side-by-side with private schools. Keeping the *public* funding with *public* schools will ensure *public* dollars are being maximized for the gains of all kids and in cooperation with private schools as needed.

Public school districts remain accountable to the state and our communities through reporting and assessments. Public schools continually look for ways in which we can improve academic performance for every student, regardless of any barriers that may exist. All academic and financial reports remain available to the public and subject to open records requests as stated in the Freedom of Information Act.



February 5, 2021

Written Testimony: In Opposition to House Bill 2119: Creating the school empowerment act to provide an education savings account for students who are academically at-risk  
Submitted by Kansas Association of Special Education Administrators (KASEA)

Honorable Chair Williams and Committee Members,

The Kansas Association of Special Education Administrators (KASEA) is concerned about the effects of enacting legislation that would strip students who currently have protections under IDEA within public schools accredited by the State of Kansas. Therefore, KASEA opposes HB 2119, Creating the student empowerment act to provide an education savings account for students who are academically at-risk.

Noted below are several specific concerns associated with this potential legislation.

**Private Schools Lack the Same Level of Accountability as Public Schools.** While private schools may be accredited through regional or national accrediting agencies, only private schools having accreditation by the Kansas Education Systems of Accreditation (KESA) are held to the same level of accountability as public schools. HB 2119, as written, would even allow public funds to be used in home school settings.

**Safety and Academic Risk to Kansas Children.** This bill would divert a significant amount of public dollars to private schools not accredited through the Kansas Education Systems of Accreditation (KESA). Without requirements to report instances of Emergency Safety Interventions or screen for reading disorders as defined by the recent Kansas Board of Education's Dyslexia training and screening regulations, student learning and safety are at risk.

**Private schools are not required to accept all students**, which really gives the "choice" to the private schools, versus the students. *Private schools are not bound to the requirement of an Individualized Education Program (IEP) if they do accept a student with disabilities under IDEA.* Private schools can deny admission to students with disabilities, mental health issues, LGBTQ students, students with same sex parents, differing religions, etc. Students will, in many instances, be discriminated against and unable to take advantage of HB 2119's education savings account.



In researching online websites of Kansas private schools currently in session, it was found that some private schools do provide limited support and services for students who may have a disability. However, these additional services which allow the student to have access to education are provided at an additional cost per service to the family. Charging families more to access education due to a child's disability is inherently discriminatory under IDEA and the Americans with Disabilities Act (ADA). If a family was unable to pay for these additional services, the child most likely would not be successful in the private school system. When this occurs, the student returns back to the public school even further behind academically.

We appreciate the K-12 Budget Committee's dedication and desire to make fiscally responsible decisions that enhance education and improve learning for all Kansas children and youth. HB 2119 falls short of meeting this goal.



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Janet Waugh  
District 1  
Dr. Deena Horst  
District 6

Melanie Haas  
District 2  
Ben Jones  
District 7

Michelle Dombrosky  
District 3  
Betty Arnold  
District 8

Ann E. Mah  
District 4  
Jim Porter  
District 9

Jean Clifford  
District 5  
Jim McNiece  
District 10

## Written Opponent Testimony

### HB 2119 – Creating the Student Empowerment Act

Presented to the House K-12 Education Budget Committee

Thursday, Feb. 4, 2021

By

Deena Horst and Ben Jones, Legislative Liaisons  
Kansas State Board of Education

Chairwoman Williams, Vice Chairman Hoffman, Ranking Minority Winn and Members of the Committee,

HB 2119 establishes the Student Empowerment Act which provides education savings accounts for students which are to be administered by the Kansas Treasurer or the Treasurer's designee. Eligible students must be residents of Kansas who have not graduated from high school or obtained a GED and 1) qualifies for free or reduced-price meals; or 2) has been identified by the school district as being eligible for At-Risk Program Services; or 3) has been required by the school district to attend school through remote learning for a period of 120 – 180 hours; or 4) has been required by the school district to attend school through a hybrid model of learning for a period of 240 hours. An eligible student's parent may establish an education savings account for the student with the State Treasurer, who will have statutory responsibilities for administering such education savings accounts. The student's parent enters into a written agreement with the Treasurer and agrees to expend funds in the education savings accounts for such items as tuition, books, supplies, etc. in order to attend a qualified private school which has met certain statutory requirements. The Treasurer is to transfer an amount equal to the BASE aid to the eligible student's account, but if the student continues to attend the district school part time, the Treasurer will transfer an amount of BASE aid to the student's account which is proportional to the time the student is not enrolled in the school district. If misuse of funds by a parent is discovered by the Treasurer, the Treasurer is to require repayment to the fund. If a private school misuses the funds, the Treasurer may notify the Attorney General.

There are numerous concerns which we have with HB 2119. First, the bill seems to set out the same expectations for all students whether they are fully enrolled in public schools or in schools which qualify for receipt of funds from the Student Education Savings Accounts; however, there does not

(continued)

appear to be annual accountability measures employed to guarantee that the taxpayer funds are being correctly spent by nonpublic educational options unlike the accountability measures which exist for public schools. Questions also remain regarding how taxpayers can determine that their investment of tax dollars in the qualified private schools are producing academic growth and being then able to compare such growth found in public and in private schools if they so choose.

There are also questions surrounding how the Kansas Treasurer, who has no requirement of having a financial background in education institutions, is to make decisions regarding the appropriateness of expenditures from the fund which do not fall under one of the bill's identified appropriate expenditure areas. Such decisions could be arbitrary in nature and inconsistently applied by different State Treasurers. Even the appeals process generally ends up with an attorney who is employed by the state to make decisions in regard to appeals, but there is no requirement that before a decision is rendered, that expert opinions be accessed.

Another question we have is how it becomes appropriate to use the funds to pay for a virtual education when a student becomes eligible for an education savings account because of being required to learn remotely or in a hybrid setting? The assumption seems to be that students who were required to learn remotely or in a hybrid setting have not achieved the level of rigorous learning that is expected when in person. Again, there is no requirement for proof of significant loss of expected learning only an assumption. Also, will providers of virtual learning, particularly those that may be based out of state, be required to report the success levels of their students or to meet other learning reporting required by the state?

The number of additional staff each public entity will need to employ is a concern in order to provide the data needed to determine eligibility of students, write the rules and regulations, monitor the funds within the accounts, develop the information regarding how to apply for an education savings account, provide the required annual notices to parents of students who qualify, develop the data necessary to adjust aid to school districts, etc. Not only will new staff need to be employed by the entities mentioned in the bill, but that generally means adding supervisory/ administrative-level staff as well, who assist the State Treasurer, the State Board of Education, District Superintendents, etc. in ensuring that the data, etc. is properly collected and reported.

This bill also seemingly blurs the lines between public and private education. The proposed bill includes a statement, the purpose of which is to protect the autonomy of private schools. However, court decisions have changed much of the landscape of public schools, and because private schools will indirectly receive taxpayer dollars, there is the potential of the courts requiring those schools receiving such funds to adhere to the same requirements which public schools must follow and the

(continued)

effort to protect private school autonomy would become mute. We believe that would concern any private schools that limit their enrollment both in numbers and in other ways to ensure a more homogenous student body.

We have the same general concerns we have about HB 2068 because it has the potential of taking the funds from students that require additional educational supports, thus potentially reducing the amount districts receive to educate students who are designated as At-Risk or who have IEPs and/or 504 Plans. Since private schools have the ability to select their students, it would be likely that they will select the students who are the least difficult to teach. Although the students would be those who are low income and qualify for free lunches, they do not qualify for At-Risk programs. The truly At-Risk qualified students are likely to be either rejected or placed on a waiting list. Those At-Risk students remain in the public schools and less funds are available to provide the services they need. [The students eligible to receive free meals generate the dollars for At-Risk programs. When those non-At-Risk students who are eligible for free meals are no longer attending the public school, the amount of funds available for the At-Risk program is reduced, but the same number of students need to be served.]

In addition, there appears to be little requirement for accountability that is equivalent to that required of public schools when they receive public funds or for identifying a manner to ensure that all non-accredited schools are capable of delivering the quality education alluded to by the statements in New Section 2 of HB 2119. Registration was never intended to indicate capability, only to identify those nonpublic educational options that exist and at least one child has been or currently is enrolled.

The concerns voiced by parents in surrounding schools and others regarding nonpublic school recruitment of the most capable athletes, academic performers, musicians, etc. would also likely be a concern with this program as was mentioned in testimony regarding HB 2068. There appears to be no limit placed on the private schools regarding use of the availability of the educational accounts to fund their potential recruitment of the best athletes, the best debaters, the best musicians, etc. to attend their schools.

Following the State Board of Education's position on the issue of using taxpayer funds for private schools, we rise in opposition to the proposed creation of student education accounts which require that the taxpayer-generated funds be used for nonpublic school attendance. There seem to be many general requirements assigned to the State Treasurer's office regarding the expenditure of funds, but no requirement that the students be receiving the education that is identified as important in New Section 2 of HB 2119. There are no proposed future Legislative Post Audits to identify that programs offered by the school are meeting the expectations listed in New Section 2 of HB 2119, unlike most recent proposals for new public school funding.

(continued)

As we stated in prior testimony, when Kansans' tax dollars are used, accountability for student outcomes must be equally applied to those education entities receiving the funds, whether the funds be directly or indirectly received. Accountability needs to enable measurement of likeness to likeness. Otherwise, the view of students in one setting can appear to be achieving at a higher level because the student bodies that are being compared are not comprised of like populations. To do otherwise, allows the potential of incorrect assumptions to occur and it also places roadblocks in place when the sharing of successful strategies by both public and non-public education entities could benefit all Kansas students regardless of where they attend school. In fact, we propose that instead of looking for multiple ways to encourage students to attend a private school, that we actually work together to improve the educational opportunities that can be implemented for all Kansas students.

Thank you for your consideration of concerns held by members of the Kansas State Board of Education and others within the education community when you work HB 2119.

## **Written opponent testimony**

**House Education Committee  
February 4, 2021  
Greg Tice, USD 267 Renwick Board of Education  
Kansas Association of School Boards**

Mr. Chair and Members of the Committee,

I am writing to voice my concern over HB 2119 and what it will do to impact student's learning in Kansas. I have been a school board member for nine years in USD 267 Renwick. During that time I have seen how our public schools are continually asked to do more and be more accountable, how the needs of our students are increasing, and how we are making our public education system better in Kansas to serve all students. This bill does not address the goal of providing better education for any, let alone all, students in Kansas. It also creates an equity problem by taking funding away from public schools which impacts programs that need funding in the public school system.

The main problem with this bill is that there is no accountability for student success. I certainly understand the desire to allow school choice, but while the Kansas Legislature continues to put accountability measures in place for our public schools, there are no accountability measures for private schools or home schools. Private schools and home schools do not have the same testing requirements or graduation requirements that public schools have. Will they be required to take a civics test if that bill passes or take a computer science class if that bill passes? There are also different levels of accreditation for private schools. Some are 'accredited' but not by the State of Kansas. If they cannot meet the accreditation requirements by the State of Kansas why should they be able to receive funding? We are not setting our students up to be successful if these alternatives to public education are not held to the same standards.

I have also heard arguments that private schools have done a better job of keeping students in the classroom during the pandemic. Our number one goal in USD 267 this year has been to keep students in the classroom and we have achieved that. We have 1,800 students in our district and we have been in the classroom every day. I have seen that the ability for schools to keep students in the classroom is largely based on the size of the school district. Larger schools have had more difficulty keeping kids socially distanced, but more importantly, the quarantine times had a tremendous impact on keeping enough staff available to teach. We were even using bus drives to help in our cafeterias. Private schools can do this by keeping kids on waiting lists and typically private schools are not as large as our larger school districts. That does not mean they are doing a better job, it means they are doing the same thing our similar sized schools are able to do.



Public schools are continually asked to do more and it requires funding. Private and home schools are not required to provide the same level of services. Special Education continues to require more funding yet the State does not meet its obligation, by law, to fund. The public schools bear this burden out of per pupil spending which this bill does not account for. There are more social and emotional issues with students than ever before. In our district we tried to cut our counselors and social workers. It did not work to do that because of the needs of our students. I have heard that occupational and speech therapists have had great years for their businesses last year because the schools were not open to provide those services (free of charge) to the students. We are now required to have a dyslexia program. All of these programs take funding and if more funding is syphoned from the public schools we will not be able to sustain the programs required by the State of Kansas. This ends up creating an equity issue for education in Kansas.

Please consider all implications of what this bill would do to the education of all students in the State of Kansas. I would urge you not to vote for this bill because it does not hold private and home schools accountable to the same standards as public schools, it will make it more difficult for public schools to maintain programs that the State of Kansas requires, and it will create an equity issue for student education.

Thank you for your time.

Greg Tice, USD 267 Renwick BOE

**13,430 Students**

**33 Schools**

**ENROLLMENT**

717 Pre-K Students

5781 K Through 5 Students

2802 Middle School Students

4130 High School Students



**3** EARLY CHILDHOOD CENTERS

**15** ELEMENTARY SCHOOLS

**6** MIDDLE SCHOOLS

**5** HIGH SCHOOLS

**1** VIRTUAL SCHOOL

**1** COLLEGE PREP ACADEMY

**1** LEARNING ACADEMY

**1** ADVANCED LEARNING CENTER



**GRADUATION RATE**

**81.3%**

\*For Four Year Graduates



**TRANSPORTATION**

**4,400**

Students Riding The Bus



**NUTRITION**

**14,500**

Meals Served Daily

\*Breakfast and Lunch  
\*72% Free or Reduced Lunch



**EMPLOYMENT**

**2,471**

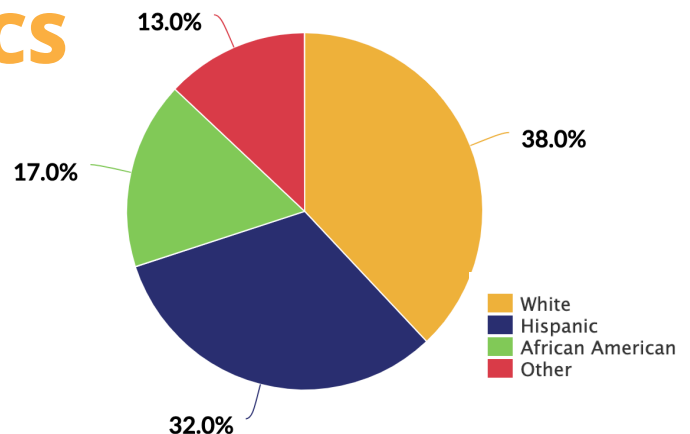
District Employees

19 District Administrators  
67 Building Administrators  
1305 Certified Personnel  
1076 Classified Personnel

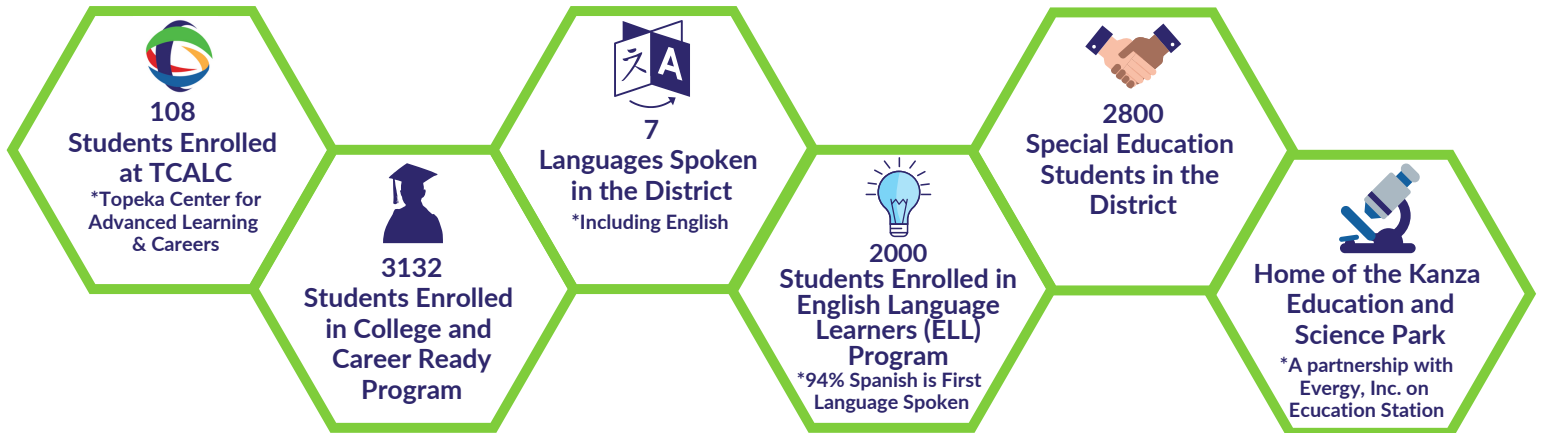
**STUDENT DEMOGRAPHICS**

**#1 Most Diverse School District in Kansas**

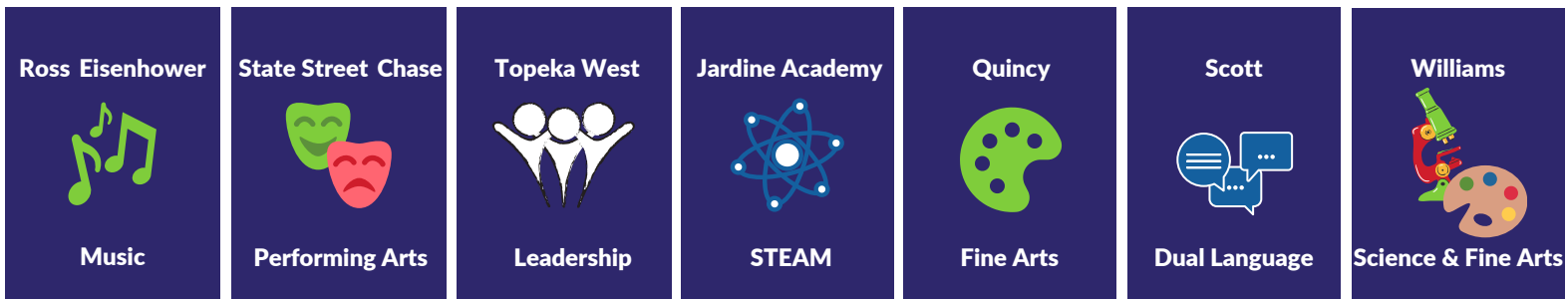
\*According to Niche.com



## CAREER & TECHNICAL EDUCATION



## SIGNATURE/ MAGNET CAMPUSES



## ABOUT TPS



### MISSION

Engage students in the highest quality learning. Prepare students for responsible, productive citizenship and. Inspire excellence for a lifetime.



### VISION

Topeka Public Schools will be recognized nationally for academic excellence, post-secondary and career success, and achievement in the arts, athletics and extracurricular activities.

**Strengthened by diversity and a welcoming and inclusive environment, our district will cultivate partnerships with staff, families, business and industry, and the greater community to develop students' educational, physical, and social-emotional well being.**