

February 9th, 2023
Testimony to the Senate Committee on Assessment and Taxation
Senate Bill 128, Opportunity Tax Credit
Erin Gould, Resident of Roeland Park, Kansas
Opponent, Written-Only Testimony

Madam Chair, Members of the Committee;

I am writing today because I am strongly opposed to this bill.

Tax Credits for Private Services are Strange in Any Other Context

Proponents suggest this bill merely lets families use “their” education tax dollars as they see fit; that they are not taking away from public schools, they are just being returned “what’s theirs.” But, does this make sense? No, of course not because we pay taxes for all Kansas public services – the ones we use and the ones we don’t.

Giving people money back simply because they don’t use the public service is illogical. If we use this new mechanism for education, why not for other things? For example, I don’t like public transportation. I don’t use it. Because I never ride the bus, I should be given a tax credit which I can use to offset my car payment. If I only use private doctors and hospitals can I have a tax credit for “my” share of what Kansas pays for community hospitals? Can I have a credit to spend at a country club if I promise not to visit state parks? Can I not pay for public safety in places like Ellinwood, Payola, and Abilene if I promise to never visit them? I’d also like back my share of the Transportation Fund for roads I don’t drive on, and my portion of the salaries and per diems of legislators who don’t represent me. This idea that citizens should get to have back some part of what they contribute in taxes simply because they don’t or prefer not to use a public service is ridiculous in any other context but because schools and kids are involved, we are made to feel that it is somehow different. It is not. We are not “saving kids.” We are not giving families back “their” money. This bill is just a boon to reward some families for private choices and the logic to justify it is untenable in any other scenario.

The Problem with Giving Credits Equal to BASE Aid Per Student

This bill proposes to give each family an income tax credit equal to the public school BASE aid (\$4,846 this year) for each child they enroll in any private school, even if they don’t actually owe that much in income tax and regardless of whether or not they contribute that much to the state General Fund for schools or state taxes overall.¹

As this committee knows, taxes pay for a lot more than schools. So, unless there is a mechanism to verify that the amount of income, property, and sales tax a family contributes to the General Fund each year fully covers all of their children’s BASE aid as well as “their share” of all other public services, this bill is NOT just giving families back “their” education tax dollars. In most cases, it will also be giving away other Kansans’ tax money without their consent. It is an excessive, unethical, and unnecessary giveaway of state income that undermines our state and communities.

Is it Responsible?

Kansas has a history of thoughtful education leadership. It has avoided embarrassing national headlines about fiscal mismanagement and substandard schools by making it difficult for the the unregulated private school industry to feel welcome. Families choosing private schools have to use their own money. However, this bill changes that. This bill gives all parents nearly \$5,000 to spend for each child. Suddenly, we have a market for unscrupulous, for-profit schools like the shameful ones we read about in Florida, Louisiana, Arizona, and Ohio because literally anyone can set up a non-accredited school and charge tuition in Kansas.

In Kansas, to be a non-accredited “school” all you have to do is complete a one-page form that asks for the school name and contact information. That’s it. There is no “approval” process or review by the State Board

¹ One child’s worth of BASE aid, is roughly equivalent to property taxes on home assessed at nearly \$2.2 million OR income taxes on approximately \$97,000, after deductions OR 6.5% sales tax on \$75,000 worth of purchases. NOTE: Mill levy calculations based on KSDE website: Agency>Fiscal and Administrative Services>School Finance>Online Budget Packet/Guidance for Administrators and Business Office/[Mill Levies \(How to Compute\)](https://www.forbes.com/advisor/income-tax-calculator/kansas/). Forbes tax calculator tool was used to estimate state income tax. <https://www.forbes.com/advisor/income-tax-calculator/kansas/>.

of Education.² The only “requirements” I could find that Kansas puts on these schools is the hours of instruction and that teachers be “competent” but I can find nothing that confirms Kansas has any mechanism to monitor or enforce even these most-minimal requirement. Also, “competent” is subjective. How is that determined and by whom?

Academically, a non-accredited “school” or homeschool has absolutely no standards placed on it. They are not required to participate in any type of state or national testing to ensure academic progress. No audits are needed to confirm schools serving multiple families are fiscally sound. No receipts are requested to confirm meaningful educational programs and equipment are being purchased.

While there aren’t many non-accredited schools in Kansas now, it is easy to see how this bill would encourage grifters to flock to our state. By reimbursing families almost \$5,000 per child for enrollment in any private school choice, Kansas becomes ripe for exploitation by every opportunist who can convince a few people their “school” is legitimate. They will set a tuition that is just about whatever BASE aid is, take parents’ money, and offer students and Kansas no guarantee of educational or financial value in return.

This is the very definition of wasteful spending and I strongly disagree with any plan that makes it easier or more attractive to establish these types of “schools” and fund them directly or indirectly with my tax dollars.

Who Benefits?

It is easy to see who benefits from this scheme and it is not students, families or Kansas. It is the people who will seize this new, state-funded opportunity to make money off of our children if they can just get people to believe that a private school is better than public schools. They are not. At most, the 125 accredited private schools currently in Kansas deliver an education about as good as our public schools³ to the few students they agree to accept. This bill does nothing to demand more transparency or accountability from those schools. For families not accepted to these selective, accredited private schools, this bill enables families to enroll their children in completely unaccountable non-accredited schools where there are no protections, academic or financial. There is little data from the few non-accredited schools currently in Kansas so we have no real evidence that these schools meet any expectations we might have for schools and students in Kansas. Legislators who expect accountability, responsibility, and clarity in return for public investment (which includes tax credits for personal choices) will not find it in any private school but especially not in non-accredited schools.

Public schools are one of Kansas’ strengths and are a big part of what make Kansas attractive to families and businesses. If Kansans see room for improvement in public schools, then let’s work to make those improvements so all Kansas children can thrive and taxpayers can have transparency regarding how their education tax dollars are being spent. Families who feel they want an educational experience that more closely aligns with their personal values and beliefs outside the public schools should always have that option to do so. However, I urge you to remember it is not the obligation of the state to fund or reimburse private choices made in lieu of public services and to vote no on this bill.

² Link to the KSDE page on homeschools and non-accredited private schools: <https://www.ksde.org/Agency/Division-of-Learning-Services/Special-Education-and-Title-Services/Title-Services/Non-Accredited-Private-Schools> and registration form: https://apps.ksde.org/naps_form/default.aspx

³ Please note that most accredited private schools do not fully serve all students they accept. They rely on our Kansas public schools to provide special education services they are unwilling or unable to provide. So, enrollment in private school does not eliminate the state’s cost to educate a child in all cases.