

## MINUTES OF THE HOUSE COMMITTEE ON EDUCATION.

The meeting was called to order by Vice-Chairperson Representative Cindy Empson at 9:00 a.m. on February 18, 2000 in Room 313-S of the Capitol.

All members were present except: A quorum was present.

Committee staff present: Avis Swartzman, Revisor of Statutes  
Ben Barrett, Legislative Research Department  
Carolyn Rampey, Legislative Research Department  
Renaë Jefferies, Revisor of Statutes  
Linda Taylor, Committee Secretary

Conferees appearing before the committee: Representative Kent Glasscock  
Representative Brenda Landwehr  
Angela Ferguson, Private School Student  
Diane Gjerstaad, Wichita Public Schools  
Mark Tallman, KASB  
Brilla Scott, United School Administrators  
Craig Grant, KNEA

Others attending: See Attached List

Hearings on **HB 2913 - Kansas opportunity scholarship research experiment** were opened.

Representative Kent Glasscock appeared before the committee as a proponent. (Attachment 1) Representative Glasscock gave a brief explanation of the bill and stated that it was his belief that, rather than re-visit the voucher issue each year, the Legislature should fund an in-depth study, determine the impact, and then proceed.

Representative Brenda Landwehr appeared before the committee as a proponent of the bill. She stated that a voucher system will not produce a mass exodus from public school, instead it will simply provide parents with a choice. She believes that this project is about children and what is best for them. She urged the committee to pass the bill out favorably.

Amy Ferguson, a private school student, appeared before the committee as a proponent of **HB 2913**. (Attachment 2) She related her experiences in both public and private schools and urged the committee to consider the bill favorably.

Diane Gjerstaad appeared before the committee as an opponent of the bill. (Attachment 3) She stated that the Wichita Public Schools strongly oppose a voucher system. She further stated that implications that poor or disadvantaged youngsters do not receive a quality education from public schools is a fallacy. She would like to see the funds that would be spent on such a research study used instead to fund pilot programs in smaller class sizes and curriculum enrichment programs.

Mark Tallman appeared before the committee in opposition to the bill. (Attachment 4) He stated that the KASB opposes on principle any system that uses public funding for private schools because these schools do not have to serve all children or follow the same rules as public schools; they are also not accountable to public governance.

Brilla Scott appeared before the committee in opposition to the bill. (Attachment 5) She stated that USA's position is that by supporting this bill, public funds will be diverted away from public schools at a time when Kansas schools are receiving minimal funding.

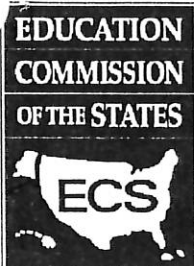
Craig Grant appeared before the committee as an opponent to the bill. (Attachment 6) He stated that the KNEA position on attempts to take public taxpayer dollars to support private schools in either the form of

vouchers or tax credits undermine support for public schools. They also believe that such programs could lead to racial, economic, and social isolation of children and weaken or destroy the public school system. He urged the committee to fund the public schools adequately and defeat bills such as **HB 2913** which would take public school funds for private schools.

The next meeting is scheduled for February 21, 2000.

The meeting was adjourned at 10:55 a.m.





# Policy Brief

VOUCHERS

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## VOUCHERS, TAX CREDITS AND TAX DEDUCTIONS

### *Introduction*

Parental choice of schools is one of today's more controversial education issues. The term "choice" encompasses a range of options, including home schools, magnet schools, interdistrict and intradistrict transfer programs, postsecondary enrollment programs, charter schools, vouchers, tax credits and tax deductions. Probably the most contentious school choice option is the use of public money in private and parochial schools, usually through a voucher, tax credit or tax deduction. For some, these options threaten the very existence of the public education system. For others, these options provide greater educational opportunities for students and, by introducing competition into the system, improve the public education system's performance.

Whatever one's position on vouchers, tax credits and tax deductions, it is clear that these options merit continued scrutiny, especially given that recent survey data show that public support for the use of tax dollars for private or parochial education has grown over the past few years. In fact, a 1998 Gallup poll found that a majority of all adults, for the first time, would support partial government payment of tuition at private or parochial schools. In an effort to provide such scrutiny, this policy brief defines the terms of the debate, provides public and private examples, presents opposing views, reviews the effects of vouchers, tax credits, and tax deductions and offers key questions.

### *Definitions*

- A publicly funded voucher is a payment the government makes to a parent, or an institution on a parent's behalf, to be used for a child's education expenses.
- A privately funded voucher is a payment that a private organization makes to a parent, or an institution on a parent's behalf, to be used for a child's education expenses.
- A tax credit provides direct reductions to an individual's tax liability. For example, Jack owes \$1,000 in income taxes. He is eligible, however, for a given state's \$500 tax credit. He subtracts the \$500 tax credit from the \$1,000 tax liability, and now owes \$500 in income taxes.
- A tax deduction is a reduction in taxable income made prior to the calculation of tax liability. For instance, Jill has a taxable income of \$100,000. She, however, is eligible for a given state's \$1,500 tax deduction. She subtracts the \$1,500 from her income of \$100,000, and now has \$98,500 in taxable income.

House Education  
2-18-00  
Attachment 1

## ***Public Examples***

The following states and territories have either voucher, tax credit or tax deduction programs: Arizona, Florida, Illinois, Iowa, Minnesota, Ohio, Puerto Rico and Wisconsin. In addition, Vermont and Maine have long-standing variants of a voucher program. Several other states have recently presented legislative proposals to provide tax breaks for K-12 education costs, and voucher bills have been recently debated in several legislatures. No state ballot initiative concerning vouchers, tax credits or tax deductions has passed to date.

### **Arizona (enacted in 1997)**

In 1997, Arizona policymakers established two nonrefundable individual income tax credits. As provided by Arizona policymakers:

- Taxpayers may claim a tax credit of up to \$500 for a cash contribution of up to \$500 to a nonprofit organization that distributes scholarships or tuition grants to private and parochial schools which do not discriminate on the basis of several characteristics. This contribution cannot directly benefit the taxpayer's own child, and tuition organizations cannot designate the money to benefit students of only one private or parochial school.
- Taxpayers may claim a tax credit of up to \$200 as reimbursement for fees paid to a public school for extracurricular activities (i.e., school-sponsored activities that require enrolled students to pay a fee to participate, including fees for band uniforms or equipment, uniforms for varsity athletic activities and scientific laboratory materials).

If the amount of the tax credit exceeds the amount of tax liability, then the taxpayer may carry the unused amount of the tax credit forward for up to five consecutive taxable years. For example, John makes a cash contribution of \$500 to an eligible nonprofit organization and is thus eligible for a \$500 tax credit. Because he owes only \$300 in taxes in 1999, he may carry the remaining \$200 forward until 2004 to offset his future tax liability.

Arizona's tax credit law was challenged in court. In January 1999, the Arizona Supreme Court ruled that the law does not violate state and federal constitutional prohibitions against government aid to religion. This decision was appealed to the U.S. Supreme Court. In October 1999, the U.S. Supreme Court declined to review the case, thus allowing the Arizona Supreme Court's ruling that the program is constitutional to stand.

### **Florida (enacted in 1999)**

Florida lawmakers passed the first statewide voucher program in the nation during their 1999 session. Under the enacted legislation, each public school will receive a grade, from A to F. Top-performing and improving schools will receive additional state funding. In F-graded schools, students will be able to move to a higher-scoring public school or attend a private or parochial school with an opportunity scholarship worth at least \$4,000.

At first, the opportunity scholarships will be limited to students in no more than four schools. However, it is projected that these scholarships may be extended to students in up to 170 public schools within the next two years. The private and parochial schools that accept these students are prohibited from collecting additional tuition, and are barred from requiring these students to participate in religious instruction, prayer or worship. Florida's voucher program is being challenged in court.

### **Illinois (enacted in 1999)**

In their 1999 session, Illinois lawmakers enacted legislation granting tax credits to parents of children in public, private or parochial schools. Under the law, parents may reduce their state income tax bill by 25 percent of whatever they spend for their children's tuition, books and lab fees. In order to be eligible for the tax credit, parents must spend at least \$250, and the tax credit may not exceed \$500 per family. Illinois' tax credit program is being challenged in court.

### **Iowa (enacted in 1987; last amended in 1998)**

In 1987, Iowa policymakers enacted a law that allowed parents to claim a tax deduction of up to \$1,000 for each dependent's acceptable education expenses, which were defined as tuition and textbooks (excluding the costs of religious materials and extracurricular activities). Taxpayers who did not itemize their deductions could take the benefit in the form of a tax credit equal to 5% of the first \$1,000 paid for each dependent's acceptable education expenses. Neither the deduction nor the credit applied to taxpayers whose net income was more than \$45,000.

Since that time, Iowa policymakers have eliminated the tax deduction, and have revised the tax credit provision, most recently in 1998. As a result of the most recent revisions, parents are allowed to claim a tax credit of up to 25% of the first \$1,000 for each dependent's acceptable education expenses, which now include public school extracurricular activities. In addition, the most recent revisions removed the \$45,000 income ceiling on eligible taxpayers.

Iowa's initial program was challenged in court. In 1992, a U.S. District Court judge ruled the tax deductions and credits for parents who send their children to private and parochial schools do not violate the federal constitution's ban on government establishment of religion. The program, the court said, "does not create any kind of direct aid to parochial schools, nor does it create any kind of relationship between the state government and the parochial schools. The sole relationship is between the state and its taxpayers."

### **Minnesota (enacted in 1955; major amendments enacted in 1976 and 1984; last amended in 1997)**

In 1955, Minnesota policymakers enacted a law that allowed parents to claim a tax deduction of up to \$200 for tuition and other school expenses. Over the years, Minnesota lawmakers have enacted a variety of changes to this law. For example, in 1976, the maximum deduction was raised to \$500 per child for elementary school expenses and \$700 per child for secondary school expenses. In 1984, the maximum deduction was again raised, this time to \$650 for elementary school expenses and \$1,000 for secondary school expenses.

The most recent changes were enacted in 1997, during a special session held at the governor's insistence. Among other things, Minnesota policymakers:

- Increased the deduction to a maximum of \$1,625 for elementary school expenses and \$2,500 for secondary school expenses.
- Expanded the types of expenses that the deduction covers, so it is now available for tuition, textbooks, transportation, academic summer camps, summer school and up to \$200 of the cost of a personal computer and education software. In addition, the deduction became available to persons who do not itemize deductions on their federal income tax form.
- Created a refundable tax credit of up to \$1,000 per student or \$2,000 per family for families with incomes under \$33,500. The credit is available for the same education expenses as the deduction (textbooks, transportation, academic summer camps, summer school and up to \$200 of the cost of computer hardware and education software), except that it does not cover tuition. If a family owes no taxes or owes less than the amount of the credit, they receive the difference as a refund. Expenses that exceed the credit amount may be used for the deduction.

Minnesota's original tax deduction program was challenged in court. In 1983, the U.S. Supreme Court ruled the program was constitutional. According to the court, the programs had the secular purposes of ensuring that Minnesota's citizenry is well-educated and that private and parochial schools' financial health remains sound, did not primarily advance sectarian aims of parochial schools and did not excessively entangle the state in religion.

#### **Ohio (enacted in 1995; last amended in 1999)**

In 1995, Ohio policymakers created a pilot scholarship and tutoring program in Cleveland. The program includes the following provisions:

- The amount of the scholarship is the lesser of two numbers: the public, private or parochial school's tuition or a state-established amount not in excess of \$2,500.
- Students whose family income is below 200% of the maximum level established by the state superintendent of public instruction for low-income families qualify for 90% of the scholarship amount. Students whose family income is at or above 200% of that level qualify for 75% of the scholarship amount.
- Students may use the vouchers at the public, private or parochial school of their choice.
- Once a student enrolls in the program, he or she may remain in it through the 8th grade.
- Participating schools must register with the state superintendent of public instruction.
- No more than 25% of the scholarships can be awarded to students enrolled in a private or parochial school at the time they apply for a scholarship, although the enabling legislation allows that proportion to rise to 50%.

As of the 1998-1999 school year, 3,678 students in grades K-5 were participating in the program, although up to 4,000 are allowed to participate.

Ohio's program was challenged in court. In May 1999, the Ohio Supreme Court ruled that the Cleveland program was unconstitutional, but only on a technical issue. According to the court, the program was improperly enacted by the legislature, when it approved the original voucher legislation as part of a 1,000-page general appropriations bill in 1995. According to the court, this action violated a provision in the state constitution that requires each bill to address only one subject. The court, however, also stated that the program did not breach the separation of church and state in either Ohio or federal law.

As a result, Ohio policymakers passed legislation in June 1999 that reinstates the voucher program, and expands it to grade 6 in September 1999 and to grade 7 in September 2000. In this instance, the program was enacted as part of the state's education budget, as opposed to the state's general appropriations bill. Ohio's reinstated voucher program is being challenged in court.

#### **Puerto Rico (enacted in 1993; last amended in 1995)**

In 1993, Puerto Rico policymakers enacted a pilot voucher program. The \$10 million project enabled parents with annual incomes of less than \$18,000 to receive vouchers for up to \$1,500 toward tuition at the public, private or parochial school of their choice.

The Puerto Rico program was challenged in court. In 1994, the Puerto Rico Supreme Court ruled the pilot voucher program was unconstitutional. Because the decision was based solely on Puerto Rico's constitution, the case was not appealed to the U.S. Supreme Court. The program continues to operate, but students can move only to other public schools, meaning the voucher program has essentially become the equivalent of a public school open enrollment program.

In 1995, Puerto Rico policymakers established the "Educational Foundation for the Free Selection of Schools, Inc," a nonprofit corporation which provides financial aid for elementary and high school students in public, private or parochial schools. The program includes the following provisions:

- The annual income of a student's family cannot exceed \$18,000.
- The amount of education financial aid cannot exceed \$1,500 per student.
- The funds necessary to provide the aid come from donations by individuals or private institutions.
- Individual and institutional donors are eligible for a tax credit for their donations to the Educational Foundation. The amount of the credit cannot exceed \$250 for individual taxpayers or \$500 for corporations and partnerships. The amount of donations in excess of the credit can be used as a tax deduction.
- Participating schools must be licensed by the General Council of Education and have an admission policy free of discrimination.

### **Wisconsin (enacted in 1989; last amended in 1997)**

Wisconsin policymakers approved the Milwaukee Parental Choice Program in 1989 and last amended it in 1997. The program includes the following provisions:

- The amount of the voucher is the lesser of two numbers: the private or parochial school's operating and debt service cost per pupil or the state's per-pupil aid to the Milwaukee Public Schools (MPS) (about \$4,373 in 1996-97).
- Students qualify for vouchers if their family income is not greater than 1.75 times the poverty level and if they meet certain enrollment requirements (e.g., during the previous school year, they were enrolled either in the Milwaukee Public Schools (MPS), in a private school in Milwaukee, in grades K-3 in a private school outside of Milwaukee or were not enrolled in school).
- Students may use the voucher at the private or parochial school of their choice.
- Once a student enrolls in the program, he or she may remain in it through the 12th grade.
- Participating schools must notify the state of their intention to participate in the program, comply with certain laws and meet at least one of four legislatively established performance standards.
- No more than 15% of the school district's enrollment may attend participating schools in any school year.

As of the 1998-1999 school year, 6,194 students were participating in the program, although up to 15,000 are allowed to participate.

Wisconsin's program was challenged in court. In 1997, the Wisconsin Supreme Court blocked the expansion pending its ruling, but later was deadlocked and sent the case back to district court, where it was ruled unconstitutional. In June 1998, the Wisconsin Supreme Court ruled on appeal that the program is constitutional. This decision was appealed to the U.S. Supreme Court. In November 1998, the U.S. Supreme Court declined to review the case, thus allowing the Wisconsin Supreme Court's ruling that the program is constitutional to stand.

### **Vermont and Maine**

If no public school exists to serve secondary school students in Vermont and Maine, these states allow districts to send students to private schools and pay their tuition. However, districts cannot send students to parochial schools.

Both programs have been challenged in court. In 1996, the town of Chittenden, Vermont agreed to pay the tuition for about a dozen families to send their children to parochial school. This action was challenged in court. In June 1999, the Vermont Supreme Court ruled that Chittenden's efforts are unconstitutional. According to the court, Chittenden's efforts violate the clause of the Vermont constitution that prohibits "compelled support" of places of religious worship.

In Maine, the Supreme Judicial Court of Maine and the U.S. Court of Appeals for the 1<sup>st</sup> Circuit, in two separate cases, ruled that the inclusion of religious schools in the program would violate the federal constitution's establishment clause and the exclusion of parochial schools from the program does not violate parents' right of free exercise of religion. The Maine Supreme Judicial Court issued its ruling in April 1999,



and the U.S. Court of Appeals for the 1<sup>st</sup> Circuit issued its ruling in May 1999. The U.S. Supreme Court, October 1999, declined to review both cases, thus allowing the lower courts' rulings that the program is unconstitutional to stand.

## ***Private Examples***

A new wrinkle in the evolving public policy debate about tax credits, tax deductions and vouchers is the implementation of private voucher programs. Although there are several private organizations that provide scholarships for students to attend private and parochial schools, two of the more notable privately funded efforts are the Children's Educational Opportunity (CEO) America Foundation or the Children's Scholarship Fund (CSF).

### **Children's Educational Opportunity (CEO) America Foundation**

The Children's Educational Opportunity (CEO) Foundation was founded in 1992 in Texas, with the purpose of increasing the number of educational opportunities available to low-income children through the provision of privately funded vouchers. In May of 1994, the CEO Foundation board established the Children's Educational Opportunity (CEO) America Foundation, or CEO America, a non-profit 501(c)(3) corporation, with the purpose of establishing privately funded voucher programs across the nation. At the present time, CEO America is affiliated with approximately 40 privately funded voucher programs throughout the country.

Perhaps CEO America's most controversial endeavor is the Horizon Program, which it started in the Edgewood School District in San Antonio, Texas in the fall of 1998. The purpose of this program is to offer every low-income student within the Edgewood School District the opportunity to attend the public, private or parochial school of his or her choice. Approximately 96 percent of the children within the Edgewood School District qualify for the Horizon Program's vouchers, which are worth up to \$4,000. CEO America is providing up to \$50 million over 10 years for this program. In the 1998-1999 school year, 837 students are participating in the program. Of these students, 566 had been in the Edgewood School District the previous year, 116 were starting in kindergarten, 50 had been attending private schools the previous year and another 105 had been attending public schools outside the Edgewood School District the previous year.

### **Children's Scholarship Fund (CSF)**

The Children's Scholarship Fund (CSF) was created in 1998 by New York City investor Theodore J. Forstmann and Wal-Mart heir John Walton, who together pledged \$100 million to help low-income parents send their children to private and parochial schools. The initial donation of \$100 million drew \$70 million in matching funds from other private sources.

In April 1999, CSF announced the names of 40,000 children that will receive scholarships from \$600 to \$1,600 a year for four years. According to CSF, 1,237,360 children applied for the scholarships, which amounts to about one out of every 50 schoolchildren in the country. CSF is also backing statewide programs in Arkansas, Michigan and New Hampshire, and is reserving 5,000 scholarships for applicants in an at-large pool.

## ***Opposing Views***

Proponents of vouchers, tax credits and tax deductions argue that these options will:

- *Enable more families to take advantage of a wide range of education opportunities.* Currently, only relatively wealthy families can afford to send their children to private and parochial schools. Less-advantaged families who want to enroll their children in such schools often must make a considerable financial sacrifice. Vouchers, tax credits and tax deductions make private and parochial schools more affordable for these families, providing them with a greater number of education opportunities.

- *Improve public schools through competition.* This argument is drawn directly from free market economics, which stresses the benefits of market competition. Under this view, vouchers, tax credits and tax deductions will encourage competition between public, private and parochial schools and force the public schools to improve to retain their students.
- *Financially strengthen private and parochial schools.* An increase in private and parochial school enrollment will increase the flow of revenues into these schools, allowing financially struggling ones to remain open. An increase in demand for private and parochial education also could lead to the establishment of new schools.
- *Lower taxes for parents of school-age children, letting them keep more of their own money to spend as they see fit.* Tax credits and tax deductions may reduce the amount of state income taxes that parents of school-age children owe. Furthermore, with refundable tax credits, parents who owe no taxes or owe less than the amount of the tax credit will receive a check for the difference, thus allowing even the poorest families to benefit.

Opponents of vouchers, tax credits and tax deductions maintain that these options will:

- *Divert dollars from publicly accountable schools to private and parochial schools.* Public schools are required to maintain accountability with their taxpayers through a variety of measures, such as elections and open-meeting laws. Among other things, these measures allow taxpayers to know how their schools spend public dollars and what results their schools produce with these dollars. Within the private and parochial school setting, such safeguards do not exist. If funds go to private and parochial schools, taxpayers lose their right to know how public dollars are spent and what results these dollars produce.
- *Lower the quality of public education by easing the departure of students and families who are most informed about education choices.* Students who most often take advantage of public school choices tend to be from better-educated families. This trend may continue and could increasingly segregate the public, private and parochial schools along socioeconomic lines.
- *Increase the state's involvement in religious matters.* Through the implementation of vouchers, tax credits and tax deductions, the state may inappropriately endorse one religion over another, and unduly cross the tenuous line within both state constitutions' and the federal constitution's separation of church and state.
- *Help wealthy families more than low-income families.* Tax credits and tax deductions require families to pay the private or parochial school tuition before they are reimbursed (via the tax credit and/or tax deduction) on their next tax return — a requirement that low-income families may be unable to meet. Low-income families also may not be able to afford transportation to and from private and parochial schools. In addition, the tax credit may not cover the full cost of private or parochial school tuition or may provide only limited options of low-tuition schools. Also, if the supply of private and parochial schools is insufficient, existing tuition levels may increase, further limiting the options for lower-income students.

## ***Effects of Vouchers, Tax Credits and Tax Deductions***

There is little information available about the effects of tax credits and tax deductions. A number of different studies, however, have examined the effects of vouchers. Although it is difficult to make any definitive statements about the effects of vouchers, these studies have shed some light on who is participating in voucher programs and how satisfied these participants are with the programs. Critical unresolved issues, though, remain, and include the breadth of expanded options, especially for the poor, the impact on student performance and the effects on school quality.

### **Milwaukee Parental Choice Program**

In 1998, University of Wisconsin at Madison professor John Witte released a review of the results of the first five years of the program (1990-1995). This study focused on the program in its original form, before the state expanded the number of students eligible to receive a voucher and allowed students to use vouchers at religious schools, and drew the following conclusions:

- Black and Hispanic pupils of very low income were the predominant participants, and 75% of applicants and enrollees were from single-parent households (a far higher percentage than that of the control group, made up of low-income public school students). Parental background data also indicated higher levels of educational attainment and support for education, and of dissatisfaction with prior public schooling, than prevailed among control group parents. In sum, the program did facilitate enhanced options for the most disadvantaged pupils.
- The data on the performance outcomes of students in the program was mixed. Pupils' aggregate scores over the life of the program remained consistently similar to those of the low-income control group, and significantly below national norms. However, unlike most inner city pupils, average scores did not substantially decline over the higher grades.
- Annual student attrition rates remained very high (over 30%), which is consistent with public elementary school mobility rates.
- Fewer than half of the eligible secular private schools participated in the program. This limited the number of available seats, but the applicant pool was correspondingly small, partly due to the apparent attraction of parochial schools in the area. A large private fund in Milwaukee offered scholarships to parochial schools, and drew three times the number of applicants.
- Four private schools closed, three in mid-year.
- The program engendered positive effects in the areas of program expansion, facility improvement and faculty turnover, seniority, diversity and certification.
- Satisfaction and support levels of parents participating in the program were consistently high, with levels of parental involvement increasing over time.

In the end, according to Witte, although the study's various methodological constraints caution against the drawing of any overly broad conclusions, this study reveals a successful targeting of very low-income minority pupils, and substantial gains in parental satisfaction and involvement. Moreover, the achievement data, though not marked as of yet by any significant improvement in scores (pending analysis of longer term data), does reveal some increased stability of student outcomes over time.

Two other studies have reached different conclusions on the issue of student achievement in the program. One study, by Harvard University professor Paul Peterson and his colleagues, finds that by the third and fourth year of the voucher program, students participating in the program had made sizable gains relative to their public school counterparts in both reading and math. The other study, by Princeton University professor Cecilia Rouse, finds gains in math but not in reading. There are several reasons for these differences, including how each research team selected its control or comparison group and how they chose to adjust for any remaining differences between students who took advantage of the voucher and those who remained in the public schools.

### **Cleveland Scholarship and Tutoring Grant Program**

In 1997, the Indiana Center for Evaluation released its evaluation of the first year of the Cleveland Scholarship and Tutoring Grant Program. Results of the Center's evaluation indicated that scholarship students:

- Were much like their public school peers in terms of gender, ethnicity, family income and proportion of single-parent homes.
- Were achieving at significantly higher levels than their public school classmates prior to entering the scholarship program.
- Did not appear to have made greater or lesser academic progress than they would have made had they remained in public schools.

In 1998, the Indiana Center for Evaluation released its evaluation of the second year of the Cleveland program. The Center found that:

- Students who continue in the program for at least two years are comparable to their public school peers in demographic characteristics and previous academic achievement. The scholarship program appears to

provide additional educational options to low-income, minority, single-parent families, and seems to successfully meet the goal of educational choice without drawing only the best students from public schools.

- Students who use a scholarship to attend private and parochial schools experience a somewhat different classroom than their public school classmates. Scholarship classes are smaller than public school classes by about three students. Both public and scholarship classroom teachers possess at least an undergraduate degree, with public school teachers more likely to have taken some additional coursework. Public school teachers also had significantly more teaching experience than the scholarship class teachers.
- After approximately two years in the scholarship program, the impact of the program on students' achievement remains unclear. In general, scholarship students perform better than their public school classmates in language, but there are no significant differences in reading, science, mathematics or social studies. However, the academic performance of students in the two newly created schools, intended to focus on serving scholarship students, was significantly lower in each tested area than their public school peers or scholarship students who attend established private and parochial schools.

In September 1997, Harvard University professor Paul Peterson and his colleagues released another study of the program. This study reported the results of a survey of a random sample of parents who applied for a scholarship, including both parents of scholarship recipients and parents of non-recipients. It also reported test-score results for students attending two schools established in response to the creation of the program. Key findings include:

- The average family income of scholarship recipients from public schools was less than that of non-recipients who remained in public school. Similarly, the average family income of scholarship recipients from private schools was less than that of non-recipients who remained in private school. In other respects, scholarship recipients new to choice schools closely resembled non-recipients remaining in public schools.
- Parents of scholarship students who previously attended public schools were much more satisfied with every aspect of their choice school than applicants who did not receive a scholarship, but attended public school instead.
- Between September 1996 and May 1997, students at the two schools established in response to the creation of the program, on average, gained relative to the national norm five percentile points in reading and 15 percentile points in math. However, scores declined five percentile points in language skills.
- 7 percent of all scholarship recipients reported that they did not attend the same school for the entire year. Among recipients new to choice schools the percentage was 10 percent.
- When applicants remaining in public schools were asked why they did not participate in the program, parents most frequently mentioned transportation and financial factors as well as admission to a desired public school.
- 85 percent of the scholarship recipients from public schools said a "very important" reason for applying to the program was to enhance the "academic quality" of their child's education, followed by the "greater safety" to be found at a choice school (79 percent), "location" (59 percent), "religion" (37 percent) and "friends" (19 percent).

Once again, controversies exist between the Indiana Center and Harvard University evaluations of the Cleveland program, especially regarding the quality of the available test data and the appropriate statistical techniques used in analyzing it.

### **New York School Choice Scholarships Program**

In October 1998, Harvard University professor Paul Peterson and his colleagues released their study of the first year of the New York School Choice Scholarships Program. Through this program, about 1,300 students received scholarships worth up to \$1,400, to be used at the private or parochial school of their choice. These students were selected out of over 20,000 applicants through a lottery. The study takes advantage of the fact that the use of the lottery allowed for the conduct of a natural randomized experiment, in which students were allocated randomly to scholarship and control groups. According to the study, after

one year, students who received a scholarship scored higher in math and reading tests than control group students, and parents of scholarship users are much more satisfied with their children's education than control group parents.

## ***Key Questions***

In evaluating vouchers, tax credit and tax deduction programs, state policymakers, educators and citizens may want to consider the following questions:

- *How much will the program cost? How will the program costs be covered?* It is difficult to estimate the total cost of these programs because the total number of families (within public, private and parochial schools) that will take advantage of this opportunity is unknown. Whatever the total cost of the program, the source of its funding needs to be defined clearly.
- *How will parents respond to the program?* Each parent's decision will hinge on a variety of factors, such as his or her knowledge about the available choices. Predictions of how many students will leave public schools are inconsistent and most likely only educated guesses. No one knows how many families are sufficiently discouraged with the public schools to enroll in a private or parochial school, if given the opportunity. Unless the amount of the voucher, tax credit or tax deduction is high relative to the average cost of attending a private or parochial school, these programs may stimulate little movement of children from public to private and parochial schools. Also, parents who want to switch schools through the program will be unsuccessful if the necessary spaces in private and parochial schools are unavailable.
- *How will institutions respond to the program?* The impact of these options on public, private and parochial institutions is unknown. If public school staffs believe parents might send their children elsewhere, they may work harder to accommodate parent expectations. In the private and parochial setting, schools may raise tuition, thus nullifying any benefit to parents. In addition, vouchers, tax credits and tax deductions may affect the degree to which private and parochial schools are self-regulated or state-regulated.
- *How does the program affect the relationship between church and state?* There is continuing debate about the appropriate links between government and religion, particularly within education. To determine any law's constitutionality, it must first be examined in light of individual state constitutions and then the federal constitution. The current U.S. Supreme Court's test for determining the constitutionality of state assistance to private schools was established in 1971 in *Lemon v. Kurtzman*. In that case, the court ruled that for a government program to be constitutional, it must have a secular purpose, have a primary effect that neither advances nor inhibits religion and must not lead to excessive entanglement between church and state.

Other relevant questions include:

- Who will receive the voucher, tax credit or tax deduction? Will every parent, regardless of income level and school setting (i.e., public, private, parochial, home), receive the same benefit?
- How many private and parochial schools have open seats, and are those available in urban, suburban and/or rural areas?
- Will private and parochial schools be allowed to deny admission to a student for certain reasons, such as discipline problems?
- Who will determine whether private and parochial schools are failing to admit lower-achieving students? If they do fail to admit such students, how will it be handled?
- Do private and parochial schools favor voucher, tax credit and tax deduction programs? Which ones favor these programs? Which ones do not?
- How will racial-balance issues be handled?
- Who will administer the program? Who will evaluate the program? Where will the funds for the administration and evaluation of the program come from?
- How will the state verify each taxpayer request? Will this cause the state to create a uniform student identification system?
- If a court challenge occurs, what is the potential cost to the taxpayer?

## *Conclusion*

It is likely that publicly funded vouchers, tax credits and tax deductions will continue to be proposed, debated and possibly enacted in state capitols throughout the country over the next few years. In addition, given the unmet demand for privately funded vouchers, the use of such vouchers may increase in many parts of the country, particularly in urban areas.

Still, significant questions about vouchers, tax credits and tax deductions remain unanswered. As a limited number of states and districts move forward on implementing these options, many hope that clear and consistent answers emerge around the following questions: Under what circumstances are these programs constitutional? Do these programs increase the number of educational opportunities available to children? Do these programs improve the achievement of children? How do public schools react to these programs?

Notwithstanding the current absence of clarity on the effects of vouchers, tax credits and tax deductions, the usually heated discussion around these options is forcing states and communities to reexamine how to fulfill the American dream of an equal educational opportunity for all children. In short, these programs, in combination with other reforms such as charter schools and mayoral control of school districts, are altering the definition of public education in the United States at the close of the twentieth century.

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**This policy brief was written by Todd Ziebarth, policy analyst, ECS, with financial support from the Joyce Foundation.**

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*HOUSE*  
TESTIMONY FOR ~~SENATE~~ BILL ~~2913~~ *2913*  
02/18/2000

Madam Chairman. Members of the Committee. My name is Angela Ferguson, and I represent students of public and private schools.

When I attended public school, I worried about students bringing weapons to school. As a student in a small private school, I don't have to worry about that at all. I also don't have to worry about discipline problems due to drugs and alcohol at school.

At Knollwood Baptist School, there is a friendliness that can't be found in the public schools. Due to the sheer number of people who attend public schools, it's impossible to know everyone. At KBS, I not only know the names of every teacher, but I also know all the students in the school. We're all friends, and I have the opportunity to be a roll model for the younger children.

In USD 501, I was placed in the Learning Disabled class, and used the same text books every year for 5 years. I was not allowed to advance in my education. I wanted to learn – I wanted to better myself – and I knew that if I stayed in the public school system, that wasn't going to happen. I decided that since my Mom couldn't afford to put me in KBS, I would have to work my way through. I have worked a lot of different jobs trying to find one that would give me enough hours to earn the money I need to pay my tuition, but still allow me time off to participate in school sports and other activities. This hasn't been easy!! I currently work at Brookwood Dillons.

I will be graduating this year, and I FEEL GREAT ABOUT MYSELF, MY EDUCATION, AND THE THINGS I HAVE ACCOMPLISHED IN THE PAST 2 YEARS. While at KBS, I have maintained a solid B average, and have been on the B Honor Roll. If vouchers had been available in Kansas, it would have helped me a lot. I would have been able to attend KBS from an earlier grade level, and been able to accomplish even more. However, I don't regret anything, and am very happy that I have been able to attend KBS for the past 2 years. I feel the education I've earned there has greatly improved my chances to succeed after high school. I also feel that I am much more prepared for college now than I would have been without KBS.

Thank you for letting me have this opportunity to testify. I will stand for questions at the pleasure of the committee.

*House Education  
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Attachment 2*

*Hjerstaach*



**Testimony on H.B. 2913  
House Education Committee**

**Representative Ralph Tanner, chairman**

*Submitted by: Diane Gjerstad  
Wichita Public Schools*

February 18, 2000

Mr. Chairman, members of the committee:

The 2000 legislative package for the Wichita Public Schools states: ***opposes state funded vouchers.*** This language represents a long-standing position of the Wichita Public Schools Board of Education.

The Wichita Public Schools rises in opposition to H.B. 2913.

In reading the bill one could infer concern that economically disadvantaged students receive a less than adequate education and do not have adequate educational choice in the public school system.

I welcome the opportunity to speak to the educational advantage found in public schools.

**A School District of Choice**

The Wichita Public Schools offers a dynamic range of educational choice unparalleled anywhere in Kansas, public or private. The district offers magnet schools, special programs, and vocational and technical programs throughout a student's educational career.

Magnet schools provide a variety of unique instructional choices by offering programs that are organized around particular themes such as the arts, the environment or international studies.

The bill is restricted to elementary, so I will restrict my outline of choice available in the Wichita Public Schools to the 20 elementary magnets.

<u>Building</u>	<u>Free &amp; reduced %</u>
<b>Black Traditional Magnet</b>	53
<b>Bostic Traditional Magnet</b>	22
<b>Cleveland Traditional Magnet</b>	40
<i>Core Knowledge Magnets</i>	
<b>Bryant Core Knowledge Magnet</b>	53
<b>Minneha Core Knowledge Magnet</b>	58
<b>Buckner Performing Arts Magnet</b>	36
<b>Earhart Environmental Magnet</b>	40
<i>Open Magnets</i>	
<b>Emerson Open Magnet</b>	30
<b>Lewis Open Magnet</b>	39

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<i>Building</i>	<i>Free &amp; reduced %</i>
<i>Foreign Language Magnets</i>	
<b>Horace Mann Foreign Language Magnet (pre K, 3 – 5)</b>	93
<b>Irving Foreign Language Magnet (K – 2)</b>	93
<b>Park Foreign Language Magnet (K – 2)</b>	93
<b>Hyde International Studies and Communications Magnet</b>	22
<i>Science and Technology Magnets</i>	
<b>Kellogg Science and Technology Magnet</b>	73
<b>McLean Science and Technology Magnet</b>	24
<b>L'Ouverture Computer Technology Magnet</b>	37
<b>Mueller Elementary</b>	52

**High Standards for All Students**

In previous testimony before this committee the Wichita Public Schools has outlined the district’s community driven standards and the assessments to measure progress toward each standard for each student. The district has been very frank about the difficulties a large urban school district with a diverse student population faces when launching a program usually done at the state level.

What measures has the district taken? The district has re-tooled staff development. Training of teachers is focused on teaching methods proven successful with students living in poverty, non-English speaking, students with learning difficulties, along with new strategies to encourage high achieving students to reach higher.

The Board of Education is setting high standards when each Wichita benchmark test comes online. The Board reached high when setting the mark, even knowing that the number of students not reaching the proficiency level would increase.

To help all students gain a strong foothold in the fundamentals, reading, writing and math, each building has developed an action plan putting in place steps to make each student successful.

Summer school was completely overhauled. Now the focus is on helping each student learn what was missed during the school year. Each student not meeting Wichita benchmark standards was offered a summer school scholarship. Each student was pre-tested, an individual plan developed, and post-tested. All information was then forwarded to the new teacher in the fall.

**The Proof is in the Testing**

Are students from poverty learning in the Wichita Public Schools?

Student achievement is on the rise in the Wichita Public Schools. All student groups are making gains.

The district is focused on closing the achievement gap between children living in poverty and those who do not. The economic status of the family continues to be the best predictor of academic success. Our challenge is to eliminate the gap.

Attached is five-year trend data for the nationally normed reference test (MAT7) administered in USD 259. Math is a subject area for which public schools have taken a great deal of criticism. Let’s look at how the largest district in Kansas performs.

- Grade 3: students from poverty gained 14 points
- Grade 4: students from poverty gained 16 points
- Grade 5: students from poverty gained 13 points

### State Assessment Results

Looking at the state assessment results for the comparable private and public schools can make another comparison. For this purpose I have taken three diocese schools with high numbers of students qualifying for free and reduced lunch. The diocese scores are compared to the public schools in the neighborhood.

	<i>Free/reduced lunch</i>	<i>% Non white</i>	<i>Reading</i>	<i>Math</i>	<i>Writing</i>
St. Joseph	21%	17%	58.9	61.5	3.45
Jefferson	82%	65%	65.2	60	3.05
Griffith	59%	60%	56.2	46.7	3.08
St. Patrick	21%	40%	55.3	49.4	2.54
Pleasant Valley	63%	57%	48.4	50.7	2.97
Cloud	90%	82%	49.8	46	3.25
Woodland	52%	36%	63.8	58.4	3.32
Holy Savior	47%	98%	44.3	42.7	2.99
Adams	79%	47%	53.9	53.8	3.26
Mueller	53%	30%	58.6	55	2.96

These scores candidly demonstrate that the private schools, even with smaller class sizes, did not out perform public schools.

Cloud Elementary enrollment is 836. Ninety-three percent of the students qualify for free and reduced lunches. Cloud draws students from a predominately Hispanic area, for 62% English is the second language. Mobility is a reality for some schools, at Cloud 120 new students have entered since August and 82 have withdrawn.

### Affordable for all, or some?

Does this plan make private school options affordable for families with limited incomes? Assume a base per pupil next year of \$3820. One private school in Wichita charges about \$6800 per student for lower school or more than twice the amount of the grant. The remaining \$3800 is an insurmountable gap for families in poverty. This effectively makes certain private schools more affordable for families with means, but still leaves the economically disadvantaged unable to attend the expensive private school. Unless the private school is required to waive any additional cost beyond the voucher, this plan does not make private school choice achievable for poor families. Therein lies an automatic disparity.

Transportation. Families in poverty often would not have access to reliable transportation, like the school bus, available to get their student to and from school. Again, limiting the private school choice available.

### Variables

Every classroom is different. Teacher preparation and advance training tends to be more in public schools; class size tends to be less in private schools; and teacher experience tends to be more in public schools. Parent involvement and commitment to education is not fixed. Children from poverty can have vastly different family experiences. Mobility, non-English speaking students and the numbers of special education students – those factors can not be duplicated in non-public schools.

### In conclusion

Mr. Chairman and members of the committee, we have demonstrated that the public schools offer unparalleled choice and strong academic achievement for the students targeted by H.B. 2913.

I would like to offer this committee an alternative.

Several educators the past several sessions have testified the most significant difference between private school and public schools, from a teacher's perspective, are small class sizes.

The school finance formula is sensitive to the cost of small class sizes through low enrollment weighting. Any discussion of small schools quickly evolves into the economic well being of the community.

I would propose that this committee create a measurable small class size pilot for four urban districts named in this bill. The pilot would create small class sizes in the primary grades in schools with extremely large numbers of students on free/reduced lunch. The participating district would measure the pilot classroom with comparable schools without the reduction. Both schools would have the same language issues, mobility, special education and 504 issues. This data would give the legislature a basis to evaluate the effectiveness of extending the small class size weighting from small school districts to school districts with challenging student populations.

Is low enrollment weighting for educational reasons or economic? Urban communities are also facing an economic dilemma – a skilled workforce. The students we serve walk into our doors with greater issues than ever before, but the formula does not assist large districts to lower class sizes especially in the primary grades.

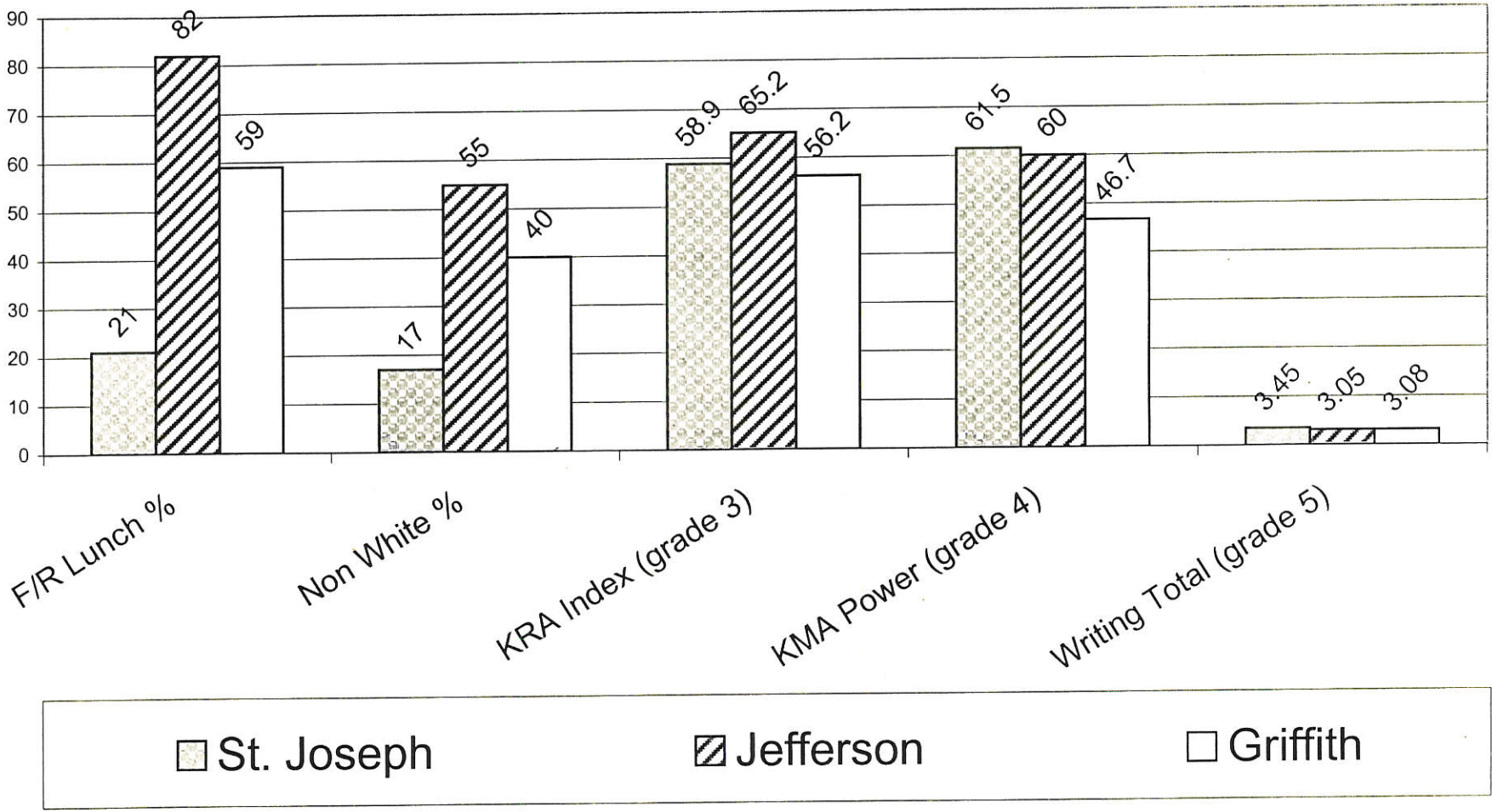
H.B. 2913 does recognize that children from poverty often have intensive educational needs. That I agree.

A public school class size pilot would benefit the children who really need that extra boost.

Thank you, Mr. Chairman, for the time of your committee.

# Pocket Comparison of St. Joseph, Jefferson and Griffith Elementary Schools

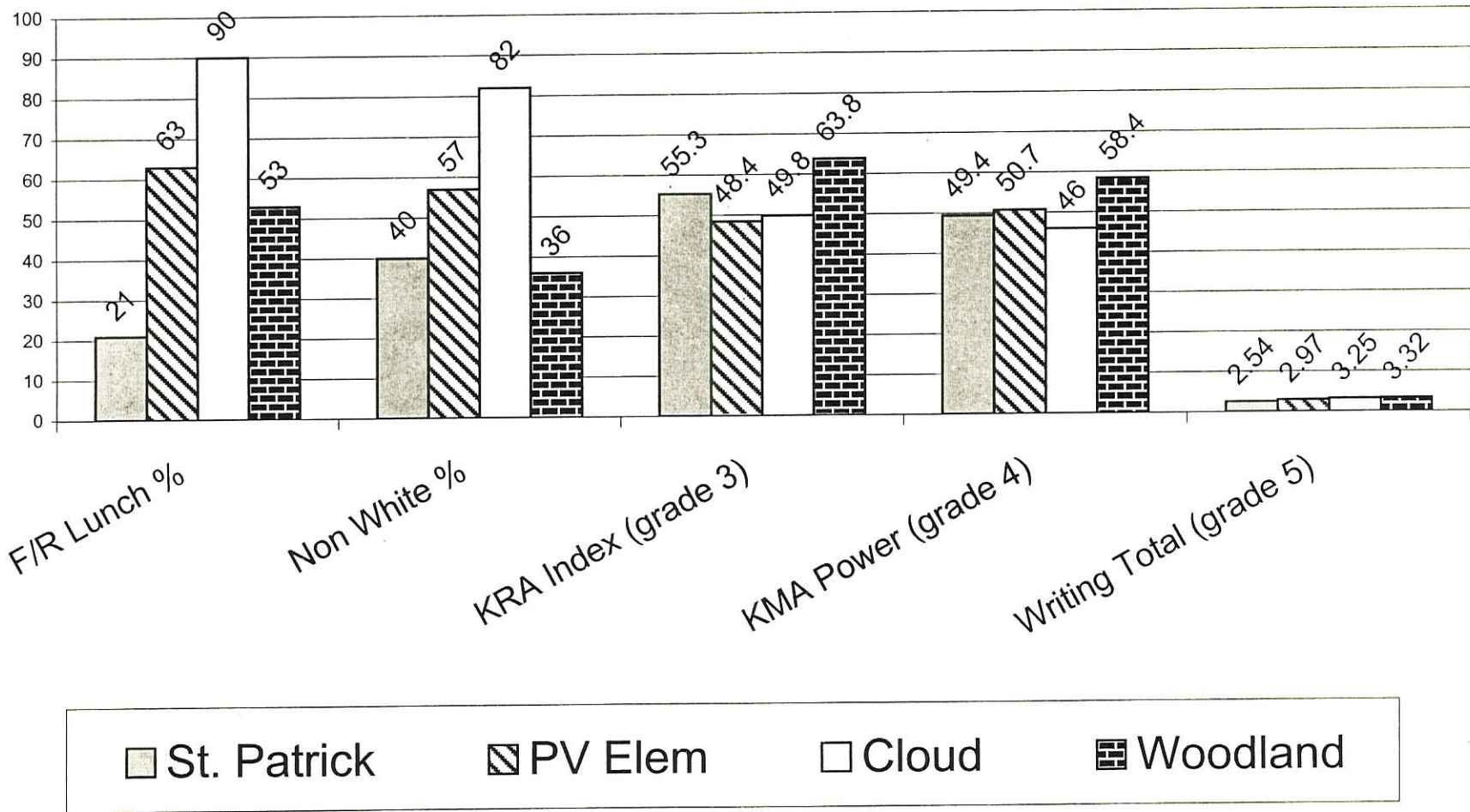
3-5



3-5

# Pocket Comparison of St. Patrick, Pleasant Valley, Cloud and Woodland Elementary Schools

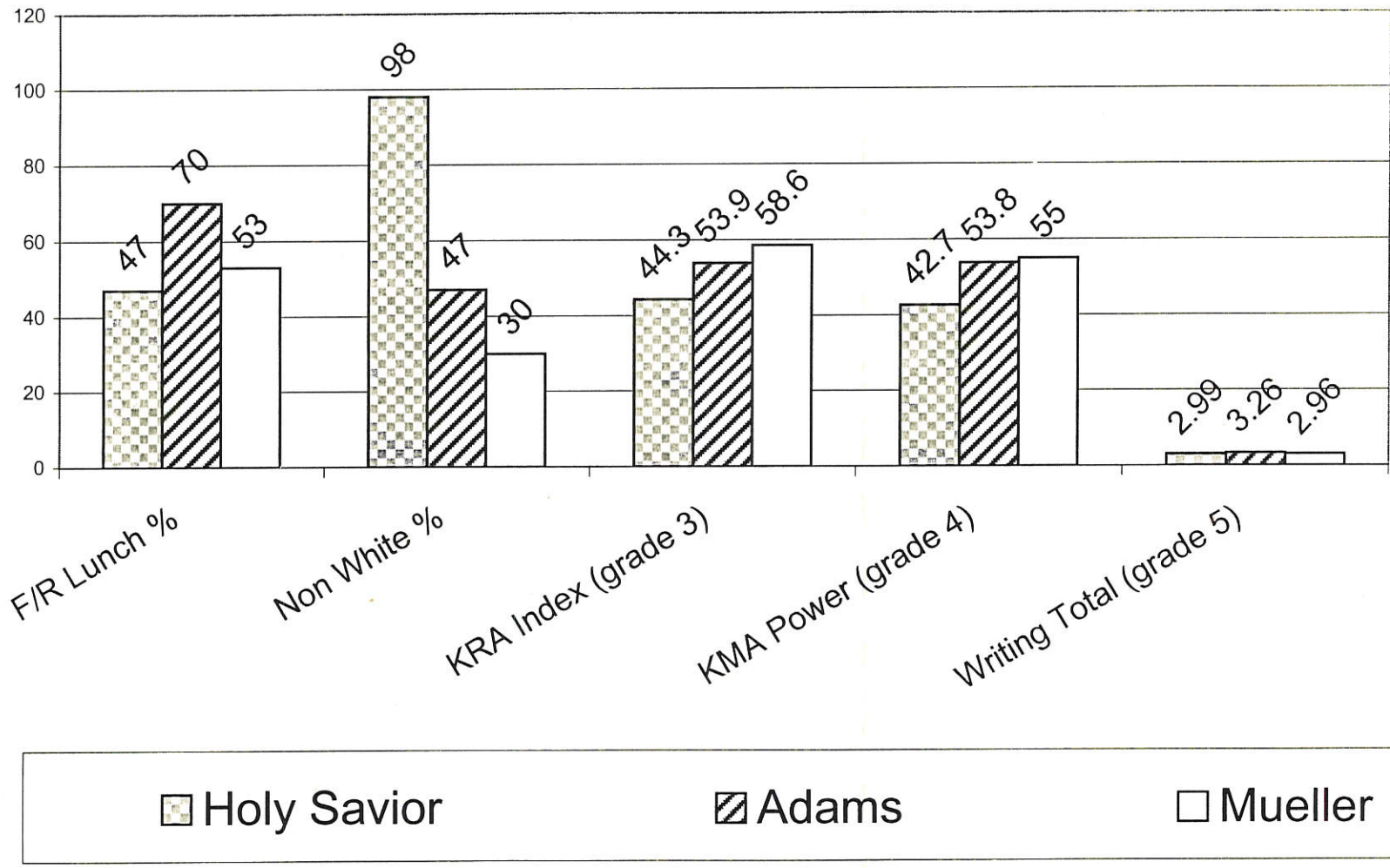
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3-6

# Pocket Comparison of Holy Savior, Adams and Mueller Elementary Schools

3-7



3-1





TO: House Committee on Education  
FROM: Mark Tallman, Assistant Executive Director for Advocacy  
Also Representing: Schools for Quality Education  
Shawnee Mission Public Schools  
Olathe Public Schools  
Kansas City Public Schools  
DATE: February 18, 2000  
RE: **Testimony on H.B. 2913 – Opportunity Scholarships**

Members of the Committee:

On behalf of the Kansas Association of School Boards, I appreciate the opportunity to testify on H.B. 2913, the Kansas opportunity scholarship research experiment. We appear in opposition to this measure, which would create a school voucher pilot project. I will explain our opposition in two ways.

First, I will discuss why KASB opposes on principle any system that uses public funding for private schools. These schools do not have to serve all children or follow the same rules as public schools and are not accountable to public governance. Such a system does not really provide choice in education and can only weaken our public school system. To explain our opposition in more detail, I have attached testimony we presented to the Senate Education Committee in January on a somewhat similar pilot voucher proposal. I will review the major points of this statement and ask you to read it fully before you vote on this measure.

Second, I will explain why we do not believe the bill as proposed would resolve the debate over the impact of vouchers. It would merely establish a precedent for public funding of private schools. Once program is created, it is very difficult to end. Here are some of the reasons we believe this bill would not be an appropriate research project.

- To be accepted for a voucher, a child would have to be “representative of the demographics of pupils enrolled in the state, including exceptional children.” The bill does not explain how a single child can be representative of a demographics of the state. Presumably this provision is determine how a voucher system can impact a random sample of students. But the bill does not define “demographics.” It cannot mean family income, because vouchers would be limited to children eligible for free meals. Does it mean race, language, national origin? Does it mean number of parents or adults in the home, level of parental education, mobility? All of these factors influence student performance. We question how these variables can be captured in a limited study.

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- This bill does nothing to “level the playing field” in comparing public and private school performance. Private schools would be able to impose whatever criteria they wish, as long as the same criteria is used for both voucher students and others. They can charge whatever tuition they want, as long as they do not charge voucher students more. Therefore, how can the “research project” guarantee that the experience of these “voucher students” will be comparable to students in public schools throughout the state?
- The bill does not require private schools to accept special education students, although public schools must serve these students. But if private schools do agree to accept a special education student, they are guaranteed state funding for the actual costs of the student at time when public schools are receiving only 80% of excess costs.
- At least initially, we believe the program would have a cost to the state. We certainly cannot support using general fund dollars for an experimental program when there are so many unmet needs in the public schools. In fact, students using these vouchers could attend schools that use to tuition to finance services like all day kindergarten chools that are not available in public schools.
- Finally, let us suppose the research finds positive results for students in private schools. This will tell us nothing about how a large scale use of vouchers will impact either the public or private school systems. At most it will tell us how a small number of poor children do when placed in private schools that have none of the obligations placed on public schools.

Members of the committee, there is an alternative to this bill. Instead of a research project that will answer nothing, we suggest the Legislature commit its resources to a study of the factors that truly influence student success. We already have considerable data on both public and private schools and students from state assessments and other reports. We know families already make choices among schools. We know some schools are succeeding in exceptionally well in student achievement, while others are struggling. We urge the committee to endorse a study that can truly help educators and policy-makers understand what it takes to help all students succeed.

Let me leave you with these questions:

If this bill is about parent choice, why does it allow private schools to makes the choice of accepting students?

If this bill is about school competition, why are the rules different rules for public and private schools?

If this bill is about accountability, why does it allow private schools to be accredited different agencies than public schools and exempt from the curriculum standards and tests the legislature requires of public schools?

If this bill about helping children, why does it provide funding for children to attend private schools which offer programs such as all day kindergarten that the Legislature does not fund in public schools?

We can't answer these questions, and we therefore oppose the bill. Thank you for your consideration.

# KASB TESTIMONY ON S.B. 295 Vouchers

*Representing:*

Kansas Association of School Boards  
United School Administrators of Kansas  
School for Quality Education  
USD 500 (Kansas City)  
USD 512 (Shawnee Mission)

Presented on January 26, 2000

## **1. Vouchers mean public financial support of private, usually religious, schools.**

### **A. S.B. 295 sends state money to private schools.**

Vouchers are often represented as aid to families, not private schools. In fact, vouchers, like public school funding from the legislature, are public funds, raised through taxation, appropriated by government to pay for the cost of operating a school.

Under S.B. 295, the parents are never in possession of the money. If a child is eligible to receive an "educational opportunity certificate," and the child enrolls in an "educational opportunity school," the State Board of Education determines the amount the certificate is worth under a formula in the bill. The Director of Accounts and Reports *issues* a warrant for payment to the parent of the child but *delivers* the warrant to the school, not the parent. The school then redeems that warrant to pay for the cost of enrollment of the child. The parent may not spend the voucher money on anything else and has no control over how the school spends the money; the only choice is whether or not to enroll in an educational opportunities school.

Compare this to the funding of public schools. When a child is enrolled and attending a public school on September 20, the child is counted under the school finance system. Each child enrolled generates budget authority for the district under a formula determined by law, and the State Board sends state aid. If a parent chooses not to enroll in the public school district, the district does not receive funding.

Let's put it another way. Suppose the legislature changed the school finance law so instead of a state aid payment, each district receives a certificate or warrant for each child that enrolls based on current weighting factors and base budget per pupil, which would then be redeemed for state funding. That would be the same system proposed for private schools in S.B. 295. If that system was used for public schools, would anyone seriously argue that the state was no longer funding public schools; that it was only giving money to parents?

### **B. A voucher system simply extends public funding to private schools, which violates the Kansas Constitution.** Article 6 of the Kansas Constitution, which is the fundamental law adopted by the people, reads:

The legislature shall provide for intellectual, educational, vocational and scientific improvement by establishing and maintaining public schools, educational institutions and related activities which may be organized and changes in such manner as may be provided by law.

Constitutions are designed to **limit** the powers of government. A "strict interpretation" of this article clearly shows that people gave the Legislature the responsibility to promote education **only** through the mechanism of public schools and institutions.

### **C. This is especially true of religious schools.** Furthermore, Article 6, subsection 6 (c), states: "No religious sect or sects shall control any part of the public education funds." In 1966, the people of Kansas not only rejected the idea of public funding of religious instruction, they clearly rejected giving public education funds to churches for any purpose. Any school controlled by any church cannot receive public funding for educational purposes. As noted above, S.B. 295 or any voucher plan that transmits public funding to private religious schools is unconstitutional on its face. The Legislature cannot disregard the intent of the constitution.

## **2. Private schools should not receive public funding because they are not required to operate in the same manner as public schools: there are "Different Rules."**

### **A. With public funding comes public accountability.** What do we mean when we talk about public education? We mean that all children have an equal right to attend and benefit from this system. Because every citizen has the right to receive a public education, every citi-

zen is obligated to share in its cost through taxation. Because every citizen shares in the burden of maintaining public schools, every voter shares in the governance of those schools through the political process. If I disagree with any aspect of public education, I can run for my local school board, the Legislature or the State Board of Education, or I can vote to "throw the rascals out."

**B. Vouchers offer private schools public funding without either the obligation to serve all children or accountability to the electorate that is footing the bill.** Under a voucher plan, my taxes will be supporting a religious or independent school that my child may be unable to attend or that is operating in a way I oppose. What a private institution does is none of my business - until I am asked to fund it. It then becomes my business.

Because of the difference between a publicly supported and private, independent school, state and federal laws regulating each are dramatically different. These

differences are spelled out in detail in the KASB publication, *Different Rules*. These differences are understandable if private schools are privately supported; but they make no sense if private schools are to be publicly supported and "compete" with public schools. Competition only works if the rules are the same. The table contains some examples of the different obligations that would remain under S.B. 295.

**3. Vouchers will not significantly expand student choice unless significant changes are made in the requirements of private schools.**

**A. Under vouchers, public demands on private schools will change.** Supporters of vouchers point to public opinion polls showing that many Americans favor the concept of school choice, including vouchers. What voucher supporters rarely point out is that the same polls show much stronger agreement that under a voucher system, private schools should be required to serve a wider range of students. For example, the 1997

Current Law: Public Schools	SB 295: Educational Opportunity Schools
<i>Eligible Children</i>	
Must provide educational services for all children who reside in the district, regardless of space.	Only required to enroll children up to the limit of capacity, after reserving space for children required or entitled to attend.
<i>Admission Criteria</i>	
Must serve children regardless of educational ability or special needs.	May establish any admission criteria, as long as "certificate eligible children" are admitted under the same basis.
<i>Excluding Children</i>	
May only expel children after due process and for limited periods of time as provided by law.	Are not required to give student due process rights and may expel permanently.
<i>Program Requirements</i>	
Must offer defined K-12 education programs, special education programs, vocational education, health and nutritional programs.	May offer whatever courses and programs they wish, which may be much less expensive than many programs required of public schools. May demand that the public school district provide many services.
<i>Employee Rights</i>	
Must provide due process rights (tenure) to teachers and collectively bargain with employees as provided by state law.	Are not required to provide due process to teachers or collectively bargain.
<i>Free Transportation and Textbooks</i>	
Must provide transportation services to children who live more than 2.5 miles from school and free textbooks to disadvantaged children.	Are not required to provide transportation or free textbooks.
<i>Tuition and Budget Limits</i>	
Must provide a free education, with limited ability to charge fees, and must operate under budget limits and financial controls set by the state.	May charge whatever tuition and fees the school deems appropriate, may raise funds from any sources without limit.
<i>Public Access</i>	
Must comply with open meetings and open records laws.	Are not required to comply with these laws.

Phi Delta Kappa/Gallup Poll asked the question: "Do you think non-public schools that receive public funding should or should not be required to accept students from a wider range of backgrounds and academic ability than is now, generally, the case?" Seventy-eight percent (78%) said yes. (Only 48% of respondents supported the idea of vouchers.) As noted above, S.B. 295 does not make any change in requirements for private schools.

We believe that with public funding should come greater public obligations. Supporters of vouchers should understand that if they are successful, the requirements on private schools will increase. Regardless of how a voucher system begins, greater governmental intervention will follow.

**B. Parents already have educational choice in Kansas, within limits. Those limits would remain under S.B. 295.** Children may attend any school that is in compliance with the compulsory attendance law if they (1) meet the admission requirements, (2) can afford tuition, fees, books and supplies, and (3) have transportation or lodging required to get to schools.

Let's look more closely at S.B. 295.

First, it does not make any change in private school admission requirements. If a child doesn't qualify for admission, there is no choice for that family.

Second, it does not limit the costs of tuition, fees, etc., to the value of the voucher. If tuition and other costs, from books to uniforms, exceed the combination of a voucher and the family's ability to pay, there is no choice for that family.

Finally, it does not provide transportation or living costs. If a family doesn't have a car, if parents are working during inconvenient hours, if there is no "educational opportunity" school within commuting distance, there is no choice for that family. Therefore, the legal ability of parents to choose is not changed at all under this bill.

**C. Choices are increasing within the public system.** Public schools are not opposed to the idea of choice; in fact, the past ten years has seen an explosion of new opportunities for students: magnet schools, charter schools, alternative schools. Thousands of students attend districts where they are non-residents under local policies; tens of thousands are given choices of schools within districts.

If public schools assign children to a particular school or refuse to admit students from other schools or districts, it is almost always because of space or program limitations; by an understandable desire to first meet the needs of children "required or entitled to attend that school." S.B. 295 uses that same language to give "educational opportunity schools" that same ability.

#### **4. The contention that private schools have better student performance is unsupported because of differences in the populations they serve.**

Within the national debate over vouchers, supporters often argue that public schools - particularly *inner city* public schools - are failing; and that vouchers would allow the students in these schools to "escape" to better private schools. Fortunately, our state has data that allows us to look at issues of school performance more critically.

**A. State data shows that school performance is closely tied to the socio-economic status of students served.** All public school and state-accredited private schools participate in the Kansas assessment program and are issued building report cards by the State Department of Education. From these and other sources, some important facts emerge.

First, there is a significant difference in student academic performance between economically disadvantaged children and children with families of higher incomes. This difference is between 10 and 15 percentage points in average scores on the state math and reading assessments. It is widest at the elementary level and narrows somewhat at the high school level.

Second, according to report card information, approximately 31% of students in accredited schools in Kansas are economically disadvantaged. However, in the largest private school system in the state, the four Catholic dioceses, the percentage of economically disadvantaged students is approximately 11%. In other words, the Catholic school system has only about one-third the rate of student poverty as the public school system. But the public school districts listed in S.B. 295 are each far above the state average: In USD 457 (Garden City), the percentage of economically disadvantaged student in grades K-6 is 52%, in USD 259 (Wichita) 53%, in USD 501 (Topeka) 63% and in USD 500 (Kansas City) 70%.

Third, although there are many exceptions, public schools and districts with very high percentages of economically disadvantaged students tend to have low test scores, and those with very few disadvantaged students tend to score higher. This strongly suggests that inner city schools are not "failing" because they are bad schools; instead, it means that these schools must take on a far more challenging student population.

**B. Private schools have the same challenges in educating low-income children as public schools.** Because S.B. 295 is limited to lower income students and because vouchers are often touted as a way to help poor children do better in school, it is important to ask whether private schools have a better record in serving poor children than public schools.

We reviewed school report card information for accredited private schools in the four counties affected by S.B. 295. What we found was remarkably consistent with public school performance. For private schools that reported data, the trend was very clear: as the percentage of lower income children increases, average test scores, particularly in reading, declined.

For example, we reviewed school report card information for the 14 Catholic elementary schools in Wichita that reported socio-economic data. Four of these schools had an average score on the state assessment above 70, well above the state average of 64. All four had fewer than 5% disadvantaged students. The three Catholic schools with disadvantaged populations between 10% and 20% had reading scores very close to the state average of 64. But of the five schools with greater than 20% disadvantaged students, four were below the state average. In fact, the reading score for the Catholic school with the highest percentage of disadvantaged students (47%) scored almost 20 points below the state average.

Likewise, on the state math test, four of the five Catholic schools with more than 20% disadvantaged students scored below the state average, and the "poorest" school was again more than 20 points beneath the state average. These patterns were equally strong in Wyandotte, Shawnee and Finney Counties. We have attached the data for your review.

Our point is not to be critical of these schools. We understand the difficult task they have undertaken. Catholic school personnel in these communities understand the difficult job public schools face. But please understand that many public schools in the four districts listed in S.B. 295 have far more disadvantaged students than **any** private school in their community.

That brings us to our final point.

##### **5. A voucher system will weaken public education by casting it as the "choice of last resort."**

The inescapable message the Legislature would send by enacting a voucher system is that public schools are failing. It is easy to look simplistically at school report cards and other information to suggest that our most

challenged public schools are "failing." But the evidence strongly suggests that if private schools served the same student population, they would have the same results.

Giving students a voucher to attend private school does not mean they will receive a better education, unless you believe that you receive a better education simply from having wealthier classmates. Most public schools with very low numbers of poor children have test scores equal to or greater than any private schools.

If a voucher system is created, which parents of children at challenged public schools are the most likely to make use of vouchers? In other words, which children are the most likely to be admitted to private schools and have the family resources and stability to attend? Precisely the children and families public schools most need to retain on behalf of all children: the parents committed to education; the ones who become room mother and fathers, who have a car to help on class trips, who come to teacher conferences and concerts and school nights.

Which parents and children are the least likely to use vouchers? The parents who never come to teacher conferences; who can't be found to sign special education plans, who don't have phones or cars or permanent addresses, who are dealing with their own lack of learning and employment skills. Which students are least likely to be served in private schools? The learning disabled and disruptive and emotionally disturbed; the children who are absent and falling behind. Some parents don't want their children going to school with "children like that." But should the state encourage them to withdraw their own children from public education?

However well meaning the idea of vouchers and choice, the message it sends to families about public education is this: give up and get out. And who is left in public schools? In a free market world of school competition, it is the children nobody else wants.

Let private schools continue to be what they should be: a privately funded and independently governed alternative. Our challenge should be to make public schools work for all children. We are working hard to do so and we are seeing it happen. We ask your help in making that a reality.

**PRIVATE SCHOOL PERFORMANCE FOR WYANDOTTE COUNTY BASED  
UPON 1998-1999 STATE DATA**

ELEMENTARY SCHOOL	Pop	% Low SES	Reading	Math	Ethnicity %
			Index	Power Score	
GRACE LUTHERAN	97	0	51.9	51.0	76 B, 22 W
ST PATRICKS ELEM	353	0	66.4	54.5	88 W
CHRIST THE KING[KANSAS CITY]	247	9	59.2	64.9	16 B, 10 H 74W
SACRED HEART ELEM [BONNER SPRINGS]	133	11	63.0	39.4	92 W
ST JOHN/HOLY FAMILY	145	32	65.2	48.0	21 H, 72 W
OUR LADY OF UNITY	136	35	51.9	46.0	63 H, 32 W
HOLY NAME	126	38	41.0	42.2	11 B, 71 H, 18 W
ALL SAINTS CONS ELEM	268	60	48.7	36.9	84 H.,15 W
State Averages		31	64.14	59.7	81 W

**PRIVATE SCHOOL PERFORMANCE FOR SHAWNEE COUNTY BASED  
UPON 1998-1999 STATE DATA**

ELEMENTARY SCHOOL	Pop.	% Low SES	Reading	Math	Ethnicity %
			Index	Power score	
CHRIST THE KING	331	0	72.6	61.7	94 W
MOST PURE HEART MARY ELEM	515	5	68.9	58.2	91 W
HOLY NAME ELEM	240	11	57.9	46.5	91 W
TOPEKA LUTHERAN ELEM	227	13	71.0	61.7	93 W
OUR LADY OF GUADALUPE ELEM	138	18	65.4	43.4	99 H
ASSUMPTION ELEM	195	24	57.9	50.8	13 H 82 W
SACRED HEART ELEM[TOPEKA]	138	31	54.3	45.7	92 W
ST MATTHEW ELEM	ND	ND	60.5	55.4	No Data
State Average		31	64.14	59.7	81 W

**PRIVATE SCHOOL PERFORMANCE FOR FINNEY COUNTY BASED UPON  
1998-1999 STATE DATA**

ELEMENTARY SCHOOL	Pop.	% Low SES	Reading	Math	Ethnicity %
			Index	Power score	
ST. DOMINIC ELEM	151	5	68.8	58.1	10 H 81 W
ST. MARYS ELEM	86	36	53.8	63.7	62 H 35 W
State Average		31	64.14	59.7	81 W

4-7  
~~4-5~~

**PRIVATE SCHOOL PERFORMANCE FOR SEDGWICK COUNTY BASED  
UPON 1998-1999 STATE DATA**

ELEMENTARY SCHOOLS	Pop	% Low	Reading	Math	Ethnicity %
		SES	Index score	Power score	
BETHANY LUTHERAN ELEM WICHITA	51	0	59.4	54.4	94 W
HOLY CROSS LUTHERAN	222	0	62.2	58.1	95 W
ST PAULS LUTHERAN ELEM [CHENEY]	48	0	66.8	57.6	100 W
ST THOMAS AQUINAS ELEM	642	1	73.1	61.9	94 W
SCHOOL OF THE MAGDALEN ELEM	464	2	70.2	61.5	86 W
BLESSED SACRAMENT CATHOLIC	412	3	70.8	56.5	94 W
ST ELIZABETH ANN SETON CATHOLIC	621	3	73.0	59.7	92 W
ST FRANCIS OF ASSISI ELEM	782	3	62.8	61.1	91 W
RESURRECITON CATHOLIC	218	5	64.6	72.1	93 W
ST MARY PARISH CATHOLIC ELEM [DERBY]	216	7	58.5	69.7	94 W
ALL SAINTS CATHOLIC ELEM	294	13	65.4	52.4	15 AA, 77 W
ST PETER CATHOLIC ELEM-SCHULTE	296	14	63.7	67.4	93 W
ST CECILIA ELEM	148	18	64.7	55.2	94 W
ST JOSEPH CATHOLIC [WICHITA]	147	21	58.9	61.5	10 H 84 W
ST ANNE CATHOLIC ELEM	227	21	54.7	50.6	11 AA 78 W
ST PATRICK CATHOLIC ELEM. [WICHITA]	211	21	55.3	49.4	36 H 60 W
ST JUDE CATHOLIC ELEM	273	22	69.5	56.3	23 H 74 W
HOLY SAVIOR CATHOLIC ACADEMY	105	47	44.3	42.7	95 B
State Average		31	64.14	59.7	81 W



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## HB 2913: Kansas Opportunity Scholarship Research Experiment

Testimony presented before the House Education Committee

by  
Brilla Highfill Scott

United School Administrators of Kansas

February 18, 2000



UNITED SCHOOL ADMINISTRATORS

Kansas Association of  
Elementary  
School Principals  
(KAESP)

Kansas Association of  
Middle School  
Administrators  
(KAMSA)

Kansas Association of  
School Administrators  
(KASA)

Kansas Association of  
School Business  
Officials  
(KASBO)

Kansas Association for  
Supervision and  
Curriculum Development  
(KASCD)

Kansas Association of  
Special Education  
Administrators  
(KASEA)

Kansas Association of  
Secondary School  
Principals  
(KASSP)

Kansas Council of  
Vocational  
Administrators  
(KCVA)

Kansas School  
Public Relations  
Association  
(KanSPRA)

### Madam Chairman and Members of the House Education Committee:

United School Administrators of Kansas stands in opposition to HB 2913 which would provide Opportunity Scholarships or Vouchers for students to attend private schools. Students who receive free lunches would qualify for these vouchers.

By supporting this bill, you will be diverting public funds away from public schools at a time when Kansas schools are receiving minimal funding. Currently administrators, teachers, students and parents are diligently working to improve the public schools in our state.

Provisions of the bill state that if the student discontinues attendance at the selected private school, the private school would repay the state board. In turn the state board would remit any amount collected to the state treasurer.

It is conceivable that a scholarship child could enroll in a private school and decide on September 21 to return to the public school. The public school district would have the responsibility for educating this student for the remainder of the year but would receive no state funding.

This bill also raises constitutional issues because religious schools are included in this voucher program. The Kansas Constitution clearly states that "No religious sect or sects shall control any part of the public education funds."

*House Education  
2-18-00  
Attachment 5*

Students in our state do have choice through a variety of public school offerings which include magnet schools, charter schools and alternative schools. Thousands of Kansas children attend public schools outside their home districts. Within the boundaries of school districts, countless families choose schools outside their neighborhoods.

We would caution the committee that the passage of this bill would send a message that Kansas schools are failing. Evidence is already available that suggests that when private schools serve the same population, private schools have the same results. Public schools with low numbers of poor children have test scores equal to or greater than the private schools.

Our association asks that you reject this bill and allow private schools to continue to be privately funded and independently governed.



KANSAS NATIONAL EDUCATION ASSOCIATION / 715 SW 10TH AVENUE / TOPEKA, KANSAS 66612-1686

Craig Grant Testimony  
House Education Committee  
Friday, February 18, 2000

Thank you, Mr. Chairman. I am Craig Grant and I represent Kansas NEA. I appreciate this opportunity to visit with the committee about HB 2913.

It comes as no surprise to you and others that KNEA opposes HB 2913. We have long opposed attempts to take public taxpayer dollars to support private schools in either the form of vouchers or tax credits. Our resolution on the topic indicates that we believe that such plans “undermine support for public schools. Such programs could lead to racial, economic, and social isolation of children and weaken or destroy the public school system.” While we do not submit that this is the rationale behind the authors of this legislation, we do believe that it is a possibility.

Kansas NEA does acknowledge that “it is the right of parents to choose to send their children to private schools.” We do not believe that tax moneys should subsidize that choice.

Our resolution further states that “state funds should not be allocated to pay for feasibility studies of such choice, voucher, or tax credit programs.” That statement is the basis for our opposition to HB 2913.

Some would call HB 2913 a choice experiment; however, the real choice will be with the private school admissions office. Private schools could continue to have selection criteria that would take the students with the most potential and reject the rest, leaving the ones with the most learning problems for the public schools to work with in school. We certainly believe that this is a flaw in the bill.

We don't believe that a study is necessary at this time. There are plenty of studies out there now with results of experimental voucher plans. Some we believe are more reliable than other studies. The university professor chosen to evaluate student achievement under the Milwaukee voucher plan, John Witte, has indicated in his annual evaluations that there has been no improvement in learning for the voucher students. Every other objective researcher who has looked at the Milwaukee results came to a similar conclusion. (Some have pointed to the Harvard study that found the opposite results. A series of respected researchers have examined this study and found it seriously biased in methodology and results.)

Public schools are America's and Kansas' commitment to provide a high quality education for every child. They are far from perfect and/or equitable, but at least the studies indicate that we are moving in that direction. Vouchers will drain moneys from our continued efforts to improve our system. We urge you to fund our schools adequately and defeat schemes, such as HB 2913, which would take public school funds for private schools. Thank you for listening to our concerns.