

February 23, 2021

House K-12 Education Budget Committee

Written Testimony in Opposition to Senate Bill 61

Chairwoman Williams and Members of the Committee:

The Shawnee Mission School District presents this testimony in opposition to Senate Bill 61, which will expand eligibility for the Low-Income Student Scholarship Act beyond its original legislative intent, diverting scarce public dollars away from public schools. This will erode the ability of public schools to continue in their role as the engine that drives the success of Kansas.

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 proposed changes to the non-public school law are significant.

At-Risk: The elimination of statutory compliance with the Kansas School Equity and Enhancement Act in Senate Bill 61 eliminates the “at-risk” as defined by statutory requirement, and replaces that provision with the assertion the student is “eligible for free or reduced-priced meals under the school lunch act.” We have a number of concerns with this change.

- First, there is a qualitative and measurable difference between complying with the law and a simple assertion that a student is eligible.
- Further, this language muddies the meaning of at-risk by removing the connection in law between “eligible for free meals” and the additional requirement in the law for participating in a district “that maintains an approved at-risk student assistance program.” KSA 75-5132. This bill eliminated the requirement that a non-public school maintains an approved at-risk student assistance program.

Collectively, these changes alter the original legislative intent, which was to provide education options for certain low-income students whose families would not otherwise have those options. Such changes will funnel public dollars primarily to families who already are availing themselves of private school options, decreasing the resources available to the vast majority of public school students.

Finally, 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 open meetings, open records, and auditing laws because they are funded by the taxpayers. Since this proposed law would allow scholarship granting agencies and “qualified schools” to receive the financial benefits of taxpayer funds, Kansas taxpayers should expect that 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 “qualified schools” must adhere to antidiscrimination laws.
- The second change would add an additional requirement to the required KSDE performance accountability report that the report will include specific data reported by both public school districts and “qualified schools” or home school programs. The annual reports beginning in 2022 should include reporting on public school districts and qualified schools by 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 Division of Legislative Post Audit for the 2023 school year, as was done for other components of the school finance formula. Finally, all scholarship granting agencies and “qualified schools” should be statutorily identified as subject to contractual and financial audits, as are public schools per KSA 46-1114.

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

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