



Chairwoman Williams and Members of the Committee,

Thank you for the opportunity to testify today in support of HB 2552. There is no silver bullet in K-12 education, but many states across the country are enacting, or expanding, school choice programs to specifically help select student populations especially in need of extra help. This could be foster children, low income children, children who are bullied, or children who are unable to read at grade level.

These choice programs are but one of the many ways that our students will receive the educational opportunities they absolutely deserve.

Certainly, many kids receive a quality education in Kansas, but the facts also make clear that many do not. This fact is true across districts and the state. This is true despite the best efforts of countless teachers, counselors, paraprofessionals, and others working in our public schools. It should surprise no one that a public school system responsible for educating 500,000 students cannot serve each of those children equally well.

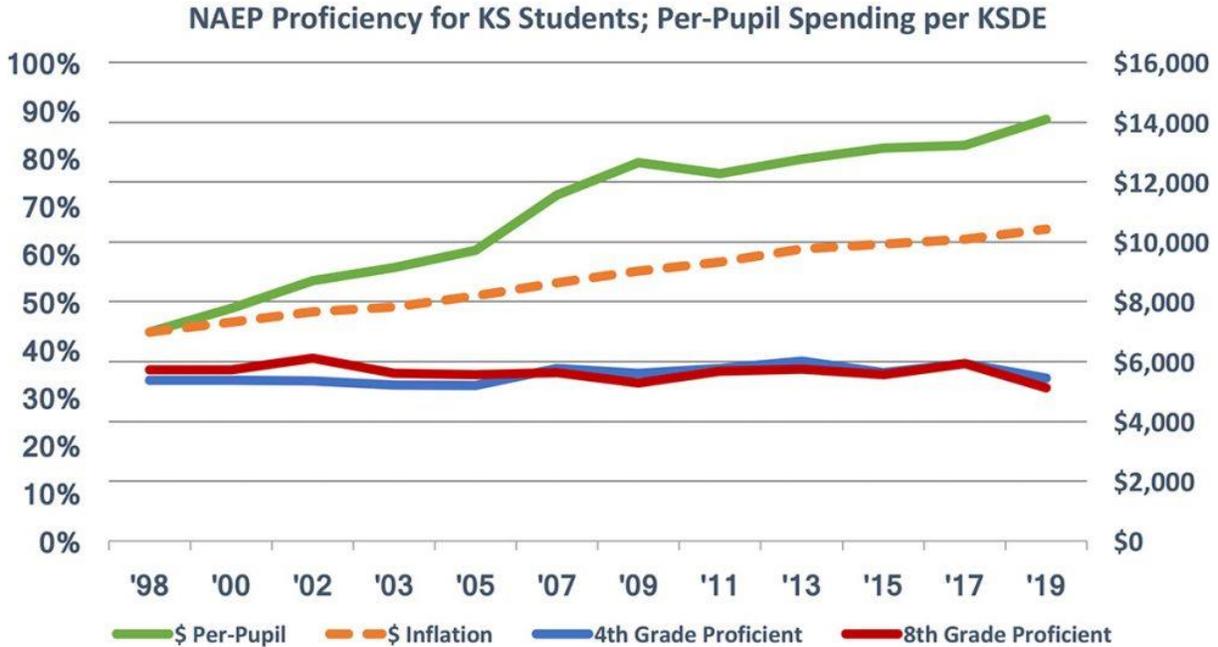
I would also like to point out the stagnating overall achievement in Kansas schools and the staggering achievement gaps between low-income and non-low-income children. There are many reasons for these long-term trends, and they must be addressed.

The National Assessment of Educational Progress demonstrates the difference in achievement for low income children compared to higher income students. This is data from a national exam and looks at all students from a statistically valid and representative sample of Kansas pupils.

Not only did NAEP composite scores drop considerably from 2017, Kansas students are now performing worse than in 2003. Only one in three Kansas 8th graders is proficient in math or reading. The same is true for 4th graders in reading. Fourth graders in math perform only slightly better, with 40% testing proficient.

The ACT score for Kansas students is slightly lower than it was 20 years ago and only 27 percent are college-ready in English, Reading, Math and Science. State assessment results also reflect stubbornly low achievement overall and persistent achievement gaps.

All of this is against the backdrop of *Gannon* litigation and increasing school spending. Had per-pupil funding been increased for inflation since 1998, it would have increased from about \$7,000 per-pupil to about \$10,000; instead, it is well over \$13,000.



From state exams, to the NAEP, to the ACT, or graduation rates. It is abundantly clear that “achievement gaps” are a tragic reality of education. Not just in Kansas but across the country. Higher income children are achieving academic success at a much higher rate than their lower income peers.

Again, many or even most students across Kansas get a fine education. However, even the lawyers representing Schools for Fair Funding in the on-going *Gannon v. State of Kansas* lawsuit testified that too many children are being left behind. The Court itself has also confirmed this point by referencing the 25% of low-income students who are behind their peers academically.

Some are forced to attend underperforming public schools while others struggle to find the right fit to suit individual needs. This is not to say that teachers and school administrators are not amongst our most dedicated citizens. It is simply a recognition of fact and experience.

The substance of HB 2552 aims to address these facts for a portion of Kansas students.

For some, moving to a different school district simply is not an option as money or a career prevents it. They send their kids to school based on a zip code and hope for the best. For many, the zip code-directed district is sufficient but the numbers suggest that it does not work for everyone.

Kansas Policy Institute is a strong supporter of Kansas public schools and wants them to be the best in country. Our public schools, our teachers, and our administrators spend their lives helping young people learn. Those schools will always be the place where the vast majority of Kansas families send their children.

I would also direct the committee’s attention to [“School Choice and State Constitutions”](#) from the Institute for Justice. This report deals with something this committee has discussed in the past –

Blaine Amendments. This report highlights three separate citations for why this idea, Blaine Amendment, should not preclude consideration of school choice in Kansas - 2004 Kansas Att'y Gen. Op. 2004-5 (Mar. 19, 2004); *Americans United for Separation of Church & State v. Bubb*, 379 F. Supp. 872 (D. Kan. 1974); *Atchison, T. & S. F. R. Co. v. Atchison*, 28 P. 1000 (Kan. 1892).

This case law notwithstanding, I would also refer to the committee's attention the bigoted history of Blaine Amendments.<sup>i</sup> Also, U.S. Supreme Court cases in *Trinity Lutheran* and *Espinoza* suggest that these bigoted Blaine Amendments are becoming a relic of America's past.

However, the goal is not to have good public schools in and of themselves.

The goal is give every Kansas child the opportunity to succeed. That will mean attending a high-performing public school for most children, but it should also include a different avenue for children where the local public school does not seem to be the right fit.

Thank you again for the opportunity to present today. I urge the committee to support the bill and will stand for questions at an appropriate time.

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<sup>i</sup> <https://www.theatlantic.com/ideas/archive/2020/01/espinoza-montana-bigoted-laws/604756/>