



Testimony before the House K-12 Education Budget Committee
in opposition to

House Bill 2550 – creating the student empowerment act; authorizing the establishment of education savings accounts for certain students to attend private schools of their choice

by

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January 31, 2022

Madam Chair, Members of the Committee:

[Game On for Kansas Schools](#) is a nonpartisan grassroots effort among Kansans who share a belief in high-quality public education as a right of all Kansas students. We advocate for Kansas public schools to ensure our teachers, principals, superintendents, and school board members have the resources necessary to deliver quality education to all Kansas students. We inform communities across the state about issues and legislation affecting their students, and our membership extends statewide.

We oppose HB 2550 because it does not further the educational interests of the children of the state of Kansas and provides public funding for private schools without imposing academic standards, accountability provisions, or admissions requirements on them.

LACKS ACADEMIC RIGOR, ACCOUNTABILITY, AND TRANSPARENCY

Our most significant concern with this bill is that it may well cause more harm than good. It gives state funds to private schools that are not held to the same academic standards as public schools. This bill does not require participating schools to

- be accredited under the Kansas Education Systems Accreditation (KESA) process
- hire certified teachers
- teach standard curriculum
- ensure students receive all the special education services they would receive in public schools
- participate in standardized testing
- track or report academic progress of students using the program.

This bill requires schools to provide education as set forth in KSA 72-3214 (relates to elementary school requirements), 72-3217, and 72-3235 (relate to civics, history and government requirements), but it completely omits 72-3218 which requires every accredited school to teach subjects and areas of instruction and meet the graduation requirements adopted by the state board of education, including the Rose Standards.¹

Section (d) of 72-3218 also states,

“Nothing in this section shall be construed as relieving the state or school districts from other duties and requirements imposed by state or federal law including, but not limited to, at-risk programs for pupils needing intervention, programs concerning special education and related services and bilingual education.”

These requirements are glaringly omitted from today’s ESA bill.

Our concerns regarding the lack of academic standards are grounded in research on voucher programs that have repeatedly shown that voucher programs do not generally lead to educational gains and often lead to learning loss.²

If this program were really focused on helping at-risk children, or children in general, it would provide safeguards that ESA funds would pay for an education at least as strong as that provided by their local public schools and would impose measures of accountability on the private schools receiving public funds. It would also insist upon a level of fiscal transparency commiserate with the standard used for public schools. As parents and community members, we are troubled by both the complete lack of financial accountability and the lack of curricular guidelines to ensure children in this program will not face irreparable harm to their educational futures.

We also note this bill lets private schools choose which children they accept. HB 2553, which is also scheduled to heard in the K-12 Education Budget Committee today, specifically states,

“A school district shall not accept or deny a nonresident student transfer based on ethnicity, national origin, gender, income level, disabling condition, proficiency in the English language, measure of achievement, aptitude or athletic ability.”

Why is that language not included in this bill? Additionally, in a hearing on a similar bill last year, one of the conferees admitted that the private schools he worked with counseled out high school students who are not academically successful. They deliberately send those students back to the public schools. Schools participating in this program should not have that option.

TOO BROAD

While this bill purports to serve at-risk students, it is not limited to at-risk students. By also including free lunch and reduced-price lunch students this bill does nothing to ensure actual at-risk students are accepted by private schools. The inclusion of reduced-price lunch students is especially problematic because the Kansas proxy for at-risk is free lunch, and not reduced-price lunch. Without an explicit requirement to accept specific student groups, private schools are free to choose students who are easier and less expensive to educate, leaving the most challenging students to the public schools. This bill could also turn into a private school recruiting tool for strong athletes or other categories of recruits. Access to this program is further limited by not requiring participating schools to provide transportation or lunch or accept students unable to pay tuition beyond the amount of their ESA.

We have also seen that voucher programs tend to continue to expand, despite their growing impact on public school funding, and despite their lack of academic success. While these programs are often sold as “money following the child instead of funding the public school system,” the bottom line is that the money does not stay with the child but goes to unaccountable private schools. When speaking with parents in other states, they tell us how disastrous their ALEC voucher bills have been. To be clear, this bill is an ALEC bill. Language used in this bill can be found in ALEC model ESA legislation. ALEC is not an advocate for Kansas children or schools but is a national group that promotes corporate interests and seeks to erode support for public schools. In alignment with ALEC’s extreme goals, this bill provides for the diversion of taxpayer funds to private schools and would do long-lasting damage to public schools whose mission is to serve all Kansas students with fidelity and accountability.

UNCLEAR COSTS

We have not yet seen a fiscal note, but this bill has no cap and could balloon into a large-scale subsidy of private schools from the State General Fund. This bill does not prohibit participation by children who are already in private schools which could increase the expected number of participants.

We also note the preamble to this bill attempts to rewrite the Kansas constitution by saying that the legislature intends to “provide suitable provision for the finance of the educational interests of all students in the state through all manner of education that suitably prepares our children to be productive members of our collective workforce and society.” The first part of that phrase is taken from the Kansas Constitution, but our constitution mandates the establishment and support of public education and not “all manner of education.” We further object to the characterization in Section 2 of public education as “one size fits all.” Our schools are not all the same, and within schools there are numerous different teachers, services, learning tracks and programs.

While there will no doubt be testimony from accredited private schools which may provide adequate education services, when passing legislation, we must focus on what is required rather than what some schools may do, and when it comes to this bill, almost nothing is required. Given Kansas’s long-standing difficulty funding public education, we believe it is completely inappropriate to add the funding of additional, unregulated, unaccountable schools. We urge you to vote no.

NOTES

¹ Rose Standards:

“(1) Sufficient oral and written communication skills to enable students to function in a complex and rapidly changing civilization;
(2) sufficient knowledge of economic, social, and political systems to enable the student to make informed choices;
(3) sufficient understanding of governmental processes to enable the student to understand the issues that affect his or her community, state, and nation;
(4) sufficient self-knowledge and knowledge of his or her mental and physical wellness;
(5) sufficient grounding in the arts to enable each student to appreciate his or her cultural and historical heritage;
(6) sufficient training or preparation for advanced training in either academic or vocational fields so as to enable each child to choose and pursue life work intelligently; and
(7) sufficient levels of academic or vocational skills to enable public school students to compete favorably with their counterparts in surrounding states, in academics or in the job market.”

² Achievement losses in math and no statistically significant change in ELA for students ending private schools using vouchers through Indiana’s Choice Scholarship Program.

Waddington, R. J., & Berends, M. (2018). Impact of the Indiana Choice Scholarship Program: Achievement effects for students in upper elementary and middle school. *Journal of Policy Analysis and Management*, 37(4), 783-808. <https://doi.org/10.1002/pam.22086>

Students in Indiana who transferred from a public school to a private school using a voucher experienced losses in math achievement.

Austin, M., Waddington, R. J., & Berends, M. (2019). Voucher Pathways and Student Achievement in Indiana's Choice Scholarship Program. *The Russell Sage Foundation Journal of the Social Sciences : RSF*, 5(3), 20–40

Statistically significant negative impacts on both ELA and math scores for most years of evaluation across most samples of students studied and no statistically significant impact on college enrollment in Louisiana Scholarship Program.

Wolf, P. J., Mills, J. N., Sude, Y., Erickson, H. H., & Lee, M. L. (2019, April 24). *Louisiana Scholarship Program evaluation policy brief school choice demonstration project*. <http://www.uaedreform.org/wp-content/uploads/LSP4-Policy-Brief-SCDP.pdf>

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Large negative effects for math and reading in students using vouchers in Ohio through the EdChoice Program.

Figlio, D., & Karbownik, K. (2016). Evaluation of Ohio's EdChoice Scholarship Program: Selection, competition, and performance effects. *Thomas B. Fordham Institute*. https://edex.s3-us-west-2.amazonaws.com/publication/pdfs/FORDHAM%20Ed%20Choice%20Evaluation%20Report_online%20edition.pdf.