

January 24, 2021

Written Testimony: In Opposition to House Bill 2068: Amending the Tax Credit for Low Income Students Scholarship Program Act to Expand Student Eligibility

K-12 Education Budget Committee

Submitted by Patty Carter, Director of Special Education, Greenbush - Southeast Kansas Education Service Center #609, Legislative Committee Chair, KASEA - Kansas Association of Special Education Administrators

Honorable Chair Williams and Committee Members,

As a special education director and legislative chair of the Kansas Association of Special Education Administrators (KASEA), I am in opposition of using public funds to support private education. This testimony is in opposition of House Bill 2068 Amending the Tax Credit for Low Income Students Scholarship Program Act to Expand Student Eligibility. KASEA. I am also concerned about the effect this legislation may have for our children and youth.

This Act allows public tax dollars to be diverted via tax credits to private schools for eligible students. Currently, to qualify a student must be eligible for free lunch and attend a low performing school. This bill expands the Act to include children eligible for reduced-priced lunch and removes the low performing school requirement, meaning kids from any school can take advantage of the tax credit scholarship which would divert even more public tax dollars to private, non-public schools.

Noted below are several specific concerns associated with this legislation.

1. Public tax dollars should be used for public schools. This amendment would divert even more public dollars thus reduce public school funding, just as our schools are starting to return to adequate funding levels as outlined in the Education Finance Plan and requirement based on the findings of the Luke Gannon vs State of Kansas lawsuit. Currently, the Tax Credit Scholarship Act allows for the diversion of \$10 million from the state general fund annually.

Private, non-public schools are not held to the same level of accountability as local education agencies which are held accountable by federal and state laws and regulations through the KSDE's K-12 accreditation system. Qualifying private schools are not obligated to participate in the regular state assessments which measure student achievement, nor are they required to report a variety of data to the Kansas Department of Education. Private schools that are not accredited through KSDE's K-12 accreditation system are not required to report Emergency Safety Interventions or meet the requirements of the recent Dyslexia regulations.

The Tax Credit Scholarship Act creates inequality for low-income students living in rural areas across the state where private schools are inaccessible. Religious preferences may also play a factor in limiting opportunity as the majority of private schools in Kansas are religiously affiliated.

2. Private schools are not required to accept all students, which really gives the “choice” to the private schools, versus the students. *Private schools are not bound to the requirement of an Individualized Education Program (IEP) if they do accept a student with disabilities under IDEA.*

Private schools can deny admission to students with disabilities, mental health issues, LGBTQ students, students with same sex parents, differing religions, etc. Students will, in many instances, be discriminated against and unable to utilize a scholarship as private schools are not required to accept all students.

3. By expanding eligibility criteria of the Kansas Tax Credit Scholarship Act to include children in any public school, versus just underperforming schools, the expansion seems to fly in the face of the original intent of the Act, which was to provide resources to low-income students who may have limited educational opportunities.

4. The state currently is funding excess costs at 72% this year. K.S.A. 72-978 states that the Kansas Legislature will fund special education at 92% of excess costs. This gap continues to increase each year as the level of state funding for special education has remained relatively flat over the past 3 years. Instead of increasing funding to private schools which is not mandated, it makes more sense to ensure the needs of students with disabilities are met first.

We appreciate the K-12 Budget Committee’s dedication and desire to make fiscally responsible decisions that enhance education and improve learning for all Kansas children and youth. HB 2068 falls short of meeting this goal.