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**Neutral Testimony on SB 251 (opposed to proposed changes to the Tax Credit Scholarship Program)
Senate Select Committee on Education Finance, May 19, 2017**

Chairman Denning and Members of the Committee:

The Kansas Catholic Conference takes no position on the public school finance portions of SB 251. We oppose, however, the proposed changes to the Tax Credit Scholarship Program.

Let me begin by observing that the Kansas Supreme Court's Gannon decision in March 2017 said: "Plaintiffs have shown...that not only is the State failing to provide approximately one-fourth of all its public school K-12 students with the basic skills of both reading and math, but that it is also leaving behind significant groups of harder-to-educate students." The Court's decision goes on to say:

- Approximately 15,000 of our state's African American students, or nearly one-half of their total student population, are not proficient in reading and math—subjects at the heart of an adequate education.
- Approximately 33,000 Hispanic students, or more than one-third of their student population, are not proficient in reading and math...
- More than one-third of our state's students who receive free and reduced lunches are not proficient in reading and math.

These are *precisely* the students served by the Tax Credit Scholarship Program. **Scholarship recipients must come from low-income households and a majority of the recipients are minorities.** It is therefore strange that the Legislature would pick this particular time and this particular legislative vehicle to try to restrict this particular program. The Legislature should instead be taking this opportunity to offer more choices to students whose educational needs are not being met.

SB 251 would require private schools participating in the program to be state accredited. Diocesan Catholic schools in Kansas are already state accredited, however there are other fine private schools operating in Kansas that are not. If the committee insists on adding an accreditation requirement to the Tax Credit Scholarship Program, it should allow accreditation from other reputable accrediting agencies, of which there are several. The purpose of the Tax Credit Scholarship Program is not to force private schools to become more like public schools. It is rather to help low-income parents choose the educational option that is best for their children.

We are also concerned with the proposed change requiring certification of low-income status by the Department for Children and Families. This change would not seem to accomplish anything except to

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make it even harder for families and scholarship granting organizations to navigate mountains of paperwork. Program participants are already certified according to the guidelines of the United States Department of Agriculture's Free Lunch Program.

It is important to note that no state money flows to any private school or family under the terms of the program. The scholarships are funded entirely by private donations. In return, donor corporations receive a tax credit. Prior to creation of the program, donors to private school scholarship programs received a less attractive tax deduction, as they do with any charitable contribution. This fact, and the fact that Medicaid, Medicare, and other public funds are able to be used at private and even religious hospitals, is a good reminder that the program is well in line with what people have long taken for granted in other sectors of tax and budget policy.

This is only the second full school year that students have had an opportunity to benefit from the Tax Credit Scholarship Program, and it is already allowing children from financially challenged families who would not have had the chance to attend the school of their dreams to do so.

Different children have differing educational needs, and different schools are better suited to meet those varying needs. A child who might be struggling in his or her current educational situation could well be more successful in a changed environment. This is oftentimes not the fault of the original school, but rather a reflection of the fact that one size does not fit all. It is not always a question of finding a "better" school, but rather a matter of determining which circumstances are best suited for that particular child.

Empowering parents with more choices in pursuing educational opportunities for their children can only strengthen Kansas' overall educational system. Kansas needs both strong public schools and strong private schools for the state to be competitive in the coming years.

Parents should have the right to choose the best school for their children without being penalized for enrolling them in a school not operated by the government. The state of Kansas has a vested interest in the education of every child. While the state obviously has a special obligation to the children in the public schools it sponsors, that does not excuse the state from its obligation to the over 50,000 children who do not attend public schools.

Thriving private schools not only provide an important service to parents and children, they are also an asset to the state. Private schools relieve the financial burden that would fall upon the state were it obliged to fund the education of every student in Kansas. Were Kansas' private schools to close, tens of thousands of students would suddenly require placement in public schools, but no new funding would come with them. The state clearly has an interest in encouraging the long-term viability of the private school option.

Rather than placing additional restrictions on what is already a very heavily restricted tax credit scholarship program compared to other states, Kansas should be considering ways to grant more parents more educational choices. At a minimum, however, the state should not be going backwards on school choice. Thank you for your consideration.

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