



Written Testimony: HB 2550 – Student Empowerment Act (opponent)
House K-12 Education Budget Committee
February 1, 2022
By: Dr. Tonya Merrigan, Superintendent, USD 229 Blue Valley Schools

Madam Chairwoman and members of the Committee:

Thank you for the opportunity to submit these comments opposing HB 2550. USD 229 has a history of working with members of this committee and our community as we mutually seek to enhance student learning opportunities in our state. It is our hope to continue growing these relationships in the face of recent and unprecedented challenges.

Blue Valley has a student population of more than 22,000 and consistently ranks in the top tier of high-performing schools, both in the state and in the nation. (See “Quick Facts” at the end of testimony.) The Blue Valley Board of Education has a long-standing priority position that states:

[Blue Valley] opposes public funding of private schools, including offering public tax credits that decrease state revenue, that do not comply with the same standards and requirements of public school districts, including governance by an elected local school board.

Major School Finance Reform

HB 2550 **proposes seismic changes in education finance, policy and accountability**, by directly diverting public education funds for private education opportunities. Because the changes contemplated by the bill are so vast, the district is left with questions and concerns regarding a number of the bill’s provisions, such as:

- The increased burden it places on our district’s resources to monitor and notify parents of student eligibility and programs;
- The Kansas Constitution in Article VI, section 5 clearly establishes the relationship between the State Board of Education and locally elected school boards, but there is no contemplation of such relationship with the State Treasurer’s office. We believe this sets up the strong potential of future school finance litigation;
- The mechanics are unclear regarding how funding would flow from the savings accounts should a student’s parents reverse course and decide to return that student to a public school within a school year, after initially choosing a private school route; and,
- This bill will require additional funding of costs associated with managing this program within the State Treasurer’s office, as well as those attached to managing the requirements within our school district.

Academic and Fiscal Accountability

The Blue Valley Board of Education sets high academic and aspirational goals for all students entrusted to our district. Blue Valley parents and businesses expect academic excellence from the district and our Board appropriates resources necessary to achieve it. While Blue Valley, like most other school districts, experienced some slippage in student performance, caused by the COVID pandemic and remote student learning, our board has challenged itself to create learning opportunities and enhancements to *raise those scores by 10% this academic year.*



Our district strives to be good stewards of taxpayer dollars and supports a transparent budget process that allows parents and others to provide input and question how funds are used to support excellence in student learning. Our budget is annually audited by an external accounting firm to ensure compliance with generally accepted accounting standards. Additionally, the district is annually audited by KSDE to ensure compliance with state and federal laws.

HB 2550 does not contemplate the same accountability in academic performance or in fiscal resource management of non-public school learning options. These entities are required to submit receipts, but there is no mention of submitting a transparent budget plan for how public funds will be spent by these entities. This goes against the stated legislative goal of creating greater accountability in how public education funds are used to improve student learning opportunities and performance.

Before closing, we want to acknowledge the K-12 Education Budget Committee’s commitment to improving student learning opportunities across our state. USD 229 shares that commitment and has a vision of excellence in student performance and learning opportunities, so that our students may have the strongest hope of future success throughout the globe. We wish that for all students.

Finally, as with any major policy reform, we believe this legislation would be particularly well-served by appointing an interim committee to further study and vet its various moving parts.

USD 229 Blue Valley Schools: Quick Facts

K-12 Enrollment	21,846	ACT district composite average*	24.3
Early childhood – 12 Enrollment	22,241	ACT state average	19.3
Average Daily Attendance	96.4%	SAT district average	1332
Graduation Rate	97.2%	SAT state average	1243
Teachers with a master’s degree or higher	75%	*with 96% of students taking the ACT test	

Of particular note, the district has increased enrollment and improved in all of these data areas provided last year at this time.