

January 25, 2023

In-Person Testimony to House K-12 Education Budget Committee
Honorable Chair, Representative Kristey Williams
Patricia Rosario, Committee Assistant
785-296-3971—Patricia.Rosario@house.ks.gov
Room 352-S, State Capitol Building

Opposed to [House Bill 2048](#) – Expansion of Tax Credit Scholarship Program

Hearing: Wednesday, January 25, 2023, 3:30 PM Room 546-S

Honorable Chairman Williams and Committee Members,

Thank you for the opportunity to provide in-person testimony regarding HB 2048 – Expansion of the tax credit scholarship program. The Kansas PTA is opposed to this bill and the use of public funds to subsidize the private school system ([KS PTA Legislative Priority 11](#)).

Kansas PTA has the same concerns noted in our previous testimony dating back to 2014 when the tax credit scholarship program was first established. Our opposition to vouchers and voucher-type programs stems from multiple concerns and mounting evidence of fraud and waste in states the use public funds to subsidize private, non-public school systems.

First, private, non-public schools operate under a different set of rules than public schools, and most often with very little oversight regarding use of public funds ([KASB, 2021](#)). Private schools:

- may select, recruit or reject students and are not required to offer specific grade levels or programs, or curricula;
- may suspend, expel, or counsel out students for any disciplinary or academic reasons, for any period of time, without due process;
- are not required to identify the need for, or provide, special education services or accommodations for students with disabilities or gifted students;
- are not required to provide transportation;
- may charge tuition and fees for attendance and materials;
- are not required to provide food service;
- are not required to accept or provide services to English language learners;
- are not required to provide extra services for low income or other at-risk students; and
- are independent institutions with their own governance structures and few public reporting requirements, with limited, if any, oversight on the use of public funds.

Second, this bill is a massive expansion of a program with no impact data. No legislative audit has been requested on the educational progress and outcomes of the students who have received scholarships to date. We looked for evidence that would warrant expansion, but instead found annual reports, lacking

in meaningful oversight ([annual reports](#)). The private school tax credit scholarship program reporting requirements:

- do not tell us the average Kansas Assessment scores of the scholarship recipients, particularly in comparison to similar students who did not receive scholarships,
- do not report on Kansas Assessment scores of the private schools who received public taxpayer funds, particularly in comparison to public schools serving similar populations,
- do not tell us average scholarship student retention rates, graduation rates, college enrollment rates, college persistence rates,
- do not tell us how many scholarship students the private schools *transitioned* back [\[streaming link\]](#) to public schools for their failure to help these at-risk youth.

“There is always going to be a time, as they [students] mature up to high school. And if they don’t start passing some classes, they are not going to graduate from our schools. Because we have a higher academic standard. So, we have to transition kids to a different school, just because they are not going to meet the educational requirements. But that is their own choice, because of how they worked in the schools”

(<https://youtu.be/cGFuVI5qLjU?t=3355>, Director of Development Catholic Diocese of Wichita, KS House K12 Budget Committee, Jan 2021, 56:00 min mark)

These annual reports do provide some insightful contextual information. The vast majority of the private, non-public schools *eligible* to participate in the program are parochial school systems. In addition, two of the nine private entities managing the scholarship funds are from out of state (CO and VA) and all of whom may take a 10% administration fee. In other words, the tax credit scholarship program is at least double the central administrative costs of Kansas public schools at 5% of total expenditures ([KSDE](#)). And public schools are required to provide substantially more services, with significantly more labor intensive administrative oversight, accountability and transparency reporting requirements.

Third, the proposed changes to the tax credit scholarship program in HB 2048 run contrary to the original rationale used by those who advocated to establish the program in the first place – to provide an option for at-risk students enrolled in the public schools, particularly families living in communities with high rates of poverty. What was said to be about the students, is changing into a program to subsidize the private school system. This next expansion bill appears to be more of an exercise to broaden eligibility for the benefit of the private school systems, at the taxpayers’ expense, than for the at-risk students.

- Why raise the program cap from \$10 million to \$20 million, when the program only spent about \$4 million each of the past two years ([see also KS LPA, April 2022](#))?
- Why expand eligibility to students who do not even qualify for free or reduced priced lunch program – meaning, students living between 185% and 250% of poverty – and create a loophole through which at-risk students can be passed over for students whose educational challenges tend to be less demanding? Note, the Kansas legislature does not even provide public schools with weighted funding for students eligible for reduced price lunch, let alone up to 250% of the poverty level. If new taxpayer dollars are going to be allocated, let’s remain focused on adequate and equitably resources for the public neighborhood schools in which these students live.
- Why expand eligibility through high school, when there are only 16 accredited private high schools in the entire state? This undermines major steps in Kansas to ensure equity regardless of zip code.
- Why increase a tax credit subsidy from 70% to 100%, when some state legislators argue the state doesn’t have enough money to fully fund special education?

- Why expand the program to students who have never attended public schools? This could serve to either limit opportunity for public school families, [as in Arizona](#), or families could be enrolling in lower performing schools without the benefit of having experienced the opportunities in their neighborhood public school.
- Why expand to include children of emergency medical service providers, firefighters, law enforcement, military, and foster care? Why not just ensure quality neighborhood public schools and access to quality early childhood and childcare before and after school?

Fourth, Kansans should take note of the cautionary tales coming out of states with a tax credit scholarship program and other voucher platforms. A growing body of evidence, is identifying problem after problem, in [Florida](#), [North Carolina](#), [Louisiana](#), [Ohio](#), [Indiana](#), as well as [Oklahoma](#), [Arizona](#), [Ohio](#) and [Virginia](#) to cite a few:

- **Unfit warehouses in Florida:** Private entities participating in the Florida voucher-type programs are holding school in these facilities. Do they meet code? Where are the playgrounds? ([read more here](#)).

These are the “schools” that house FLORIDA voucher students.

“Mary McLeod Bethune...would look at Florida’s corrupt, failed, and yet lavishly-funded low-income school voucher programs with disgust.” ([read more here](#))



- **No Oversight in North Carolina:** North Carolina has spent \$158 million in taxpayer dollars with no return on investment. “The overarching assessment of the initial review of the voucher program from our previous report remains true: The North Carolina voucher program is well designed to promote parental choice, especially for parents who prefer religious education for their children. **It is poorly designed, however, to promote better academic outcomes for children and is unlikely to do so over time.** The public has no information on whether the students with vouchers have made academic progress or have fallen behind. No data about the academic achievement of voucher students are available to the public, not even the data that are identified as a public record in the law” ([School Vouchers in NC, p.2](#))

The Kansas tax credit scholarship program gives choice to private schools, not to parents. Participating private schools are receiving taxpayer funds, yet are allowed to be selective about who they choose to admit and who they choose to transition out. The future of Kansas is more likely to be bright if we choose to remain committed to quality public education, that continues to beat the odds and creates learning opportunities for **all** Kansas students. The restoration of the general education school finance formula under Gannon has been pivotal in restoring critical support for student learning ([KASB, 2022](#)). Let’s continue to strengthen our centers of learning, our neighborhood and community schools,

that welcome all Kansas youth. We are grateful that the Kansas legislature has reaffirmed their constitutional obligation, in state law and general education funding. We ask that public dollars stay in public schools and encourage the committee to direct state resources to adequate and equitable opportunities for all students, with and without disabilities.

Thank you for your consideration of our opposition to HB 2048 – expansion of the Tax Credit Scholarship Program.

Mary F Sinclair, PhD
mfoxsinclair@gmail.com
[@KsPTALeg](https://www.facebook.com/KsPTALeg)

Cc: Patty Jurich, Kansas PTA President
Brooke Burkett, VP of Advocacy; Devin Wilson, Legislative Liaison
Kansas PTA Advocacy Team KansasPTA@gmail.com

THE PTA POSITION

Kansas PTA is a nonpartisan association that promotes the welfare of children and youth. The PTA does not endorse any candidate or political party. Rather, we advocate for policies and legislation that affect Kansas youth in alignment with our legislative platform and priorities. [PTA mission and purpose](#) have remained the same since our inception over 100 years ago, focused on facilitating every child's potential and empowering families and communities to advocate for all children.