

Approved: H-H-96
Date

MINUTES OF THE SENATE COMMITTEE ON EDUCATION.

The meeting was called to order by Chairperson Barbara Lawrence at 1:30 p.m. on March 14, 1996 in Room 123-S of the Capitol.

All members were present except: Senator Christine Downey
Senator Anthony Hensley

Committee staff present: Ben Barrett, Legislative Research Department
Avis Swartzman, Revisor of Statutes
Jennifer Bishop, Committee Secretary

Conferees appearing before the committee: Senator Phil Martin
Senator Mike Harris
Representative Kay O'Connor
Mark Tallman, KASB
Wendy McFarland, ACLU
Gerry Henderson, USA
Rabbi Larry Karol, Temple Beth Sholom-Topeka
Matt Grogger, Member -Board of Directors
of MAINstream Coalition
Craig Grant, KNEA

Others attending: See attached list

Senator Lawrence stated to the committee that they would be hearing testimony on **SB 182**.

SB 182: **Kansas G.I. bill for kids**

Senator Phil Martin addressed the committee as a proponent for **SB 182**. He stated he believed that giving parents vouchers to use at elementary and secondary schools of their choice will improve public education by forcing schools to compete. In addition, school choice would provide an incentive to all schools, both public and private, to improve their educational programs and services and become more efficient and innovative. He also stated that a voucher bill had passed once before in the Senate, was quickly reformed and unfortunately it was pulled out and not given an opportunity (Attachment 1).

Senator Kerr stated that the bill that passed in the Senate before, was a restrictive bill and wanted to confirm that it was limited to the low-income families. Senator Martin answered that was correct.

Senator Mike Harris stated to the committee that he did not provide written testimony but wanted to lend his support to **SB 182**.

Representative Kay O'Connor addressed the committee as a proponent of **SB 182**. She provided figures in her testimony that shows the value of the voucher, to be phased-in, for grades K-12 and Special Education during a period of six years. The eligibility requirements for vouchers are also phased-in during that six years. The public schools are protected from any great financial loss since a public school district cannot lose more than 10 percent of its previous year's student population due to voucher use. This bill has a college trust fund which would be a necessary incentive to keep private school tuition as low as possible and also to keep tuitions from being raised to match the value of the vouchers. The students who use a voucher are required to show academic progress for continued eligibility through assessment tests or other board approved tests and that the situation of special needs students be addressed. Since the student would be tested for academic progress, there is no requirement in the bill for school accreditation or teacher certification. The parents, students and schools are free to choose these professional services if they wish. Home-schoolers, who are currently recognized in Kansas as attending a private school in the home, may also use a voucher just as any

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other private school student who otherwise qualifies. Further, there are no mandates related with this bill. No school or student is required to use a voucher. Voucher popularity can leverage reduction of government regulations and more local control in public schools (Attachment 2).

Mari Pat Brooks addressed the committee as a proponent of **SB 182**. She stated that the bill would allow parents the choice of where to educate their children. This bill identifies the parents rather than the schools as the voucher recipients. It employs a needs based test for the program's first five years. The gradual increase in voucher value eliminates the concern that it will be a "budget buster." There are protections against mass movement of the students from any school. The bill is sensitive to the society's poor, and by providing for special education students, it is equally sensitive to the educationally disadvantaged (Attachment 3).

Mark Tallman addressed the committee as an opponent of **SB 182**. He stated that the policies of KASB oppose any form of public funding for private schools. KASB does support voluntary public school programs that are created with the approval of locally elected and accountable school boards. One of the reasons that KASB opposes this bill is that public schools are required to accept every student that is a resident of the district, but private schools can set whatever admission criteria they wish. Supporters say that vouchers are needed because the current system lets the "education establishment" decide where children can and cannot attend school. Under the current bill, private schools can continue to accept whatever children they want. Private schools would be receiving public funding to do what the bill is designed to keep public schools from doing. Another concern is that students attending private schools under the bill participate in the school district assessment program conducted by the school district in which the child resides or in which the private school is located. This means that public schools would have to administer tests to private school students, evaluate those results, and report those results to parents. The school district receives no additional resources for these added costs. In result, another unfunded mandate is proposed (Attachment 4).

Wendy McFarland addressed the committee as an opponent of **SB 182**. She stated that ACLU has again been challenged to oppose the schemes that funnel public money into parochial schools on First Amendment grounds under the U.S. Constitution. It is ACLU's opinion that **SB 182** has tried to put sugar on the pill by adding public schools to the "choice." A public school-only voucher bill would probably pass constitutional muster, administrative headaches notwithstanding. Adding public schools to the "choice" which may be made by a small percentage of students does not make this a constitutional proposal. Public school students do not need vouchers to go to school now. The bottom line is that, if **SB 182** were to pass, public funds would still be helping to support, via vouchers, some of the state's private religious schools. Therefore, ACLU urges the committee to oppose **SB 182** (Attachment 5).

Senator Harrington asked if Wendy McFarland was aware that not all private schools were religious schools. Wendy McFarland stated that if the committee had questions about Parole Board issues she would be able to answer them but since she read the testimony for another member of the ACLU who could not make it, she recommended that the committee members contact her directly.

Rabbi Lawrence P. Karol addressed the committee as an opponent of **SB 182**. He is here representing the Defending Democracy Project of the Jewish Community Relations Bureau and American Jewish Committee and the MAINstream Coalition of Shawnee County. He stated that as a Chair of the Site Council at Stout Elementary School in Topeka, where his son is a forth grade student, and a member of the Topeka Public Schools Multicultural Education Task Force, he has been involved in monitoring and ensuring school quality and in helping students of all backgrounds to feel welcomed in the school community. Families with children in private schools have not given up on public schools. Many send their children to public middle schools for special services. A voucher system would greatly undermine the ability of public schools to help students with special needs. Many public schools already face financial challenges and a voucher system would assure that public schools would be able to give less, not more, due to even fewer funds available. A voucher system would also result in government support of religious indoctrination. They do not want to see tax dollars supporting a school that teaches only its denomination of religion. He also feels that the children need to learn the skills that our nation's founders valued and mastered. The voucher system will fragment communities at a time when we need more than ever to work together. He urged the committee to reject **SB 182** because it will prevent too many children from receiving a quality education (Attachment 6).

Matt Grogger addressed the committee as an opponent of **SB 182**. He provided in his testimony many theoretical examples to support his opposition of the bill. His main focus was on the issues relating with private religious schools. He stated that he felt that if parents want their children to be indoctrinated in a particular ideological or religious tradition, in addition to receiving an education, it is very appropriate that the

costs for that additional training be paid for by the parent or their church community, and not by those who may subscribe to different ideological beliefs. Allocation of public money for private schools would also endanger the privacy of those schools, as well as reduce funding for already financially strapped public

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schools (Attachment 7).

Gerry Henderson addressed the committee as an opponent of SB 182. He stated that USA is opposed to any measure which would make public money available to private schools. Until the mission of public and private schools are the same as it relates to all children, USA will oppose using public vouchers to fund private schools (Attachment 8).

Craig Grant addressed the committee as an opponent of SB 182. He stated that SB 182, or other voucher systems, will divert scarce public tax dollars to private schools, many of which would not be required to comply with the same rules and regulations as public schools. A voucher system like SB 182 could quite likely decrease opportunity for students. Since the market system operates on a profit margin, schools then would naturally compete for the students who bring in the greatest "assets." Therefore, the best teachers may be drawn to the schools with the greatest profit margin. An alternative to vouchers should be to continue to improve the present system which tries to address individual variances of children. Improving all schools, having schools work together for the good of students, and placing all students in an environment where they can best learn should be the main goal. Education is too important to create winners and losers out of children. Mr. Grant asked that the committee keep the free market system somewhere else and oppose SB 182 (Attachment 9).

The meeting adjourned at 2:34 p.m.

The next meeting is scheduled for March 18, 1996.

SENATE EDUCATION COMMITTEE GUEST LIST

DATE: March 14, 1996

NAME	REPRESENTING
<i>Ann Gurney</i>	<i>KAB</i>
<i>Sue Chase</i>	<i>KNEA</i>
<i>Margie Pressgrove</i>	<i>InterLab, Intern</i>
<i>Math Cropper</i>	<i>USD 229 & MAINSTREAM COALITION of</i>
<i>Helen Stephens</i>	<i>BU BU USD 229</i>
<i>Lori Sand</i>	<i>Blue Valley Schools</i>
<i>Jackie Bunch</i>	<i>Whole Person</i>
<i>Brenda Wick</i>	<i>Sen. Hensley</i>
<i>Mary Bouchey</i>	<i>Intern</i>
<i>Kay O'Connor</i>	<i>Rep.</i>
<i>Mauriat Brooks</i>	<i>Ks. Catholic Conf.</i>
<i>Bill Munch</i>	<i>St 136, Ed.</i>
<i>Bill Truck</i>	<i>USD # 330</i>
<i>Wendy F. Fidd</i>	<i>ACLU</i>
<i>Sandra Jones</i>	<i>Kans. Assoc.</i>
<i>Patricia Lee</i>	<i>Kansas Action for Children</i>
<i>Ty Chestnut</i>	<i>Logan High School</i>
<i>Susan Porter</i>	<i>KU</i>
<i>Jim Barrett</i>	<i>USD #466, Scott County Schools</i>
<i>Jacquie Dakes</i>	<i>SE</i>
<i>Deiuse Apt</i>	<i>Kat</i>
<i>Rosin Lyhman</i>	<i>Of the USD 233</i>
<i>Gerald Henderson</i>	<i>USA of KS</i>

STATE OF KANSAS

PHIL MARTIN
SENATOR, THIRTEENTH DISTRICT
CRAWFORD, CHEROKEE
AND BOURBON COUNTIES
403 WEST EUCLID
PITTSBURG, KANSAS 66762



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AND GOVERNMENTAL STANDARDS
ENERGY AND NATURAL RESOURCES
JUDICIARY

LEGISLATIVE HOTLINE:
1-800-432-3924

SENATE CHAMBER
STATE CAPITOL
TOPEKA, KANSAS 66612-1504
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As a proponent of a market system of education, it is my belief that giving parents vouchers to use at elementary and secondary schools of their choice will improve public education by forcing schools to compete. In my opinion vouchers are likely to improve equality in education. According to a Governor's Advisory Panel on school vouchers in New Jersey, it will "increase parental involvement and satisfaction with their children's educational program and environment. In addition, school choice will provide an incentive to all schools, both public and private, to improve their educational programs and services and become more efficient and innovative.

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ATTACHMENT 1

KAY O'CONNOR
REPRESENTATIVE, DISTRICT 14
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HOUSE OF
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DURING SESSION - 1-800-432-3924
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KC AREA LOCAL CALL 782-5000

RE: Education Vouchers - ^{SB 182}~~HB 2861~~

Madam Chair and Members of the Committee:

Thank you for the opportunity to speak to this issue so dear to my heart.

I hope you have been able to read the material I have sent to you last session, and the past few weeks, regarding educational choice activity in other states. You will probably still receive one or two more pieces.

I was asked to speak to both the bill and philosophy of education vouchers. I would now direct your attention to the overhead. (You have copies attached to this testimony.)

- Overhead presentation

Thank you for your kind attention and I will stand for questions at the pleasure of the chair.

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ATTACHMENT 2

SUMMARY:

PARENT CONTROL

OF

EDUCATION ACT

VOUCHER VALUE

- Phased in over six years
- Will be a percentage of the final sixth year amount
- Calculated according to the student's grade levels

FINAL YEAR VALUE

- The 'sixth year', fully phased-in amount is the base:

K	25% of the Kansas base per pupil*	\$ 906.50
1-6	50% of the Kansas base per pupil*	1,813.00
7-8	75% of the Kansas base per pupil*	2,719.50
9-12	100% of the Kansas base per pupil*	3,626.00

(150% of the base per pupil for special education children = \$5,439.00)

(*Kansas State Base Amount subject to change by Legislature)

So, voucher value phase-in is as follows:

Year	<u>K</u>	<u>1-6</u>	<u>7-8</u>	<u>9-12</u>	<u>Sp. Ed.</u>
Year 1 50% of final year	\$453.25	\$ 906.50	\$1359.75	\$1813.00	2719.50
Year 2 60% of final year	543.90	1167.80	1631.70	2175.60	3263.40
Year 3 70% of final year	634.55	1269.10	1903.65	2538.20	3807.30
Year 4 80% of final year	725.80	1450.40	2175.60	2900.80	4351.20
Year 5 90% of final year	815.85	1631.70	2447.55	3263.40	4895.10
Year 6 100% of final year	906.50	1813.00	2719.50	3626.00	5439.00

2.5
~~2.4~~

- The eligibility requirements for vouchers are phased-in, as well.

Year 1: current public schoolers, free lunch qualified (guarantees no cost ... only savings)

Year 2: public and limited number of private schoolers, free lunch qualified

Year 3: public and limited number of private schoolers, reduced lunch qualified

Year 4: same as year three

Year 5: same as year three

Year 6: all Kansas citizens

PUBLIC SCHOOL PROTECTION

- The public schools are protected from any great financial loss because in the first year no public district can lose more than 10% (smaller percent in smaller districts) of its previous year's student population due to voucher use.

- This bill also has a college trust fund that is a necessary incentive to keep private school tuition as low as possible.
- This is an incentive to keep tuitions from being raised to match the value of the voucher.

COLLEGE TRUST FUND

- If the value of the voucher is, for example, worth \$2,000, and the tuition is only \$1,500, the \$500 difference would be deposited in a State trust fund in the name of the child. When the student graduates from high school, the money would be available for fees at any college or university in Kansas.
- In the event of premature death, or upon reaching the age of 26, any unused funds return to the State. Also, any interest earned stays with the State.

ACCOUNTABILITY

- Students who use a voucher are required to show academic progress for continued eligibility.
- Assessed through Iowa Test of Basic Skills, California Achievement Test, Stanford Achievement Test, or other Board approved test.
- The situation of special needs students is addressed.

SCHOOL ACCREDITATION/TEACHER CERTIFICATION

- Since the student will be tested for academic progress, there is no requirement in the bill for school accreditation or teacher certification.
- The parents, students, and schools are free to choose these professional services if they wish.

HOMESCHOOLERS

- Homeschoolers (who are currently recognized in Kansas as attending a private school in the home) may also use a voucher just as any other private school student who otherwise qualifies.
- Note, this is a may, not a shall!

- It is important to mention, too, that there are no mandates; no school or student is required to use a voucher.
- Schools still must follow current law, though, regarding safety, discrimination, or teaching illegal subjects (such as animal torture, treasonous activities like terrorism, etc.)

- Public school average costs now over \$6,000 per pupil
- Kansas private schools average costs per pupil less than \$2,000
- More voucher use means more savings to taxpayers
- Competition results in better product (education)
- Voucher popularity can leverage reduction of government regulations and more local control in public schools

Senate Bill 182

Senate Education Committee - Room 123S
March 14, 1996 - 1:30 PM

KANSAS CATHOLIC CONFERENCE

Mari Pat Brooks, Associate Director for Education

Thank you for your interest in education and for the chance to appear and testify in support of Senate Bill 182.

Our forefathers from the beginning of our Republic recognized the importance of education. Their support was first for private education that later evolved into a public education system.

Each year you have appropriated increases in aid for education in Kansas. The cost of educating a child in Kansas (K-12) is now over \$6,000 per year. At the same time, educating a child in our system is approximately \$1,783 for grades K-8 and \$1,820 for grades 9 -12. Non government schools have a high degree of decentralization. To cite an example, in our Catholic Schools in Central and Northeastern Kansas, 3 people: a superintendent, an assistant superintendent, and a secretary administer 47 schools with approximately 14,000 students.

We hold parents *responsible* for their child's development: physically, intellectually and morally. We should empower parents to achieve these objectives. This could effectively be accomplished through the use of vouchers.

This bill would allow the parents the choice of where to educate their child(ren).

It also gives responsible parents an open door, one that might not have been

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available in the past, that being the opportunity to send their child to the school of their choice. You might consider vouchers as a partial rebate to the parents who choose not to use the public school system.

Competitive testing scores place our students at a higher level of achievement than those in public education. One of the keys of non-government education's success is that it emphasizes the basic skills of reading, writing and arithmetic. Other key ingredients are the emphasis on parental involvement, community service, student discipline, homework requirements, respect for others and dedicated teachers.

This bill identifies the parents rather than the schools as the voucher recipients. It employs a needs based test for the program's first five years. The gradual increase in voucher value eliminates the concern that it will be a "budget buster." There are protections against "mass movement" of the students from any school. The bill is sensitive to the society's poor, and by providing for special education students, it is equally sensitive to the educationally disadvantaged.

Non-government schools teach VALUES to children and they teach DISCIPLINE. Beyond test scores this is the greatest benefit. A sad fact is that there are one-half as many children in our schools today than there were 40 years ago.... and our state and you are the losers. Without some support those children who need our help, just will not be able to have a choice. The continued cost in government education is putting education in non-government schools beyond the reach of a great segment of our population.

I urge you to vote in support of Senate Bill 182.



TO: Senate Committee on Education
FROM: Mark Tallman, Director of Governmental Relations
DATE: March 14, 1996

RE: Testimony on S.B. 182

Madam Chair, Members of the Committee:

KASB appears today as an opponent of S.B. 182, which would create a program called the Kansas G.I. Bill for Kids. Our association's policies oppose any form of public funding for private schools. We do, however, support voluntary public school programs that are created with the approval of locally elected and accountable school boards.

Certainly one reason we oppose this bill is that public schools are required to accept every student that is a resident of the district, but private schools can set whatever admission criteria they wish. Supporters say that vouchers are needed because the current system lets the "education establishment" decide where children can and cannot attend school. But under this bill, private schools can continue to accept whatever children they want. In other words, private schools would be receiving public funding to do what the bill is designed to keep public schools from doing!

Voucher supporters say that public schools have an advantage over private schools because they receive public funding. We would answer that private schools have an advantage over public schools: independence. That has been the historical balance between these two sectors. Public schools receive public funding; but in turn they are extensively regulated by the Government and must serve all students. Private schools are free to who, what and how they want, but must finance themselves through those individuals who choose to support this independent path. H.B. 2217 would give private schools the advantage of public funding without giving up any independence. On the other hand, this bill does not give the public schools any additional independence, or any other advantage.

The more we consider this line of reasoning, the more clear it becomes that another reason given to support vouchers - the idea of school competition - also does not hold up. Fair competition means playing by the same rules. To explore that idea, KASB has produced a report entitled "Different Rules: The Myth of Competition Between Public and Private Schools." It outlines 10 major areas of difference. We argue that fair competition between public and private schools means that private schools receiving vouchers would have to:

(1) Accept all children they wanted to attend in the same school district as the "competing" public school.

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(2) Provide special education services for all children who choose to attend, or pay for any required services that the school could not provide directly.

(3) Provide the same health and social services

(4) Operate under the same accreditation, inservice and certification requirements as public schools.

(5) Provide transportation to all children living more than 2.5 miles away and free textbooks for qualifying students.

(6) Operate under the same student suspension, expulsion and disciplinary requirements as public schools.

(7) Provide the same due process (tenure) rights for all certified teachers as public schools.

(8) Operate under the same Professional Negotiations Act as public schools.

(9) Limit the budget to no more than the same cost of operation of the competing public school (not school district; it is inappropriate to compare the per pupil cost of a single elementary school to an entire K-12 district.)

(10) Meet the same public accountability requirements as public schools: open meetings, limited authority, mandatory site councils, etc.

H.B. 2217 does not require private schools to do any of these things, and allows them to charge whatever tuition and spend whatever they want. Furthermore, doesn't common sense suggest that if the state provides families choosing private school with more money, those schools will charge more tuition, the budgets of those schools will increase, and those schools will inevitably come to rely on state support? One justification for this bill is saving money because private schools (on average) may cost less. But private school officials admit they charge less because they do not receive public support. If they begin to receive public support, the condition now holding down their cost would be removed.

Let me offer one final concern about this bill. Section 8 requires that students attending private schools under the bill participate in the school district assessment program conducted by the school district in which the child resides or in which the private school is located. This means that public schools would have to administer tests to private school students, evaluate those results, and report those results to parents. The school district receives no additional resources for these added costs. Once again, an unfunded mandate is proposed.

Thank you for your consideration.

AMERICAN CIVIL LIBERTIES UNION
OF KANSAS AND WESTERN MISSOURI

706 West 42nd Street, Kansas City, Missouri 64111 (816) 756-3113

Testimony in Opposition to SB 182, Enactment of the "Kansas G.I. Bill for Kids"
Senate Education Committee, Hon. Barbara Lawrence, Chair
Wednesday, March 14, 1996

The American Civil Liberties Union of Kansas and Western Missouri is a private, nonprofit public advocacy and service organization, and an affiliate of the national ACLU, which began in 1920. The purpose of the ACLU is to protect and advance civil liberties as guaranteed under the Bill of Rights through litigation, lobbying and education.

ACLU welcomes this opportunity to again challenge the proponents of school vouchers for private religious schools. We oppose these schemes to funnel public money into parochial schools on First Amendment grounds under the U.S. Constitution.

We also oppose these schemes on the basis of the Kansas Constitution. Kansas in the early days of this century preshadowed later U.S. Supreme Court decisions in areas involving the separation of church and state. Article 6, section 6 (c) of the Kansas Constitution states, "No religious sect or sects shall control any part of the public educational funds."

Attorney General Robert T. Stephen, in "Opinion No. 94-37," concerning the constitutionality of the 1994 voucher bill, quoted a Kansas case from 1904 regarding prayer in public school:

"Section 7 of the [Kansas] bill of rights contains the following provision: 'Nor shall any person be compelled to attend or support any form of worship.' That is, no person shall be compelled to pay tithes or taxes to secure or maintain a place where any form of religious worship shall be conducted, or where any religious doctrine is taught; nor shall any form of religious worship be conducted, or any sectarian or religious doctrine be taught, in any place supported by imposition of taxes." (Emphasis added by the Attorney General, who found the school voucher program proposed in 1994 to be unconstitutional under both the U.S. and Kansas Constitutions.)

It is ACLU's opinion that SB 182, like HB 2217 (which was defeated by the House of Representatives last year), has tried to put sugar on the pill by adding public schools to the "choice." A public school-only voucher bill would probably pass constitutional muster, administrative headaches notwithstanding. However, adding public schools to the "choice" which may be made by a small percentage of students does not make this a constitutional proposal. Public school students do not need vouchers to go to school now. The bottom line is that, if SB 182 were to pass, public funds would still be helping to support, via vouchers, some of the state's private religious schools.

The only voucher bill passed by a non-municipal U.S. entity --- Puerto Rico -- has been addressed by its Supreme Court. The Puerto Rico Supreme Court found their voucher statute unconstitutional under their own Constitution, language similar to the Kansas Constitution.

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Much has been made by the proponents of various U.S. Supreme Court cases which concern public funds supporting religious post-secondary institutions. In Witters (1986), vocational assistance from the state was permitted when applied to a theological school because it was the mature student's decision to attend it; in Zobrest (1993), government assistance was allowed to a blind student at a religious institution of higher learning; Nyquist (1973) invalidated tuition tax credits; Mueller (1983) upheld tax deductions for certain educational expenses for all students, including public and private.

Much also has been made of Pell Grants and other government aid to students at religious colleges.

These cases are consistent on the point that the courts have always distinguished between higher education and elementary-secondary education in these areas. There is no compulsory attendance at colleges, and the court has found that college students are old enough and mature enough to recognize and choose to study religion at a religious college, and can recognize that government scholarships and other assistance is not an endorsement by the government of the particular religion. Elementary and secondary education students must attend school, and are too young to make these subtle distinctions. There has been no U.S. Supreme Court ruling which allows any governmental funds to aid elementary and secondary schools, except for tax deductions (distinguished from tax credits). Certainly, the specific issue of public voucher funds for religious elementary and secondary schools will be addressed eventually, at potentially great cost to the state which serves as the defendant.

We reported last year before the House Education Committee that Milwaukee's voucher program for non-sectarian schools had been upheld since sectarian schools were not at that time included. However, we are pleased to note that the Wisconsin Supreme Court has issued an injunction against the expanded Milwaukee voucher system which was broadened to include parochial schools, indicating a likelihood that ACLU's position that the voucher system is unconstitutional will prevail. Arguments in that case were heard in February and a decision is expected in May or June of this year.

It is worthwhile to note that in 1994's Board of Education of the Kiryas Joel Village School District v. Louis Grumet and Albert W. Hawk, the U.S. Supreme Court found in favor of the position espousing separation of church and state. To date, there is no indication that it is interested in eroding the First Amendment in the area of public funds for elementary and secondary education.

As Attorney General Stephan stated in his opinion on this issue in 1994, "Therefore, if the state confers money upon a sectarian school, the result is, unavoidably, state support of a form of worship. The state has no power to impose a tax on the citizens of Kansas to aid sectarian schools...The parent serves merely as a conduit through whom the state aid passes. As 1994 H.B. 2754 results in the conferring of state funds upon a place where a form of religious worship is to be conducted, or where religious doctrine is to be taught, the school voucher program...violates section 7 of the Bill of Rights of the Kansas constitution."

In conclusion, we would like to add that we agree with Thomas Jefferson, who called it "tyranny" to tax someone to support someone else's religion.

Please oppose SB 182.

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Testimony in opposition to SB182-"G. I. Bill for Kids"
Rabbi Lawrence P. Karol-Temple Beth Sholom-Topeka, Kansas

My name is Rabbi Lawrence P. Karol. I have served Temple Beth Sholom here in Topeka for 12 years. Today I am speaking in opposition to Senate Bill 182 on behalf of the Defending Democracy Project of the Jewish Community Relations Bureau/American Jewish Committee, which represents the vast majority of 20,000 Jews in Kansas. I am also representing the MAINstream Coalition of Shawnee County.

As a Chair of the Site Council at Stout Elementary School in Topeka, where my son is a fourth grade student, and a member of the Topeka Public Schools Multicultural Education Task Force, I have been involved in monitoring and ensuring school quality and in helping students of all backgrounds to feel welcome in the school community. My son says he would only want to attend a school that reflects our society's diversity, where everyone is not "the same."

Families with children in private schools have not given up on public schools. Many send their children to public middle schools and high schools. Students from private schools count on the public schools for special services, including gifted education and extra assistance for speech, reading and dealing with learning disabilities. A voucher system would greatly undermine the ability of public schools to help students with special needs.

People who say that competition between schools under a voucher system will improve our public schools ignore the very consequences a voucher system will create. Many public schools already face financial challenges. A voucher system would assure that public schools would be able to give less, not more, due to even fewer funds available. Healthy competition already exists between public and private schools and within individual schools and school districts.

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The phrases "parental choice" and "parental control" have been used in relation to school voucher proposals. I believe that "control" lies at the heart of a voucher system. Many private schools aggressively control what students wear, read, study, believe and think, often based on a particular religious view. Some such schools are not about widening "choice" in a student's education; they are about narrowing the choices of who can serve on faculty and staff, who can attend the school, what and how the students will learn, and who can be friends of those students.

More often than not, a voucher system will result in government support of religious indoctrination. Members of the Jewish community and other faith groups would not want to see tax dollars even indirectly supporting a school that teaches that only its denomination can bring God's love and salvation and that only people from one faith group have made this nation great.

All schools, along with parents, have the responsibility to teach our children how to live in a democratic republic. Children need to learn the skills that our nation's founders valued and mastered: respectful debate, reaching consensus, and working within a community comprised of people from different backgrounds. The voucher system will fragment communities at a time when we need more than ever to work together. I urge you to reject the Kansas G. I. Bill for Kids, because it will prevent too many children from receiving a quality education.

Senate Education Committee - Matt Grogger, March 14, 1996
SB 182 (Vouchers)

Madam Chair and members of the house, I first want to thank you for the opportunity to discuss this very important issue with you.

I appear before you today representing two organizations

- I am an veteran member of the Board of Education of Blue Valley Schools in southeast Johnson County which has an enrollment of over 13,000 students, and
- I am a member of the Board of Directors of the MAINstream Coalition of Johnson County, a recently formed nonpartisan citizen information and education organization with over 1400 members.

The six largest school districts in Kansas and most of the school boards in Johnson County adopted legislative positions opposing the expenditure of public funds for private schools or vouchers in any form. While that probably isn't too surprising to anyone, I find it peculiar that the proponents of this legislation pass that fact off as "they are only looking after their own interests." It is peculiar because every Board member has taken an oath to support both the Kansas Constitution and the United States Constitution, and have pledged to their constituents to provide for the education of all children in their respective districts. *The Kansas Constitution, Bill of Rights Section 7. Religious Liberty states "The right to worship God---shall never be infringed, nor shall any person be compelled to attend or support any form of worship,---nor any preference be given by law to any religious establishment or mode of worship."* The First Amendment of the U. S. Constitution states "**Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.**"

The concept of using vouchers to distribute tax money for parents to purchase education is not a new one. It was first advanced by Adam Smith in his classic *Wealth of Nations*, and Thomas Paine in the *Rights of Man*. It was proposed again as late as 1859 by John Stuart Mill in *On Liberty*.¹ However, these concepts were rejected by the founding fathers and instead the concept of public schooling for all was implemented.

The concept of voucher funding for education was revived in an attempt to circumvent the Supreme Court ruling on desegregation in 1950, and various forms of it have been proposed and advocated since that time as the solution for a variety of perceived problems. ***This model for broad based public funding of compulsory education for all children serves as America's most potent springboard toward upward mobility and a better life for everyone.***

Proponents of vouchers present emotional pleas and anecdotal examples of how private schools have helped various students. There is little doubt that the examples are real and happened as represented. However the misconceptions and misunderstandings created by the presentation of anecdotal examples as factual data

from exhaustive studies and investigations is a concern about the factual integrity of their case.

A second concern is the proponents appear to have lost focus on the meaning of terms they use in the discussion. They tend to overlook the distinction between **educate and indoctrinate** which masks or at least muddies discussion of the issues. The American Heritage Dictionary definition of **educate** is: "To develop the innate capacities of, especially by schooling or instruction, to provide with information, to inform, to bring to an understanding or acceptance." and **Indoctrinate** means: "To instruct in a body of doctrine or principles, to imbue with a partisan or ideological point of view." In addition **private** is defined as: "Not available for public use, control, or participation; Belonging to a particular person or persons, as opposed to the public or the government; Of, relating to, or derived from non-government sources." and last **public** is defined as: "Participated in or attended by the people or community; Connected with or acting on behalf of the people, community, or government; **Open to the knowledge or judgment of all.**"

Using these definitions, I submit that the root of the problem with the voucher issue is that the proposal involves a significant difference in the philosophy of financing schools, and the proponents are not clearly defining the underlying philosophy and policy frameworks of the proposed approach. (They have no credible research data to show that it will do what they claim, and yet they blithely ask us to believe that everything will be better with their plan)

The legislatures, courts, and yes the constitution, have clearly established and maintained the separation of public schools and private religious schools because, while the private schools do educate students, they also indoctrinate them in particular ideological and religious points of view.

The legislatures and courts have also very correctly prohibited the public schools from espousing particular ideological and religious points of view in the classroom and at public school functions. Therefore, it would be morally and intellectually dishonest to now say that through voucher allocation of public funds, it is all right for some publicly funded schools to indoctrinate their students but its not for others.

If parents want their children to be indoctrinated in a particular ideological or religious tradition, in addition to receiving an education, it is very appropriate that the costs for that additional training be paid for by the parent or their church community, and not by those who may subscribe to different ideological beliefs. The common objective of all groups, and especially this legislative body, can only be the education component for all children, and that common objective is provided by public schools supported by public funds.

Some proponents of vouchers say that parents who send their children to private schools are being "taxed double" therefore they should have access to public funds through vouchers to eliminate this discrimination. The Supreme Court ruled in 1920 that every parent has the right to send their children to private schools, but it does not follow that public money should be used to finance their decision to not attend the public school provided by the community. Parents who send their children to parochial schools are no more entitled to tax relief or a voucher than the person who chooses not

use the public library or swim in the public swimming pool. Americans simply do not have a cafeteria-style system of public services where people support only the programs they like.

Advocates attempt too justify use of public funds because "the public school does not provide the education parents want for their children." Research shows that private schools are not academically better than public schools, so one would suspect that the parents want some particular ideological indoctrination for their children. Again that is their right, but they should not be permitted to have access to tax dollars to obtain that ideological indoctrination.

Allocation of public money for private schools would also imperil the "privacy" of those schools, as well as reduce funding for already financially strapped public schools.

1. The Voucher Movement as a Freedom of Choice Issue, *Northwest Center for State Educational Policy Studies*, 710 S. W. Second Avenue, Portland, Oregon 97204, December 1979.



SB 182

Testimony presented before the Senate Committee on Education
by Gerald W. Henderson, Executive Director
United School Administrators of Kansas
March 13, 1996

Madam Chairman and Members of the Committee:

United School Administrators of Kansas is opposed to any measure which would make public money available to private schools. The reason for our opposition goes beyond any constitutional prohibitions to the differences in the basic missions of public and private schools. Private schools almost by definition are not interested in providing high quality educational opportunities for **all** children. Public schools have at their very core the requirement to meet the educational, social, and physical needs of **all** children. Until the mission of public and private schools is the same as it relates to **all** children, USA will oppose using public vouchers to fund private schools.

LBG/SB182

SENATE EDUCATION
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KANSAS NATIONAL EDUCATION ASSOCIATION / 715 W. 10TH STREET / TOPEKA, KANSAS 66612-1686

Craig Grant Testimony Before
Senate Education Committee
Thursday, March 14, 1996

Thank you, Madame Chair. I am Craig Grant and I represent Kansas NEA. I appreciate this opportunity to speak to the committee in opposition to SB 182.

Much testimony has been submitted today and in the past about the positive aspects of a school voucher measure. Grand words of choice, freedom, equity, and kids have been used. I would submit to this committee that vouchers are not about choice, freedom, equity, and kids. Rather, vouchers would subsidize education elitism, set up a two-tiered school system, divide our state, and deny the certainty of opportunity for all.

SB 182, or other voucher systems, will divert scarce public tax dollars to private schools, many of which would not be required to comply with the same "rules and regulations" as public schools. No other state has instituted such a plan. In fact, the American people have consistently defeated attempts to use public moneys to fund private schools. Since 1966, voters in 14 states have rejected the vouchers or tuition tax credit initiatives 19 different times.

In Kansas, the question has been posed in surveys a number of times and in a number of ways. The most recent survey commissioned by our organization was in August of 1994. In a survey conducted by RMA Research, a division of Robinson & Muenster Associates, Inc., the following question was asked to 800 registered voters between August 18 through 21 of 1994:

"Do you believe that public tax dollars should be used to help support students in private or parochial schools?"

In that poll, 55% did not support that concept, 28% supported vouchers, and 6% were undecided or did not answer.

I think that a majority of Kansas residents believe that vouchers do not really offer choice to parents. This "free market" approach which was being clamored for by past conferees talked about competition. This sounds good in theory but does not measure up in the real world.

Advocates for choice in Kansas and elsewhere argue that the "market system" will make all do a better job if they "compete" for business. The good sound theory does not measure up in the real world.

A voucher system like SB 182 could quite likely decrease opportunity for students. Since our market system operates on a profit margin, schools then would naturally compete for the students who bring in the greatest "assets." The best teachers may be drawn to the schools with the greatest "profit margin."

Schools will not compete for problem or special needs students whose educational needs will cost more money. That free market system will pursue the best-behaved, brightest students so that test scores will go up and they can use that fact as their marketing tool to attract more of the brightest.

The disadvantaged child may be left out of the loop because it would be less "profitable." Quotas or limitations of students would then keep others from that choice. Any time a child is denied access (for whatever reason) to the education he or she desires, he or she is effectively denied equal opportunity.

In rural Kansas, where distance becomes prohibitive to a "choice" option, the "free market" would again be limited and those students denied equal opportunity.

A choice system could very well become the new segregation tool for parents, thus denying equal access to education for special needs, poor, and rural children. When regulations are added to the voucher system to guarantee technical constitutionality, further problems with integration and equal opportunity arise. Judge Terry Bullock indicated that our obligation was to each child equally. Choice systems counteract that obligation.

We must, as an alternative to vouchers, continue to improve our present system which tries to address individual variances of children. Improving all schools, having schools work together for the good of students, and placing all students in an environment where they can best learn should be our goal.

Lewis Finch makes the point well--"...want us to operate schools like businesses. They can carefully select their raw materials to produce...the

best Oreo cookies in the world. But out behind the plant is a pile of refuse...of those who don't qualify. Is that the kind of school system we want for America? I think not."

In the guise of helping to improve education, a major effort is underway throughout the country to replace our system of public schools, which are open to all children, with voucher systems that would transfer scarce dollars to private schools, which are selectively available only to some children.

Education is too important for us to create winners and losers in our children. Keep the free market system somewhere else. We ask you to defeat SB 182.