

Testimony before the House Committee on Education
in opposition to
House Bill 2457 – Amending the tax credit for low income students scholarship program act
by
Judith Deedy, Executive Director of **Game On for Kansas Schools**
February 2, 2016

Mr. Chair, Members of the Committee:

I came here today as a parent of public school students and as a member of the Game On for Kansas Schools leadership team. I appreciate the opportunity to testify on the proposed expansion of the tax credit scholarship bill and to explain our opposition to House Bill 2457.

[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. The Game On leadership team currently includes over 15 members, representing the spectrum of education stakeholders (parents, educators, and other community advocates), and our membership extends statewide.

Our concerns regarding this bill are extensive. We opposed the tax credit scholarship bill in 2014, saw it defeated in this committee but then bundled into HB 2506 and passed in the final hours of the 2014 session with the Gannon equity remedy. Now it is up for its second expansion in two years. This is an ALEC (American Legislative Exchange Council) bill.¹ Sections of this bill are identical or nearly identical to the ALEC boilerplate bill. ALEC is not an advocate for Kansas children or schools, but is a national group that promotes limited government and free markets. In alignment with these ALEC goals, this bill provides for the diversion of taxpayer funds to private schools.

While we were told in 2014 that the tax credit scholarships are a combination of donor philanthropy and helping poor children escape failing schools, this bill eliminates those claims. Donating money that is given back is not philanthropy; it's tax avoidance. This isn't even a tax deduction, it's a tax credit, and this bill changes the credit from 70% to 100%, so that every dollar that goes into this program is removed from the State General Fund. At a time when we are seeing budget crunches and sweeps from other funds (including \$2.9 million of the Extraordinary Needs Fund, which was not given to the districts requesting it), and block grants have our districts' operational funding frozen at 2014-15 levels, it is inappropriate to give away extra tax credits. This bill also lifts the cap of the program from \$10 million to \$12.5 million, and expands it to apply to individual taxpayers in addition to corporations.

This bill no longer even attempts the pretense that it is about helping poor children. The at-risk qualification is eliminated, and there is instead an income limit of 250% of the federal poverty level. That equates to an income of about \$60,000 for a family of four in Kansas, which is actually above the median household income in our state (\$51,332 for 2009-2013 per US Census).

We disagreed with the claims the original bill would allow children to "escape failing schools" and reassert our disagreement today. Our schools continue to do more in an effort to help all Kansas children achieve despite facing challenges including increasing numbers of students living in poverty and with special needs. Our public school students need continued investment in the schools that serve them all, regardless of religion, income or ability. We believe that this bill represents a step towards abandoning and deprioritizing those schools. This bill doesn't require that children already be attending a Title I school or even a public school nor does it in any way tie participation to the school the child is already attending. Thus, in its present form, this bill is merely a private school subsidy for any child at or below the median income level in our state. Of the 51 schools currently listed as requesting participation in the program, 20 of them are within Johnson County, whose districts are highly rated.

Attempts to justify this bill have been based on the alleged superiority of private schools. Unfortunately, the voucher/tax credit scholarship experiment has been underway for decades in other cities and states, and research shows that these programs do not lead to improved student performance.² Private schools utilizing vouchers in other states have shown a lack of accountability,³ higher attrition rates,⁴ fiscal mismanagement, fraud and a lack of adequate academic services.⁵

As parents, we find the complete lack of accountability in this program troubling. If taxpayer dollars are to be distributed to private schools, we ought to require the schools receiving the funds to show that they are providing these children with a strong education. Instead, this bill removes all children participating in the program from every protection contained in the rules regulating public schools. There are no requirements that schools are accredited, use qualified teachers, use legitimate curricula, or have adequate and safe facilities. There are also no requirements they provide art, music, physical education, meals or transportation. They are not required to provide special education services or free lunches. The current law provides that parents participating in this program waive their IEPs unless the district provides services to the school.

Although the scholarship mechanism avoids the direct funding of religious institutions, the fact remains that the vast majority of the private schools that would receive “scholarship” funding are religious. Of the 51 schools signed up to participate in the program, 48 are Christian or Catholic. All but 18 of the 149 eligible students used Scholarship Granting Organizations (SGOs) directly tied to Catholic or Christian schools. We also note that these SGOs, three of which are tied to religious organizations, and one of which is a Virginia entity, retain up to 10% of the funds donated. We believe that religious schools are free to operate in Kansas, but they should not receive taxpayer funding. We oppose state support for segregation of Kansas students based on religious beliefs.

We must explicitly state that this is a voucher bill, with the SGOs placed in the middle in order to avoid the direct funding of religious schools (which has been ruled unconstitutional in other states) and to try to fly below the radar of public perception as polls have repeatedly demonstrated that people oppose vouchers. We oppose this lack of transparency and end run around the Kansas Constitution.

Given the legislature’s current emphasis on efficiency in our public schools, we note the inconsistency of allowing the diversion of public tax dollars to fund schools operating entirely independently from our public schools. It is truly ironic that tomorrow this same committee will discuss a bill to drastically reduce the number of districts in the state to reduce spending on administration while today we discuss sending additional dollars to separate private schools that employ their own administrators and support staff.

We also ask you to note that the majority of Kansas parents are unable to testify before committees in the legislature on weekday afternoons. Game On is testifying on behalf of our own children and on behalf of the over 8,700 people who follow us on Facebook and who commonly share our views.

We have educated ourselves on effective education policy because we want effective education policy for our children and our fellow Kansans’ children. Other mothers are helping me with my three children today so I could be here on behalf of our Kansas students. We oppose this bill, which subsidizes religious schools with public tax dollars, fails to protect the educational interests of the students utilizing the program and actively harms the vast majority of Kansas children who rely upon our public schools for their education. We urge you to oppose House Bill 2457 and vote NO if the bill comes to pass.

¹ <http://www.alec.org/model-legislation/the-great-schools-tax-credit-program-act-scholarship-tax-credits/>

² <http://www.nber.org/papers/w21839> (School Vouchers and Student Achievement: First-Year Evidence from the Louisiana Scholarship Program, LSP participation substantially reduced academic achievement)
http://host.madison.com/news/local/education/local_schools/dpi-students-in-milwaukee-voucher-program-didn-t-perform-better/article_4f083f0e-59a7-11e0-8d74-001cc4c03286.html#ixzz2tmx3Km7W (voucher students performing "similar or worse" than other poor Milwaukee students); http://blog.cleveland.com/metro/2011/02/cleveland_students_hold_own_wi.html (Cleveland students hold own against voucher students).

³ <http://www.jsonline.com/news/education/scores-show-voucher-schools-need-accountability-t87s06b-181693671.html> (Milwaukee voucher schools lack accountability);
http://www.nola.com/education/index.ssf/2013/11/no_performance_score_for_80_pe.html (New Orleans);
http://www.washingtonpost.com/local/education/dc-school-voucher-program-lacks-oversight-gao-says/2013/11/15/9bb8c35e-4e3d-11e3-be6b-d3d28122e6d4_story.html (DC)

⁴ <http://nepc.colorado.edu/newsletter/2012/04/review-Milwaukee-Choice-Year-5> (by 12th grade nearly 75% of original MCP 9th graders were no longer attending a participating private school)

⁵ <http://www.jsonline.com/news/education/163337666.html> (funds to buy 2 Mercedes);
<http://www.jsonline.com/news/milwaukee/112892364.html> (fraud and money laundering);

<http://www.miaminewtimes.com/2011-06-23/news/mckay-scholarship-program-sparks-a-cottage-industry-of-fraud-and-chaos/>
(multiple instances of malfeasance and lack of provision of adequate academic services)