



**Oral, Opponent Testimony before the
House K12 Education Budget Committee**

on

HB 2550 – Creating the Student Empowerment Act

by

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February 1, 2022

Madam Chair, Members of the Committee:

Thank you for the opportunity to testify on **HB 2550**, which appears to be nearly identical to the original version of **HB 2119** from last session. We had the opportunity to share our concerns about expanding public funding for private schools that do not have to accept and serve all students in testimony on various bills in the past. Let me summarize our major concerns as they apply to this bill today:

Creating an unequal “two-tier” educational system.

Our greatest concerns about expansion of access to private schools which can be selective in the students they accept or retain and programs they offer is that it could lead to a “two-tier” school system, with one system able to be selective and the public system dealing with more challenging and expensive students, and with fewer resources.

HB 2550 would allow public schools students to use state education funds for private schools if they qualify for free or reduced-price meals under the national school lunch act or have been identified as eligible to receive at-risk educational program services. About 45 percent public school are estimated to be eligible for free and reduced lunch.

However, the bill does not actually focus on academically at-risk students. We know that low-income students are more likely to be at-risk in school, but many are not. The bill does not require low-income student be at risk to quality, or to even prioritize those who are.

The bill would allow students **are** who identified as at-risk by districts to quality, regardless of income, but does not make any provision of the degree of academic need. A student identified for attendance problems would be as qualified as a student far behind on in academic measures. Nor is there a requirement that private schools serve **any** academically at-risk students who are eligible.

In other words, this bill could support moving students already successful in public schools to private schools, leaving public schools to deal with a higher percentage of students who are struggling.

Less accountability and information.

HB 2550 appears to allow students to use their education savings account to access virtually any school, except home schools. However, neither the bill nor current law defines home schools, so it does not explain how home schools would be differentiated from other non-accredited private schools.

There are no requirements for accreditation, student testing, teacher qualifications or even basic enrollment information. The only requirement is that such schools provide instruction in the courses of study required for public and accredited private schools. There is no requirement to measure whether students are actually learning from that instruction. The bill provides for an annual audit of only a single private school out of hundreds or thousands of private schools in the state.

Supporters of expanding public funding of private schools often say it will give parents more choices. Of course, as long as private schools are not required to accept all students, the real choice is with the school, not the parent. But choice should also include information. Public schools and state accredited private schools take the same state assessments and provide information to the State Department of Education. Schools not accredited by the state are not required to provide this information, so parents cannot make choices based on common data.

The bill also allows state funds to be used for:

- Educational therapies or services provided by a licensed or accredited education provider but does not specify who licenses or accredits such providers.
- Tutoring services provided by a certified tutor but does not specify who certifies such a tutor.
- Curriculum materials without defining the purpose, use or appropriateness of such materials.
- Tuition or fees charged by an accredited private online learning program without any reporting requirements.

Cost.

Unlike the current tax credit scholarship program which has cap on the tax credits available and thus limits the loss to the state general fund, there do not appear to be any limits on this program, other than student eligibility, which will almost certainly include at least half of all public-school students and perhaps far more. From information provided to the Special Committee on Education this interim, it appears this bill would be one of the expansive in the nation.

The bill does appear to provide some protections for school district budgets by directing that a student's "weighting" funds remain with the district for up to three years. But because the bill does not appear to change the school finance formula, which uses the prior or second prior year "regular" or unweighted enrollment for determined a district budget, it appears this bill would significantly increase state costs in the first several years of the program. However, school districts would eventually have to reduce their budgets to the extent they lose students.

In conclusion, KASB believes this bill provides no assurance it will improve the educational outcomes of any students, and could harm the educational opportunities of students in public schools.

Thank you for your consideration.