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**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.