



**KANSAS ASSOCIATION
OF SCHOOL BOARDS**

Serving Educational Leaders, Inspiring Student Success

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**Oral, Opponent Testimony before the
House K12 Education Budget Committee
on
HB 2119 – Creating the Student Empowerment Act
by
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Madam Chair, Members of the Committee:

In our comments about HB 2068, KASB identified the following major concerns:

- Expansion of access to private schools that are able to be selective in the students they accept or retain and programs they offer, which we believe could lead to a “two-tier” school system, with one system able to be selective and the public system dealing with more challenging and expensive students, and with fewer resources.
- Less accountability, because not all schools are required by the current tax credit program to be STATE accredited and therefore do not have to take students and provide enrollment and other information.
- Less focus on high needs students because HB 2068 makes eligible reduced price meal students from higher income levels and opens participants to any public schools, with no criteria based on how the student is actually doing in school.
- Less funding for public schools if more students leave the public school system as a result of scholarships and no “savings” are redirected to public school programs.

We believe HB 2119, creating a system of educational savings accounts, has the same problems, only much worse, based on our understanding of the bill as introduced.

Expansion of access. HB 2119 would not only allow both free and reduced-price students to participate, which is over 45 percent of current public-school enrollment, but also any student receiving at-risk services from their school. Because we know some students who are not free or reduced meal eligible are receiving services, this would further increase the number of possible students.

But the bill would also include students who have been in a minimum number of hours of remote or hybrid learning. Depending on the implementation of the program – or future pandemics – this could effectively include ALL public-school students.

Accountability. HB 2119 appears to allow students to use their education savings account to access virtually any school, including home schools. There are no requirements for accreditation, student testing, teacher qualifications or even basic enrollment information.

The only requirement is that such schools provide instruction in the courses of study required for public and accredited private schools. There is no requirement to measure whether students are actually learning from that instruction. The bill provides for an annual audit of only a single private school out of hundreds or thousands of home schools in the state.

The bill also allows state funds to be used for:

- Educational therapies or services provided by a licensed or accredited education provider but does not specify who licenses or accredits such providers;
- Tutoring services provided by a certified tutor but does not specify who certifies such a tutor;
- Curriculum materials without defining the purpose, use or appropriateness of such materials, and
- Tuition or fees charged by an accredited private online learning program even though being in such programs under the bill automatically triggers eligibility for the program. This means that students who are successful and want to be in an online program could qualify for funding to leave the public school if they are “required” to be remote, then use the funding to continue online learning. Yet a student who is not required to be remote could not access these funds.

Further, if a district is using remote or hybrid learning as defined in the bill, there is nothing to prohibit a private school that accepts a student who has a savings account from switching from onsite learning. Private schools can continue limiting enrollment to avoid remote or hybrid learning.

Less focus on high needs students. Although the bill does make eligibility for at-risk services one of the qualifying factors (unlike HB 2068), it does not require either low-income students or students who have been in hybrid or remote environments to have demonstrated academic or other needs, and there is no requirement that participating private schools accept any such students.

Cost. Unlike HB 2068, which does not change the cap on the tax credits available and thus limits the loss to the state general fund, there do not appear to be any limits on this program, other than student eligibility, which will almost certainly include at least half of all public-school students and perhaps far more. Nor does the bill clearly exclude students currently enrolled in private schools who would be eligible for free or reduce price meals.

The bill does appear to provide some protections for school district budgets by directing that a student's “weighting” funds remain with the district for up to three years. But because the bill does not appear to change the school finance formula, which uses the prior or second prior year “regular” or unweighted enrollment for determined a district budget, it appears this bill would significantly increase state costs in

the first several years of the program. However, school districts would eventually have to reduce their budgets to the extent they lose students.

Because we know members of the committee are interested in the impact of such programs on state student achievement, we want to share some additional information. Details follow in this testimony.

First, based on information from one of the proponents of HB 2068 about student participation in other states with such programs, it does not appear that states with the highest percentage of students in such educational savings accounts, vouchers and tax programs do better than Kansas – in fact, on most measures we looked at, they do worse.

Second, private accredited schools in Kansas appear to have better results than public schools on state reading math assessments. But private schools have by far a much lower percentage of low income and special needs students, who have much greater learning challenges. When compared to public schools with similar low percentage of low-income students, the difference is much smaller, and those public schools have much higher percentages of special education students.

Third, low income and some minority groups in private schools also lag behind their more advantaged peers; in fact, the gaps are greater in private schools.

This doesn't mean private schools are failing these students, any more than it means public schools are failing these students. It means both systems face great difficulties in overcoming the challenges many of these students face. Public schools often have much higher concentrations of such students, which is why more struggle.

HB 2119 does not address these deeper issues faced by Kansas schools and the students they are trying to serve. At most, it will allow a small percentage of students to change schools, with no guarantee these will be the highest needs students. This will do nothing for the remaining students. Over time, it could reduce the resources available to meet the needs of those students. We believe this concept will weaken, not improve, the chances of success for every child in Kansas.

Thank you for your consideration.

Kansas does better on most educational measures than states with the highest percentage of students in school voucher, educational savings account and tax credit programs.

The organization EdChoice, one of the proponents of bills to expand the state’s tax scholarship for private schools, SB 61 and HB 2068, provides information on its website about the percentage of students in various school settings. The “EdChoice” share is the percent of students in receiving vouchers, savings accounts and tax credits.

According to EdChoice, 10 states plus the District of Columbia have more than one percent of students in such programs: Arizona, Florida, Wisconsin, Indiana, Vermont, Maine, Ohio, Pennsylvania, Iowa and Louisiana. Kansas is listed as having less than 0.1 percent.

KASB compared the average of those ten states on 15 educational measures, including young adult educational completion, high school graduation, national reading and math tests and college preparation tests. On 12 of the 15 measures, Kansas does better than the average of those states.

Student Success Measures		Kansas	Kansas Higher	Ed Choice Top 10 Average
18-24-Year-Olds Education Attainment, 2019 (Percent)	High school graduate and higher	88.5	X	87.4
	Some college or higher	57.2	X	53.5
	Bachelor's degree or higher	10.7	X	10.5
Adjusted Cohort Graduation Rate, 2018 (Percent)	All Students	87	X	85.7
	Economic Disadvantaged Students	80	X	78.4
	Limited English Proficiency Students	81	X	65.3
	Students with Disabilities	80	X	68.8
National Assessment of Education Progress, Reading and Math Average, 2019 (Percent at Benchmarks)	All Students at Basic	73	X	72.7
	NSLP Eligible (Low Income) at Basic	60		60.3
	NSLP Ineligible (Not Low Income) at Basic	85	X	84.8
	All Students at Proficient	35		36.6
	NSLP Eligible (Low Income) at Proficient	21		22.5
	NSLP Ineligible (Not Low Income) at Proficient	49	X	48.7
ACT and SAT Adjusted Ranks, 2019	ACT Composite Score to Predicted - Rank	24*	X	25.9*
	SAT Mean Score to Predicted - Rank	5*	X	25*
*Rank - lower number is higher outcome				

Because student demographics, specifically the percent of low-income students, make a difference in performance, KASB looked at the percent of students in the states eligible for free and reduced-price meals. In 2017-18, the most recent year national data is available, the percent in Kansas was 47.6 percent, slightly higher than the EdChoice Top 10 average of 47.2 percent.

According to the EdChoice report, Vermont and Maine only allow vouchers when there is not a public school in the town, and the voucher cannot be used at religious schools.

Removing Maine and Vermont lowers the EdChoice average performance on 10 of the 15 measures, raises the average on 3, and stays the same on 2. That indicates performance of the top EdChoice states is somewhat inflated by two states with very different programs than those under consideration in Kansas.

The data on student distribution among the top 10 EdChoice states is shown below.

Here is a link to the full table:

ENGAGE by EdChoice

State	Number of Programs	EdChoice Share	Other Private School Share	Public District School Share	Charter School Share	Home School Share
Arizona	5	5.4%	<1.0%	77.7%	15.6%	2.7%
Florida	5	4.4%	8.0%	76.2%	8.7%	2.8%
Wisconsin	5	4.2%	9.7%	79.4%	4.6%	2.2%
Indiana	3	3.8%	7.0%	83.0%	3.6%	2.6%
Vermont	1	3.9%	5.8%	87.8%	-	2.5%
Maine	1	2.6%	6.2%	87.4%	1.0%	2.7%
Ohio	5	2.6%	8.5%	81.2%	6.1%	1.6%
Pennsylvania	2	2.3%	10.0%	78.4%	6.6%	2.6%
Iowa	2	2.0%	6.4%	88.9%	0.1%	2.6%
District of Columbia	1	1.9%	13.2%	40.2%	42.3%	2.4%
Louisiana	4	1.1%	14.5%	73.3%	9.5%	1.6%

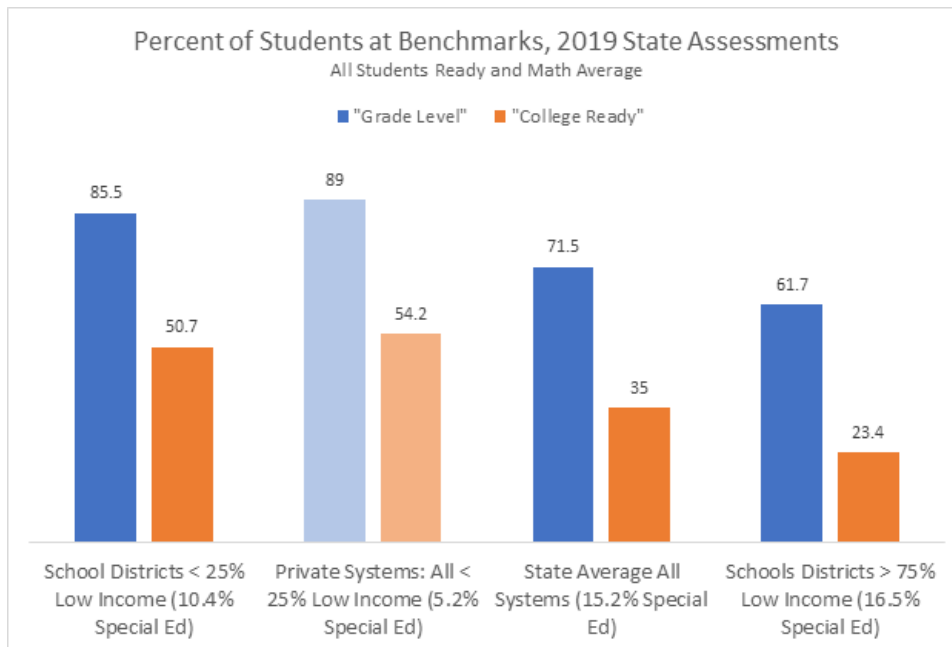
The student measures for all states are shown on the following table.

When comparing state assessment results among systems with similar students, private schools are much more similar to public schools.

Although the five private school systems in Kansas have about 20% more students scoring at either “Grade Level” (Levels 2, 3 and 4) or “College Ready” (Levels 3 and 4), and nearly 30% than the highest poverty districts in the state, private schools have far fewer special needs students.

All five private school systems have fewer than 25 percent of students on free or reduced-price meals. Compared to the 14 public school districts with fewer than 25 percent low-income students, the private school margin drops to 3.5 percent for students at grade level and four percent for students at college ready.

Private schools have less than half the percentage of special education students as lowest poverty public districts, and less than one-third the special education percentage of all systems. The highest poverty public school districts also have the highest percentage of special education students.

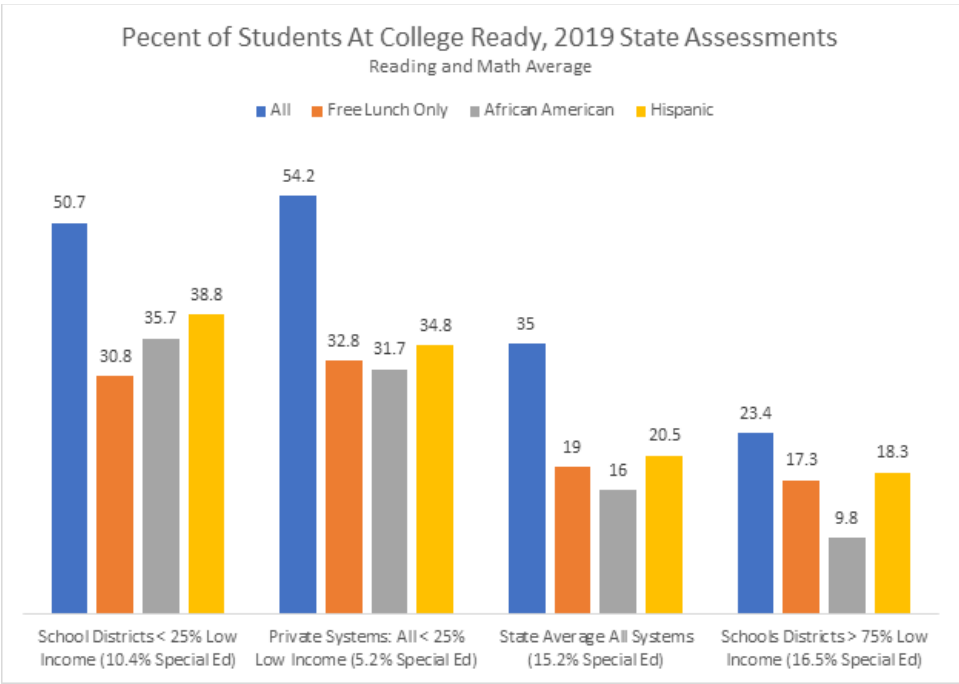


Private school systems also have lower performance by free lunch and students from the largest racial and ethnic minority groups. In fact, the gaps are larger.

When compared to public school districts with similar low-income populations (less than 25 percent), private school systems have 3.5 percent more students scoring at “college ready” and just 2 percent more free lunch students, and African American and Hispanic students have lower success rates than in the comparable public systems.

Public schools also have a large gap between all students and free lunch, African America and Hispanic students.

The average for the state and the districts with the higher concentrations of poverty are much lower than both private schools and the lowest poverty public schools, indicating the difference is not with the system (public or private) but with the populations of special needs students districts have to serve.



Below are the details of the districts and systems in this comparison.

Org No	Organization Name	Enrollment	Economically Disadvantaged	Students with Disabilities	Percent At Grade Level	Percent College Ready	CR Free Only	CR African American	CR Hispanic
Public School Districts less than 25% Low Income									
D0229	Blue Valley	22,779	7.9%	10.7%	88	58	27.5	32	44.5
D0207	Ft Leavenworth	1,706	9.7%	12.4%	93	68	63.5	62.5	56.3
D0385	Andover	8,964	10.7%	8.1%	85.5	53.5	33	29	45
D0232	De Soto	7,358	11.4%	8.6%	87.5	52	29	34	38.5
D0267	Renwick	1,797	13.7%	14.9%	84.5	50.5	32		51
D0458	Basehor-Linwood	2,730	14.4%	13.7%	81	45.5	21	41.5	31
D0372	Silver Lake	721	16.2%	13.4%	86.5	52	38		58
D0400	Smoky Valley	1,494	18.9%	8.2%	78	37.5	26		29.5
D0203	Piper-Kansas City	2,339	20.0%	9.2%	80.5	46.5	24	24	36
D0266	Maize	7,630	21.2%	12.9%	79.5	45.5	26	25.5	33
D0323	Rock Creek	1,087	22.3%	16.1%	89	50	27.5		33
D0416	Louisburg	1,731	22.9%	10.8%	86	48	25.5		37
D0265	Goddard	6,033	24.5%	15.9%	83	45	25	37	33.5
D0448	Inman	415	24.6%	16.8%	82	39.5	33.5		16.5
Average			17.8%	10.4%	85.5	50.7	30.8	35.7	38.8
Private School Systems (All less than 25% Low Income)									
Z0029	Kansas City Catholic Diocese	12,943	13.9%	2.7%	87.5	55	21.5	32	31
Z0026	Lutheran Schools (Topeka)	845	16.9%	5.3%	87	49.5	39	35.5	36.5
Z0030	Salina Catholic Diocese	1,956	19.8%	6.5%	85.5	49	32		28.5
Z0031	Wichita Catholic Diocese	9,307	24.0%	3.5%	92	60.5	36	27.5	40.5
Z0028	Dodge City Catholic Diocese	717	24.4%	8.0%	89	57	35.5		37.5
Average			19.8%	5.2%	88.2	54.2	32.8	31.7	34.8
	State of Kansas - All Systems		47.3%	15.2%	71.5	35	19	16	20.5
Public School Districts more than 75% Low Income									
D0503	Pars ons	1,305	75.3%	20.5%	69	29.5	20	15.5	27.5
D0405	Lyons	806	75.8%	21.0%	70	31.5	25		26.5
D0500	Kansas City	22,794	75.9%	15.7%	53	18.5	16	12.5	18
D0445	Coffeyville	1,813	77.0%	12.2%	58	20	14.5	4.5	14.5
D0259	Wichita	49,953	77.5%	15.2%	55	20.5	13.5	10	14
D0483	Kismet-Plains	643	78.1%	12.5%	68.5	21	15		16.5
D0468	Healy Public Schools	53	79.3%	13.2%	73.5	24	14		
D0443	Dodge City	6,951	79.7%	12.2%	57.5	21	16.5	6.5	18
D0480	Liberal	4,878	83.3%	12.6%	50	14	10	9.5	11.5
D0283	Elk Valley	96	84.4%	29.7%	62	33.5	28		
Average			78.6%	16.5%	61.7	23.4	17.3	9.8	18.3