

SESSION OF 2021

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2068**

As Recommended by House Committee on K-  
12 Education Budget

**Brief\***

HB 2068 would expand the Tax Credit for Low Income Student Scholarship Program (Program) by amending Program provisions relating to student eligibility requirements, school eligibility requirements, and reporting requirements. The bill would also make technical amendments.

***Student Eligibility for the Tax Credit for Low Income  
Students Scholarship Program***

The bill would amend the Program to expand student eligibility in two ways.

First, the bill would amend the definition of “eligible student” to include students who are eligible for free or reduced-priced meals under the National School Lunch Program. Current law limits eligibility to students who are eligible for free meals. Continuing law requires the student to also reside in Kansas and be enrolled in a public school or eligible to enroll in a public school.

Second, the bill would amend the definition of “public school” to be any school operated by a unified school district in Kansas. Current law defining public school limits eligibility to those students enrolled or eligible to be enrolled in the lowest 100 performing elementary schools, as identified by the State Board of Education (State Board).

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

### ***Accountability Reports***

The bill would require the State Department of Education (KSDE) to prepare one-page accountability reports for all accredited nonpublic schools in the state. The bill would also require KSDE to include accredited nonpublic schools in the longitudinal achievement report submitted to the Governor and Legislature each year.

The bill would require the websites of accredited nonpublic schools participating in the Program to include a prominent link to KSDE's website where the one-page accountability reports are published.

### ***Technical Amendments***

The bill would also make technical amendments to and retain two provisions in current law. The first provision allows any student who has previously received a scholarship under the Program and has not graduated high school or is not 21 years old to remain eligible for the Program.

The second provision includes in the definition of qualified school that the school is accredited by the State Board or a national or regional accrediting agency that is recognized by the State Board for the purpose of satisfying the teaching performance assessment for professional licensure.

### **Background**

The bill was introduced by the House Committee on K-12 Education Budget.

[*Note:* A companion bill, SB 61, has been introduced in the Senate. HB 2068 is identical to 2020 HB 2465, as amended by the House Committee on K-12 Education Budget.]

In the House Committee hearing on January 26, 2021, **proponent** testimony was presented by representatives of ACE Scholarships SGO, Kansas LLC; Catholic Education Foundation; EdChoice; Frontier Peace Advisors; Holy Savior Catholic Academy in the Catholic Diocese of Wichita; and Support for Catholic Schools; and a private citizen. Written-only **proponent** testimony was provided by representatives of Americans for Prosperity; Catholic Diocese of Wichita; ExcelinEd in Action; Kansas Catholic Conference; Kansas Policy Institute; Holy Family Catholic School (Topeka); Sacred Heart Cathedral Catholic School (Dodge City); St. Anne Catholic School (Wichita); and St. Patrick Catholic School (Wichita); and two private citizens. The proponents generally stated the changes would open the Program to more students who may be struggling and better align the Program with similar programs in other states.

The **opponent** testimony was presented by representatives of Game On for Kansas Schools; Kansas Association of School Boards; Kansas Association of Special Education Administrators; Kansas PTA; Mainstream Coalition; Olathe Public Education Network; Pittsburg Community Schools; Shawnee Mission School District; and USA-Kansas and Kansas School Superintendents Association. Written-only **opponent** testimony was provided by representatives of Blue Valley Schools; Gardner Edgerton School District (USD 231); Goddard Public Schools (USD 265); Kansas Association of Special Education Administrators; Kansas City Kansas Public Schools; Kansas National Education Association; Olathe Public Schools (USD 233); Schools for Quality Education; Shawnee Mission School District; Spring Hill School District (USD 230); Stand Up Blue Valley; and the State Board; and a private citizen. The opponents generally stated the changes to the Program would draw funding away from public schools that must accept and educate every child, allow students to transfer from a better performing public school to a lower performing private school, and expand the Program beyond its usual intent to aid poorly performing, low-income students.

No neutral testimony was provided.

### **Fiscal Information**

According to the fiscal note prepared by the Division of the Budget on the bill, the Department of Revenue (Department) cannot estimate the additional number of contributions to scholarship-granting organizations resulting from enactment of the bill, but stated any additional tax credits would reduce revenues to the State General Fund. The Department notes the maximum individual scholarship is \$8,000 per eligible student and the total amount of tax credits provided each year is capped at \$10.0 million. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2022 Governor's Budget Report*.

Education; Tax Credit for Low Income Students Scholarship Program