



SHAWNEE MISSION SCHOOL DISTRICT

February 1, 2022

House K-12 Education Budget Committee

Written Testimony in Opposition to House Bill 2550

Chairwoman Williams and Members of the Committee:

The Shawnee Mission School District is opposed to House Bill 2550, which would establish an educational savings account for parents while diverting scarce public dollars away from public schools. The bill would erode the ability of public schools to continue in their role as the engine that drives the success of Kansas. Public schools are the ones that open their doors to serve every child in Kansas. It is important for every child, including and especially those in poverty, to have strong local public schools that meet their academic and social-emotional needs. Solutions to improving academic outcomes for every child rest with the ability to help teachers and administrators work in partnership with parents to design schools that use research-based practices to improve learning. In public education this work is done openly, transparently and under the authority of a locally-elected Board of Education. Public funds are for every child and require the accountability that go with the responsibility. HB 2550 affords no such accountability for public funds.

The Shawnee Mission School District legislative platform reflects the policy priorities of our Board of Education and our District. Our approved 2022 legislative platform asserts:

Oppose any efforts to divert public, taxpayer funds to private education savings accounts (as attempted in 2021 HB 2119). <https://www.smsd.org/about/legislative-information/legislative-advocacy-and-platform>

Some of the components in HB 2119 are especially concerning.

At-Risk: The elimination of statutory compliance with the Kansas School Equity and Enhancement Act in House Bill 2119 eliminates the statutory definition of "at-risk," and replaces that provision with the assertion the student is "eligible for free or reduced-priced meals under the school lunch act." Further, the "eligible student" definition can be read to include any resident of Kansas without regard to at-risk qualification. This provision creates a very broad eligibility pool, which is no longer based on academic need or low achievement. It further ignores the public school requirement to maintain approved at-risk assistance programs that provide support for students at risk.

Second, one potential risk of this bill is to direct state funding to children that are home schooled. HB 2550 includes a new Sec. 3 (g) 2 which states: (2) "Qualified private school" does not include any nonaccredited private home school or home school organization, community, consortium or group." During the 2021 legislative session, in response to opposition in Committee, the supporters of HB 2119 amended the bill to emphasize their commitment to target students at-risk student and promised they would attend registered, accredited, and accountable non-public schools, fulfilling all the nondiscrimination requirements. As HB 2119 passed out of committee these words were added to New Sec. 3 (h) 2.: (2) "Qualified private school" does not mean any nonaccredited private home school or home school organization, community, consortium or group." (Emphasis added.) On the House floor March 30, 2021, Sub. for HB 2119, a floor amendment stuck and removed this language, thus allowing the education savings accounts to be used for private home school or home school organizations. Now before us, HB 2550 may likely be amended again, as it was on the floor during the 2021 session on a voice vote, to include home schools.

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 follow open meetings, open records, and auditing laws. To be clear, the SMSD does not support this law, or believe it to be in the public interest. However, should it move forward, since it would allow education savings accounts to receive the financial benefits of taxpayer funds, Kansas taxpayers should at the very least expect that same level of accountability and transparency as public schools have. This could be accomplished by amending the bill to include the following provisions:

- Provisions that would include an eligibility requirement that entities that receive education savings account funds must adhere to state antidiscrimination laws.
- An additional requirement to the required KSDE performance accountability report that the report must include specific data reported by both public school districts and any organizations, individual, or institutions receiving education savings account funds. The annual reports beginning in 2023 should include the number and percentage of students in qualified schools with either an IEP or at-risk status, as defined in KSA 75-5232.
- The third amendment should include a requirement for an audit by the Division of Legislative Post Audit for the 2024 school year on the education savings account program, as was done for other components of the school finance formula. Finally, all recipients of expenditures from education savings account funds should be statutorily identified as subject to contractual and financial audits, as are public schools per KSA 46-1114.

Resources for educating all citizens through the public school system are critical, as we have just emerged from nearly a decade of court and legislative battles to complete satisfaction of constitutionally adequate and equitable funding. Work needs to be done by all of us to provide educational outcomes for low-income and low-performing students. During a pandemic and the resulting disruption, House Bill 2550 is not the solution.

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

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