

MINUTES OF THE SENATE EDUCATION COMMITTEE

The meeting was called to order by Chairman Jean Schodorf at 1:40 p.m. on February 14, 2007, in Room 123-S of the Capitol.

Committee members absent: Pat Apple

Committee staff present: Sharon Wenger, Kansas Legislative Research Department
Ashley Holm, Kansas Legislative Research Department
Theresa Kiernan, Revisor of Statutes
Shirley Higgins, Committee Secretary

Conferees appearing before the committee: Mark Tallman, Kansas Association of School Boards
Mark Desetti, Kansas National Education Association
Senator Chris Steineger
Bill Reardon, Kansas City Kansas Public Schools
Kathy Cook, Kansas Families United for Public Education
Dr. Gary George, Olathe School District

SB 144 – School finance; renewal of statewide property tax levy and exemption

Theresa Kiernan, Revisor of Statutes Office, explained that **SB 144** extended the statewide mill levy for school districts for two more school years. In addition, it extended the property tax exemption for the first \$20,000.00 on residential property from the 20 mill levy for two years.

Mark Tallman, Kansas Association of School Boards, urged the Committee to pass **SB 144**. (Attachment 1)

Mark Desetti, Kansas Association of School Boards, supported the passage of **SB 144**. (Attachment 2)

For the Committee's information, Chris Courtwright, Kansas Legislative Research Department, distributed copies of a memorandum he prepared regarding the renewal of the mandatory USD general fund levy as provided in **SB 144**. The memorandum noted that if the bill was not enacted, local effort purposes of the school finance formula would be reduced by \$531.0 million in FY 2008 and by \$558.3 million in FY 2009. (Attachment 3)

There being no others wishing to testify, the hearing on **SB 144** was closed.

Senator Teichman moved to recommend SB 144 favorably for passage, seconded by Senator Lee. The motion carried.

SB 282 – School districts; special needs scholarship program for at-risk and exceptional children

Theresa Kiernan, Revisor of Statutes Office, explained that **SB 282**, which was introduced at the request of Senator Chris Steineger, was similar to other bills introduced in the past several years; but it differed because it would include at-risk pupils with a grade point of less than 3.0 on a 4.0 scale, and it provided that special needs students (students with an IEP or at-risk students with a grade point of less 3.0) could apply for a scholarship to attend a private school or to attend a public school in another district. The program would be administered by the State Board of Education. The amount of the scholarship in the case of a student who has an IEP is based upon the IEP. The maximum amount would be equivalent to the cost of the educational program that would have been provided to the student in the school of his residence. The cost of the scholarships would be deducted from the state financial aid and the state aid for special education that the resident school district would receive for that pupil. The resident district would be required to provide transportation to students who are awarded the scholarship. The State Board of Education would be given rules and regulations authority. In order to participate, a nonpublic school would have to demonstrate financial viability, could not discriminate in admissions, and must comply with all state laws that apply to nonpublic schools regarding criminal background checks for their employees. The State Board is directed to conduct an evaluation of the school choice programs. The scholarship program would go into effect

CONTINUATION SHEET

MINUTES OF THE Senate Education Committee at 1:40 p.m. on February 14, 2007, in Room 123-S of the Capitol.

beginning with the fall semester of school year 2007-08. Ms. Kiernan confirmed that the scholarship program would be a voucher program.

Senator Steineger commented that **SB 282** offers opportunity, choice, and competition for young Kansans to go to other schools. He noted that, in large cities nationwide, some students drop out despite all the money spent and the best efforts of America. He explained that the bill targeted students in Kansas who are the most at risk of dropping out of high school and would provide them with a much needed safety net to prevent them from ending up on the street. He discussed the data in the charts included in his written testimony showing the dropout rate statewide and the dropout rate for the Wichita, Kansas City, and Topeka school districts. (Attachment 4)

Bill Reardon, representing Kansas City, Kansas Public Schools, testified in opposition to **SB 282**. He informed the Committee that statistics on the dropout rate for the Kansas City, Kansas, public schools from 1996 to 2006 showed that, by the end of the 2006 school year, the dropout rate had been cut by 75 percent. He pointed out that special needs students already have the option to attend a nonpublic school of their choice and receive special education services from the public schools. He noted that the bill offers little to enhance what is currently available except to transfer to a nonpublic school. He expressed his concern that the bill allowed nonpublic schools to select the students who will attend their school. In addition, he noted that districts currently are not required to transport students outside their boundaries; however, the bill would require that transportation be provided by the resident district. He noted that some special education students require highly specialized transportation vehicles. With regard to the bill's inclusion of certain at-risk students, he noted that No Child Left Behind currently allows parents to transfer their children out of failing schools into better-performing public schools. (Attachment 5)

Mark Tallman, Kansas Association of School Boards, testified in opposition to **SB 282**. He pointed out that the bill did not define "at-risk pupil"; therefore, it was unclear how many students would be affected by the bill. He outlined KASB's position on vouchers and emphasized that the bill did not meet any of the KASB standards. He went on to discuss his objections to bill in more detail under the following headings: (1) **SB 282** allows private schools to accept students the school chooses, not the parents, (2) **SB 282** provides funding for private education without requirements for special services, (3) **SB 282** does not require oversight and accountability for public funding, and (4) "School Choice" programs do not improve education. For the Committee's information, he distributed copies of a KASB issue paper entitled, "Expanded School Choice Doesn't Improve Student Performance" and copies of a publication distributed by the U.S. Department of Education entitled, "Comparing Private Schools and Public Schools Using Hierarchical Linear Modeling". (Attachment 6) He also distributed copies of a KASB booklet entitled, "Different Rules – What Choice and Competition Mean for Public and Private Schools in Kansas". A copy may be obtained at the KASB office located at 1420 SW Arrowhead Road, Topeka, KS or at www.kasb.org.

Kathy Cook, Kansas Families United for Public Education, testified in opposition to **SB 282**. She complained that, under the bill, tax dollars would be spent with no oversight. She also argued that the bill would not provide a "magic cure" for students who are not achieving their full potential within public schools. In her opinion, the bill was simply an attempt to introduce school vouchers in Kansas. She observed that there was no provision in the bill which would guarantee parents that their children will be admitted to any participating private institution. She noted that the parents' choice may be an uninformed choice because private institutions have no requirement to provide information on teacher qualifications or parental involvement. (Attachment 7)

Dr. Gary George, Assistant Superintendent in the Olathe school district, testified in opposition to **SB 282**. He noted that Olathe teachers work extremely hard to address the needs of at-risk students, the district has made progress in that area, and the Olathe school district has been cited by Standard and Poor's for its work in narrowing the achievement gap for students. Consequently, the Olathe school district sees no need for legislation for at-risk students. He went on to explain that the district surveyed 943 parents of special education students, and between 95.2 and 98.3 percent reported that they were satisfied with all of the components of the district's special education program. In his opinion, the reason the data was so positive was the student intervention team, which includes parents, teachers, students, and other building staff. Additionally, he noted that the Olathe Board of Education has adopted a legislative position against vouchers

CONTINUATION SHEET

MINUTES OF THE Senate Education Committee at 1:40 p.m. on February 14, 2007, in Room 123-S of the Capitol.

or choice plans to aid private elementary or secondary schools which are not subject to the same legal requirements as public school districts. Commenting that it appeared that the bill was really about starting a voucher program in Kansas, he pointed out that voucher programs have been struck down by courts and have been rejected by voters in other states. In his opinion, school districts should be given an opportunity to demonstrate success with the new funds the Legislature has provided before changes are instituted. (Attachment 8)

Mark Desetti, Kansas National Education Association, testified in strong opposition to **SB 282**. He pointed out that the private school would choose whether or not to accept the student, and the bill would take money away from public schools. He noted that a private school can set admissions criteria to turn away students who are likely not to meet high standards, and the bill would allow this discrimination. In addition, the private schools could charge tuition above and beyond the voucher granted. In his opinion, the bill was crafted to ensure that an accurate fiscal note could never be calculated. He contended that **SB 282** laid out at least four additional areas where the resident school district would be left to pick up the expenses of the student. (Attachment 9)

Senator Schodorf called the Committee's attention to written testimony in opposition to **SB 282** submitted by Ashley Sherard, Vice President, Lenexa Chamber of Commerce. (Attachment 10)

There being no others wishing to testify, the hearing on **SB 282** was closed.

The Committee turned its attention to the minutes of the February 6, 7, and 8 committee meetings.

Senator Vratil moved to approve the minutes of the February 6, 7, and 8 meetings, seconded by Senator Goodwin. The motion carried.

The meeting was adjourned at 2:30 p.m.

The next meeting is scheduled for February 15, 2007.

**SENATE EDUCATION COMMITTEE
GUEST LIST**

DATE: February 14, 2007

NAME	REPRESENTING
Mark Tallman	NASB
Mark Desetti	KNGA
Mary George	Olathe District Schools
Nells Anderson	USD 230 Spring Hill
Bart Goering	USD 230 Spring Hill
Bob Vancrum	USD 229 Blue Valley
Stuart Little	Shawnee Mission 512
KATHY Cook	KFUPE
Ashley Sheward	Lenexa Chamber
Bill Brady	SFFF
Lindsay Douglas	Hess Law Firm
Val DeFev	SQE

KANSAS
ASSOCIATION



OF
SCHOOL
BOARDS

1420 SW Arrowhead Road • Topeka, Kansas 66604-4024
785-273-3600

Testimony on **SB 144**

Before the
Senate Committee on Education

By Mark Tallman, Assistant Executive Director/Advocacy

February 14, 2007

Madam Chair, Members of the Committee:

Thank you for the opportunity to comment on **SB 144**, which would extend the statewide mill levy at the current rate for two additional years.

Although the Legislature has appropriated money for the second and third years of the school bill passed last session and both the House and Senate have passed versions of a "lockbox" for those funds, the statewide mill levy must be reauthorized or those appropriations will fall short.

According to the consensus school finance estimates, the 20 mill levy will raise \$536.3 million in FY 2008 and \$553.3 million in FY 2009, or about 17 percent of general fund budgets (base budget per pupil plus weightings). KASB believes those funds must be provided. In the absence of any alternative to replace that revenue, we certainly support passage of **SB 144**.

Thank you for your consideration.

Senate Education Committee
2-14-07
Attachment ~~2~~ 1



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

**Mark Desetti, Written Testimony
Senate Education Committee
February 14, 2007**

Senate Bill 144

Madame Chair, members of the committee, thank you for the opportunity to come before you today to discuss Senate Bill 144.

You have already passed Senate Bill 30 and a commitment to funding the three year school finance plan passed last session. Senate Bill 144 is the logical and necessary extension of that action.

School finance depends to a large part on the statewide 20 mill levy property tax which must be renewed every two years.

We urge the committee to pass SB 144.

*Senate Education Committee
2-14-07
Attachment 2*

KANSAS LEGISLATIVE RESEARCH DEPARTMENT

545N-Statehouse, 300 SW 10th Ave.
Topeka, Kansas 66612-1504
(785) 296-3181 □ FAX (785) 296-3824

kslegres@klrd.state.ks.us

<http://www.kslegislature.org/klrd>

February 7, 2007

To: Senate Education Committee
From: Chris W. Courtwright, Principal Economist
Re: Renewal of Mandatory USD General Fund Levy (SB 144)

SB 144 would renew for tax year 2007 and 2008 the mandatory USD general fund property tax levy at its current level of 20 mills. The bill also would extend for the same two tax years the \$20,000 residential exemption from that levy in KSA 79-201x. The Governor's Budget recommendation assumes enactment of this legislation.

If this bill were to not be enacted, local effort for purposes of the school finance formula would be reduced by \$531.0 million in FY 2008; and by \$553.3 million in FY 2009.

xxxxx-(2/13/07(4:12PM))

Senate Education Committee
2-14-07
Attachment 3

School Finance Property Tax Model

20 mills assumed permanent

20k residential exemption assumed permanent

Tax Base, Delinquency Assumptions Agreed to Nov 2006

Impact of Failure to Renew Levy

Calendar Year	Current Assessed Value	Proposed Exemptions	Proposed Assessed Value	Current Mills	Proposed Mills
1994	\$15,502,087,375	\$0	\$15,502,087,375	35.0	35.0
1995	16,194,057,543	0	16,194,057,543	35.0	35.0
1996	16,703,505,399	0	16,703,505,399	35.0	35.0
1997	16,267,106,394	0	16,267,106,394	27.0	27.0
1998	16,965,505,048	0	16,965,505,048	20.0	20.0
1999	17,689,996,969	0	17,689,996,969	20.0	20.0
2000	18,922,577,736	0	18,922,577,736	20.0	20.0
2001	20,478,966,701	0	20,478,966,701	20.0	20.0
2002	21,026,404,845	0	21,026,404,845	20.0	20.0
2003	21,921,042,946	0	21,921,042,946	20.0	20.0
2004	23,298,299,009 6.28%	0	23,298,299,009 6.28%	20.0	20.0
2005	24,922,662,731 6.97%	0	24,922,662,731 6.97%	20.0	20.0
2006	26,800,000,000 7.53%	0	26,800,000,000 7.53%	20.0	20.0
2007	27,370,000,000 2.13%	0	27,370,000,000 2.13%	20.0	0.0
2008	28,240,000,000 3.18%	0	28,240,000,000 3.18%	20.0	0.0
2009	29,210,000,000 3.43%	0	29,210,000,000 3.43%	20.0	0.0
2010	30,280,000,000 3.66%	0	30,280,000,000 3.66%	20.0	0.0
2011	31,350,000,000 3.53%	0	31,350,000,000 3.53%	20.0	0.0
2012	32,420,000,000 3.53%	0	32,420,000,000 3.41%	20.0	0.0
2013	33,490,000,000 3.53%	0	33,490,000,000 3.30%	20.0	0.0

Fiscal Year	Current Law Property Tax	Proposal Property Tax		Total Fiscal Note
1996	\$526,919,633	\$526,919,633		\$0
1997	565,976,272	565,976,272		0
1998	487,137,854	487,137,854		--
1999	371,485,590	371,485,590		--
2000	341,072,904	341,072,904		--
2001	361,268,394	361,268,394		0
2002	389,247,913	389,247,913		0
2003	407,847,517	407,847,517		0
2004	580,505,774	580,505,774		0
2005	460,479,967	460,479,967	FY 2005	0
2006	492,818,977	492,818,977	FY 2006	0
2007	524,904,533	524,904,533	FY 2007	0
2008	536,338,000	5,360,000	FY 2008	(530,978,000)
2009	553,330,000	0	FY 2009	(553,330,000)
2010	572,322,000	0	FY 2010	(572,322,000)
2011	593,274,000	0	FY 2011	(593,274,000)
2012	614,246,000	0	FY 2012	(614,246,000)
2013	635,218,000	0	FY 2013	(635,218,000)
2014	656,190,000	0	FY 2014	(656,190,000)

CHRIS STEINEGER
SENATOR, SIXTH DISTRICT
51 S. 64TH ST.
KANSAS CITY, KANSAS 66111
(913) 287-7636
senatorchris@kc.rr.com



TOPEKA

SENATE CHAMBER

STATE CAPITOL BLDG., ROOM 51-E
TOPEKA, KANSAS 66612-1504
(785) 296-7375
steineger@senate.state.ks.us

Special Needs Scholarship Program (SB 282)

* Kansas taxpayers pay thousands of dollars each year for high school dropouts who make up nearly half the heads of households on welfare & nearly half the prison population.

* SB 282 targets students in Kansas who are the most at risk of dropping out of high school and provides them with a much needed safety net.

* Dropout rates across Kansas have steadily declined over the past few years, but none the less there are still over 3,000 Kansas children who do not complete high school and these rates have begun to rise again in the urban areas like Wichita and Kansas City. It is important that the legislature keeps using progressive tactics to combat these trends.

* We must provide Kansas children with other options – anything is better than ending up on the street, being a prostitute, using drugs, breaking into homes, and joining the social welfare system.

*Senate Education Committee
2-14-07
Attachment 4*

Drop-Outs

STATE TOTALS			
Year	Headcount	Number of Dropouts	Dropout Rate
2004-2005	214,914	3,154	1.47%
2003-2004	215,877	3,326	1.54%
2002-2003	216,169	3,576	1.65%
2001-2002	215,528	4,569	2.12%
2000-2001	215,960	4,649	2.15%
1999-2000	216,093	4,974	2.30%
1998-1999	216,159	5,802	2.68%
1997-1998	215,183	6,042	2.81%
2001-2002	215,528	4,569	2.12%
2000-2001	215,960	4,649	2.15%
1999-2000	216,093	4,974	2.30%
1998-1999	216,159	5,802	2.68%
1997-1998	215,183	6,042	2.81%
1996-1997	211,192	6,420	3.04%

D0259-Wichita				D0500-Kansas City			D0501-Topeka		
Year	Headcount	Number of Dropouts	Dropout Rate	Headcount	Number of Dropouts	Dropout Rate	Headcount	Number of Dropouts	Dropout Rate
2005-2006	20,271	781	3.85%	8,648	301	3.48%	5,836	198	3.39%
2004-2005	20,467	632	3.09%	8,780	238	2.71%	5,885	223	3.79%
2003-2004	20,417	765	3.75%	8,960	255	2.85%	6,246	232	3.71%
2002-2003	20,391	883	4.33%	8,835	274	3.10%	6,117	157	2.57%
2001-2002	20,346	1,250	6.14%	8,810	276	3.13%	6,327	224	3.54%
2000-2001	20,275	1,135	5.60%	8,776	381	4.34%	6,294	273	4.34%
1999-2000	20,081	975	4.86%	8,546	540	6.32%	6,361	222	3.49%
1998-1999	19,936	1,125	5.64%	8,681	613	7.06%	6,566	326	4.96%
1997-1998	19,888	1,201	6.04%	8,892	609	6.85%	6,621	301	4.55%
1996-1997	19,614	1,235	6.30%	8,924	941	10.54%	6,322	278	4.40%



Kansas City, Kansas Public Schools

Unified School District No. 500

SENATE EDUCATION COMMITTEE

February 14, 2007

TESTIMONY – SB 282

The Kansas City Public Schools have several concerns regarding SB 282.

Special needs students already have the option to attend non-public schools of their choice. Under current law, parents may enroll students in non-public schools and request the public school to provide the special education and related services. The bill offers little to enhance what is currently available except to transfer the funds to a non-public school, which may or may not have the capacity to serve the student.

The bill allows the non-public school to select students who will attend their school. We would have great concerns about a receiving school accepting some students but deciding not to serve a certain group or class of students. If we are going to have "choice", the choice should be with the parents, not the potential receiving school.

We are also concerned that the bill specifically states the parents and the non public school would determine the services to be provided without the input from the current multi-disciplinary team of qualified individuals. We think this would risk violation of the basic tenants of IDEA.

The bill states that transportation would be provided by the resident district following the same provisions now in place. Currently, districts are not required to transport students outside of their boundaries. Additionally, some special ed students require highly specialized transportation vehicles.

Furthermore, the bill appears not to hold the participating non public school accountable for the student's progress by allowing that state assessments be administered by the resident district if the participating school does not offer such assessments. If the participating school is not accountable for the progress of the student's state assessment scores, how will it be determined that this form of "choice" has merit?

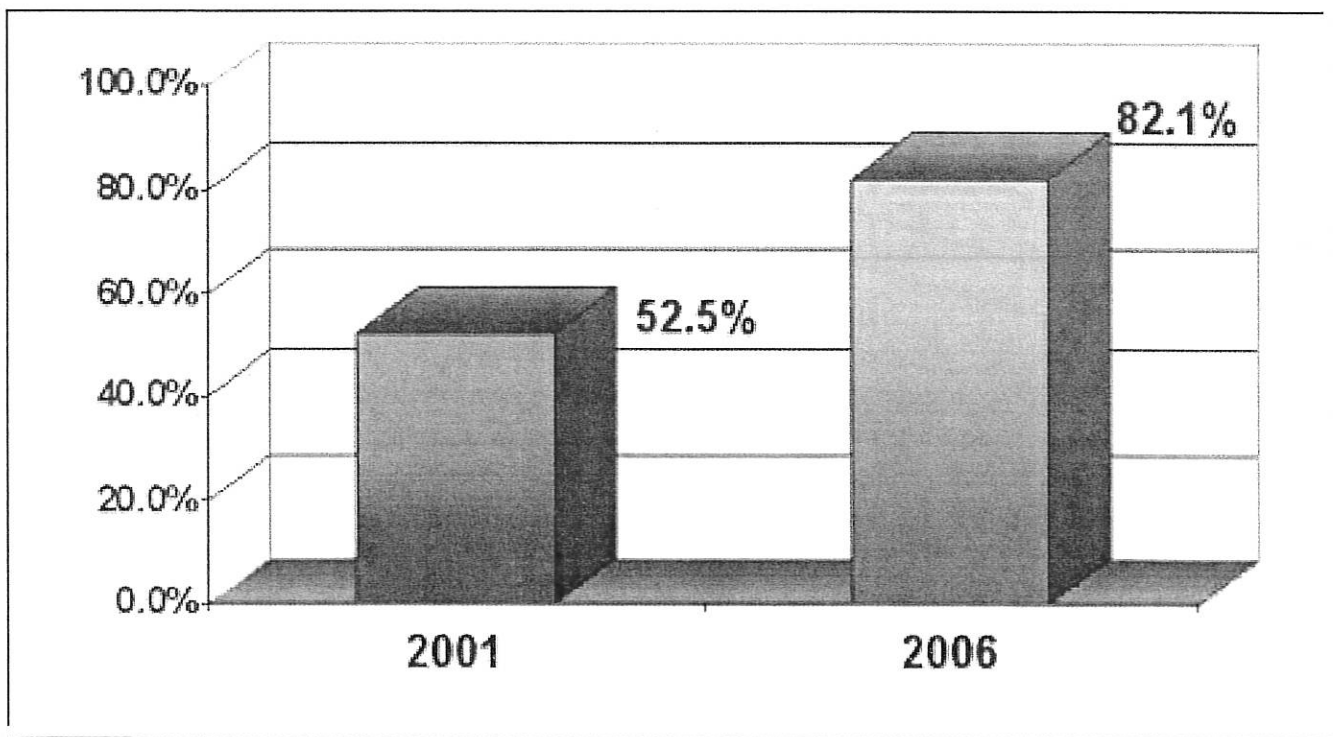
In regard to the bill's inclusion of certain At Risk students, it should be noted that NCLB currently allows parents to transfer their children out of failing schools into better performing public schools. The Kansas charter school law also provides an avenue for choice. Last month the Board of USD 500 approved the adoption of a new charter elementary school for children At Risk.

The idea of choice is worthy of consideration. We feel, however, that the provisions currently in Kansas law regarding choice for special ed students, choice provided by NCLB, and choice provided by charter schools should be reviewed and enhanced if deemed necessary before the Legislature seriously entertains vouchers to produce additional choice.

Thank you for listening to the concerns of the Kansas City School District.

Bill Reardon
USD 500 Lobbyist

DROPOUT RATE
10.5% (1996) \longrightarrow 2.6% (2006)



GRADUATION RATE HAS INCREASED 30%

KANSAS
ASSOCIATION



OF
SCHOOL
BOARDS

1420 SW Arrowhead Road • Topeka, Kansas 66604-4024
785-273-3600

Testimony on
SB 282 – Special Needs Scholarships

Before the
Senate Committee on Education

By Mark Tallman, Assistant Executive Director/Advocacy

February 14, 2007

Madam Chair, Members of the Committee:

SB 282 would establish a private school voucher program for special education students and “any at-risk pupil with a grade point average of less than 3.0 on a four-point scale. The bill does not define “at-risk pupil,” so it is unclear exactly how many students would be affected by this bill. KASB’s position on vouchers is very simple. If a school receives public funding, it must serve all students without any preconditions or eligibility requirements, as public schools do; it must be governed by the same rules and regulations the Legislature, the Kansas State Board of Education and the federal government has established for all other public-funded schools; and it must be accountable to the public and taxpayers through the locally elected school board (as provided in the state constitution.) We oppose this bill because it meets none of those standards.

SB 282 allows private schools to accept students the school chooses, not the parents.

Section two of the bill says the purpose is to provide special needs students with the option to attend the public or non-public school of their choice. Yet it does nothing to guarantee that option beyond current law. The bill does not require public schools to accept children which do not reside in their district; nor does it require private schools to accept all children who apply; nor does it limit the cost of tuition to private schools. Nor does the bill require private schools to accept students with all exceptionalities, which seems to mean that a school could accept only gifted students, or gifted students who have no behavior problems, or gifted students with whatever attribute the school finds desirable.

Section four provides that any parent who is “dissatisfied with student’s progress” is eligible, presumably even if the student is meeting the Individual Education Plan goals the parent agreed to. However, the student must also be accepted by a participating school, which may not discriminate on the basis of race, color, national origin or religion, but may discriminate on the basis of anything else.

SB 282 provides funding for private education without requirements for special services.

The amount of the scholarship or voucher will be determined by the Kansas State Department of Education, based on what it would have cost to provide the IEP in the public school, or the estimated cost of serving the student in the private schools, even though the private school is not required to follow the IEP. [Section 4 (e) and (f)] The private school’s cost of serving the child is not limited to special education services.

*Senate Education Committee
2-14-07
Attachment 4*

In other words, the parent can demand a high level of special education services from a public school, transfer to a private school which provides a lower level of special services, and receive a special needs scholarship for educational costs not related to special education. Therefore, the special needs scholarship may simply subsidize the regular educational costs of the private school. Public schools, on the other hand, must use special education funds only for special education, and must follow the IEP.

Private school students in Kansas are already entitled to receive special education services from public schools. Under **SB 282**, a student could continue to receive free special education services from the student's public school district, and at the same time, receive a voucher to cover the "regular" costs of attending the private school. The bill does not require the private school to provide any special services.

Section 4(h) allows a parent to remove the child from the private school "at any time." If the parents announce they are "dissatisfied" and transfer the child to a private school, the school district may be able to reduce costs of special services – special staffing, equipment, etc. – required by a student's IEP. Several months (or weeks, or days) later, if the parents are dissatisfied with the private school, they can immediately return the child to the public school, which must immediately restore the services required by law, regardless of cost.

SB 282 does not require oversight and accountability for public funding.

Section 7 (12) (b) and (c) specifically states the private school is not subject to public oversight or regulation, despite the fact it is accepting public education dollars – even while Legislators continue to call for MORE requirements on public schools, such as new accounting systems. Under this bill, private schools would not be subject to the open records or open meetings acts, or account for funding like public schools. Students would not have to take state assessments.

Finally, Section 9 authorizes an evaluation that seems to be designed to produce a biased result. Such a study is supposed to assess parent and student satisfaction with the program without defining how satisfaction is to be measured, and to assess students who were "victimized" because of their special needs at their resident school compared to the percentage so victimized at the participating school. It doesn't define what is meant by "victimized" or how this is to be measured, and it ignores the fact public schools must report certain incidents to law enforcement and many private schools are not. It calls for a comparison of "behavior problems." We readily concede a public school which is legally required to accept all students, including those with behavior problems, will have more students with behavior problems than a private school which can exclude or expel such students.

In fact, the study of a special needs scholarship program is not required to assess anything having to do with "special needs" or "scholarship," such as academic performance or special services to students.

"School Choice" programs do not improve education.

We would also share these facts. First, states that have experimented with "school choice" programs tend to have LOWER student achievement than Kansas. Second, a recent study from the U.S. Department of Education found that private schools have no better academic results compared to public schools with similar student characteristics. Third, public and private schools face such "different rules" that any idea of competition is meaningless. I have provided background information on each of these points.

Like all voucher programs we have seen, **SB 282** would allow private schools to enroll only such students as they wish to serve, , receive public funding in the form of scholarships, and provide a lower level of special services, with virtually no oversight or accountability.

We urge you to reject this bill. Thank you for your consideration.

Expanded school choice doesn't improve student performance

KASB Issue Paper – December 6, 2005

New Kansas Education Commissioner Bob Corkins has made expanding school choice and competition his top priority, saying that private school vouchers and more public charter schools would improve education in the state.

However, the states with the highest percentage of students in charter schools, as well as those which provide state funding for private school vouchers, generally performed well below Kansas on national reading and math tests.

Student performance can be compared by examining results from the 2005 National Assessment of Education Progress. NAEP reports the percent of public school students who score basic or above in reading and math at grades four and eight. For each state, a NAEP test total can be determined by adding the percent at that level in each of the four tests. A “perfect score” would be 400.

	Charter School Enrollment as Percent of Total Public School Enrollment	2005 National Assessment of Education Progress Number is the combined percent of students scoring Basic and Above for Reading and Math, Grades Four and Eight (Maximum score 400)				Current Expenditures per Pupil, 2003
		(1) All Students	(2) Low Income Students	(3) Students with Disabilities	Average of Columns 1-3	
Kansas	0.3%	309	259	175	248	\$7,454
Ten “High Choice” States:						
Delaware	5.3%	309	253	183	248	\$9,693
Ohio	3.3%	305	237	184	242	\$8,632
Wisconsin	3.0%	304	229	163	232	\$9,004
Colorado	4.6%	295	223	148	222	\$7,384
Michigan	4.4%	283	211	169	221	\$8,781
Florida	3.0%	278	233	176	229	\$6,439
Alaska	3.3%	274	206	143	208	\$9,870
Arizona	5.4%	251	193	120	188	\$6,282
Hawaii	2.8%	240	185	72	166	\$8,100
California	2.8%	238	215	104	175	\$7,552
“High Choice” State Average		278	215	175	227	

Kansas has consistently scored among the top-performing states. For 2005, Kansas tied for 10th place with a score for all students tested of 309.

Ten states have at least 2.8 percent of total public school enrollment in charter schools. Three of those states (Wisconsin, Ohio and Florida) also have some form of state-funded voucher for students attending private schools. Among the 10 “high choice” states, one (Delaware) tied with Kansas, with all others scoring lower. The average score of the high choice states was 278, which was 31 points LOWER than Kansas.

The Commissioner proposed targeting vouchers to low income and disabled students because these groups are the focus of the constitutional challenge to the Kansas school finance system. However, “high choice” states also fall below Kansas in serving these groups. The combined NAEP scores for Kansas students eligible for free or reduced lunch was 259. Every single “high choice” state had a lower score for low income students. The average of these states was 215, or 44 points LOWER than Kansas.

For students with disabilities, three “high choice” states had a higher NAEP score than Kansas (Delaware, Ohio and Florida by a single point), but the average of all 10 states was 146, or 29 points LOWER than Kansas.

This data also reinforces another fact: higher spending per pupil on public education usually (but not always) makes a positive difference. The “high choice” states with the best overall performance (Delaware, Ohio and Wisconsin) each spent between \$1,000 and \$2,000 per pupil more than Kansas. In other words, the “high choice” states that came closest to the level of student achievement in Kansas spent considerably more money per pupil.

Overall, a higher percent of students in charter schools as opposed to traditional public schools actually seems to correspond to LOWER student performance. As noted above, the average combined NAEP score for the 10 “high choice” states was 278. The average score for the 12 states with charter school enrollment between 1.0 and 2.8 percent was 290. The average score for states with less than 1 percent charter enrollment was 285. The highest average score was for the eleven states with NO charter school enrollment: 295.

Table 2				
Average Test Scores for States Based on Charter School Enrollment				
	Percent of Public School Enrollment in Charter Schools			
	2.8 Percent or more	1.0 to 2.7% Percent	Less than 1 Percent	No charter schools
Number of States	10	12	17	11
Average Combined 2005 NAEP score (All students)	278	290	285	295

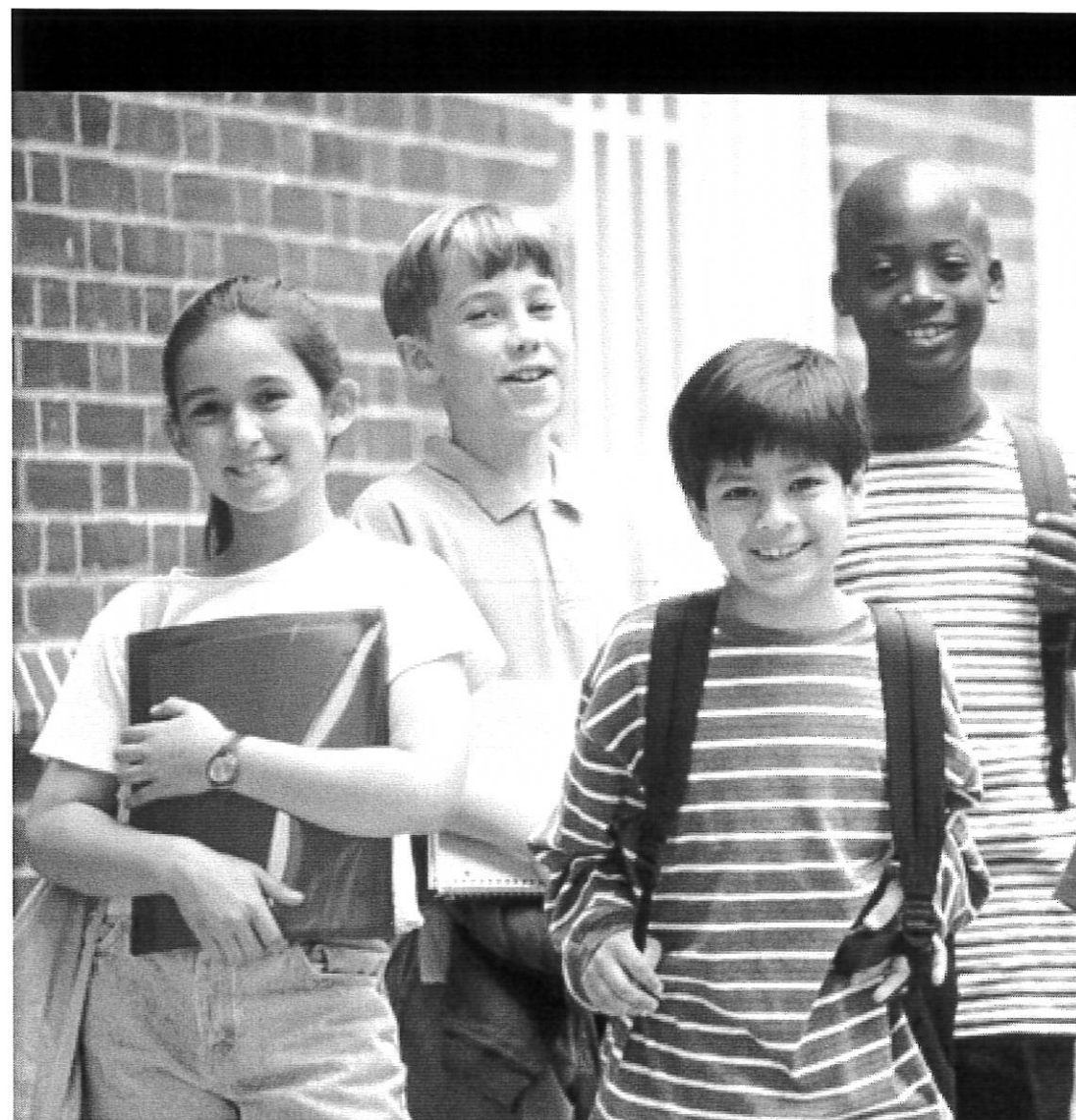
These national test results refute the notion that expanding school choice improves public education. It is easy to understand why: public schools must educate every child under a host of state and federal mandates. “Choice” really means allowing certain schools to educate a small number of students under “different rules” – or no rules at all. If “choice” schools are allowed to choose the students they want, public schools are responsible for educating the students “choice” schools do not want. If “choice” schools are required to operate the same as public schools, student results are no different.

Sources:

- National Assessment of Education Progress: “Mathematics 2005” and “Reading 2005”
- National Charter School Research Project; Indicator Reports; Number of Students
- Nation Center for Education Statistics: Current Expenditures for Pupil 2002-03

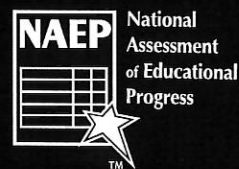
National Assessment of Educational Progress

Comparing Private Schools and Public Schools Using Hierarchical Linear Modeling



U.S. Department of Education
NCES 2006-461

6-5



ies NATIONAL CENTER FOR
EDUCATION STATISTICS
Institute of Education Sciences

Executive Summary

The goal of the study was to examine differences in mean National Assessment of Educational Progress (NAEP) reading and mathematics scores between public and private schools when selected characteristics of students and/or schools were taken into account. Among the student characteristics considered were gender, race/ethnicity, disability status, and identification as an English language learner. Among the school characteristics considered were school size and location, and composition of the student body and of the teaching staff. In particular, if the student populations enrolled in the two types of schools differed systematically with respect to background characteristics related to achievement, then those differences would be confounded with straightforward comparisons between school types.

The present report examined results from the 2003 NAEP assessments in reading and mathematics for grades 4 and 8. NAEP draws nationally representative samples of schools and students. In 2003, over 6,900 public schools and over 530 private schools participated in the grade 4 assessments. Over 5,500 public schools and over 550 private schools participated in the grade 8 assessments.

Hierarchical linear models (HLMs) were employed to carry out the desired adjustments. HLMs were a natural choice because they accommodate the nested structure of the data (i.e., students clustered within schools) and facilitate the inclusion of variables derived from student and school characteristics. In this study, the focal parameter was the mean difference between mean NAEP scores for two populations of schools. (This difference was not identical to the difference in mean scores between the two student populations, though the discrepancy was typically small.) HLMs were used to compare all private schools to all public schools, as well as to compare, separately, certain categories of private schools (i.e., those for which sample sizes were sufficient to report reliable estimates) to all public schools. Statistical significance was determined at the .05 level using t tests on model results.

Results From Grade 4

Reading

In the first set of analyses, all private schools were compared to all public schools. The average private school mean reading score was 14.7 points higher than the average public school mean reading score, corresponding to an effect size of .41 (the ratio of the absolute value of the estimated difference to the standard deviation of the NAEP fourth-grade reading score distribution). After adjusting for selected student characteristics, the difference in means was near zero and not significant. In the second set of analyses, Catholic schools and Lutheran schools were each compared to all public schools. The results, both with and without adjustments, were similar to the corresponding results for all private schools.

Mathematics

In the first set of analyses, all private schools were again compared to all public schools. The average private school mean mathematics score was 7.8 points higher than the average public school mean mathematics score, corresponding to an effect size of .29. After adjusting for selected student characteristics, the difference in means was -4.5 and significantly different from zero. (Note that a negative difference implies that the average school mean was higher for public schools.) In the second set, Catholic schools and Lutheran schools were each compared to all public schools. The results, both with and without adjustments, were similar to the corresponding results for all private schools.

Results From Grade 8

Reading

In the first set of analyses, all private schools were compared to all public schools. The average private school mean reading score was 18.1 points higher than the average public school mean reading score, corresponding to an effect size of .58. After adjusting for selected student characteristics, the difference in means was 7.3 points and significantly different from zero. In

the second set, Catholic, Lutheran, and Conservative Christian schools were each compared to all public schools. The results, both with and without adjustments, were generally similar to the corresponding results for all private schools. The only exception was that the average difference in adjusted school mean scores between Conservative Christian schools and all public schools was not significantly different from zero.

Mathematics

In the first set of analyses, all private schools were again compared to all public schools. The average private school mean mathematics score was 12.3 points higher than the average public school mean mathematics score, corresponding to an effect size of .38. After adjusting for selected student characteristics, the difference in means was nearly zero and not significant. In the second set, Catholic, Lutheran, and Conservative Christian schools were each compared to all public schools. While the results for Catholic schools, both with and without adjustments, were very similar to the corresponding results for all private schools, the results for the other two types differed.

The initial difference between Lutheran schools and all public schools was substantially larger (19.5 points) than was the case for all private schools. The average difference in adjusted mean mathematics scores between the two types of schools was 4.9 points and significantly different from zero. On the other hand, the initial difference between Conservative Christian schools and all public schools was substantially smaller (5.1 points) and not significant. The average difference in adjusted school means between Conservative Christian schools and all public schools was -7.6 points (i.e., a higher average school mean for public schools) and was significantly different from zero.

Comparison of Results for Grade 4 and Grade 8

Overall, there were many similarities in the results for the two grades. In both reading and mathematics, analyses employing unadjusted NAEP scores indicated that the average private school mean score was higher than the average public school mean score, and the difference was statistically significant. Including selected student characteristics in the model, however, resulted in a substantial reduction in the difference in all four analyses. The reduction varied from 11 to 15 score points. For grade 4 reading and grade 8 mathematics, the average difference in adjusted school mean scores was no longer significant. For grade 4 mathematics, the difference was significant, and the adjusted school mean was higher for public schools. Only for grade 8 reading was the difference still significant with a higher school mean for private schools. For all four analyses, with student characteristics such as gender and race/ethnicity incorporated in the model, the inclusion of school characteristics (e.g., teacher experience, type of school location, school size) had little impact on the estimate of the average difference between the two types of schools.

Variance decompositions yielded similar results for the four grade-subject combinations. Most of the total variance was due to heterogeneity among students within schools rather than heterogeneity among school mean scores. The combination of selected student and school characteristics accounted for about one-third of the total variance for grade 4 and about two-fifths of the total variance for grade 8.

Cautions in Interpretation

When interpreting the results from any of these analyses, it should be borne in mind that private schools constitute a heterogeneous category and may differ from one another as much as they differ from public schools. Public schools also constitute a heterogeneous category. Consequently, an overall comparison of the two types of schools is of modest utility. The more focused comparisons conducted as part of this study may be of greater value. However, interpretations of the results should take into account the variability due to the relatively small sizes of the samples drawn from each category of private school, as well as the possible bias introduced by the differential participation rates across private school categories.

There are a number of other caveats. First, the conclusions pertain to national estimates. Results based on a survey of schools in a particular jurisdiction may differ. Second, the data are obtained from an observational study rather than a randomized experiment, so the estimated effects should not be interpreted in terms of causal relationships. In particular, private schools are “schools of choice.” Without further information, such as measures of prior achievement, there is no way to determine how patterns of self-selection may have affected the estimates presented. That is, the estimates of the average difference in school mean scores are confounded with average differences in the student populations, which are not fully captured by the selected student characteristics employed in this analysis.

Summary

In grades 4 and 8 for both reading and mathematics, students in private schools achieved at higher levels than students in public schools. The average difference in school means ranged from almost 8 points for grade 4 mathematics, to about 18 points for grade 8 reading. The average differences were all statistically significant. Adjusting the comparisons for student characteristics resulted in reductions in all four average differences of approximately 11 to 14 points. Based on adjusted school means, the average for public schools was significantly higher than the average for private schools for grade 4 mathematics, while the average for private schools was significantly higher than the average for public schools for grade 8 reading. The average differences in adjusted school means for both grade 4 reading and grade 8 mathematics were not significantly different from zero.

Comparisons were also carried out with subsets of private schools categorized by sectarian affiliation. After adjusting for student characteristics, raw score average differences were reduced by about 11 to 15 points. In grade 4, Catholic and Lutheran schools were each compared to public schools. For both reading and mathematics, the results were generally similar to those based on all private schools. In grade 8, Catholic, Lutheran, and Conservative Christian schools were each compared to public schools. For Catholic and Lutheran schools for both reading and mathematics, the results were again similar to those based on all private schools. For Conservative Christian schools, the average adjusted school mean in reading was not significantly different from that of public schools. In mathematics, the average adjusted school mean for Conservative Christian schools was significantly lower than that of public schools.

U.S. Department of Education

Margaret Spellings

Secretary

Institute of Education Sciences

Grover J. Whitehurst

Director

National Center for Education Statistics

Mark Schneider

Commissioner

The National Center for Education Statistics (NCES) is the primary federal entity for collecting, analyzing, and reporting data related to education in the United States and other nations. It fulfills a congressional mandate to collect, collate, analyze, and report full and complete statistics on the condition of education in the United States; conduct and publish reports and specialized analyses of the meaning and significance of such statistics; assist state and local education agencies in improving their statistical systems; and review and report on education activities in foreign countries.

NCES activities are designed to address high-priority education data needs; provide consistent, reliable, complete, and accurate indicators of education status and trends; and report timely, useful, and high-quality data to the U.S. Department of Education, the Congress, the states, other education policymakers, practitioners, data users, and the general public. Unless specifically noted, all information contained herein is in the public domain.

We strive to make our products available in a variety of formats and in language that is appropriate to a variety of audiences. You, as our customer, are the best judge of our success in communicating information effectively. If you have any comments or suggestions about this or any other NCES product or report, we would like to hear from you. Please direct your comments to

National Center for Education Statistics
Institute of Education Sciences
U.S. Department of Education
1990 K Street NW
Washington, DC 20006-5651

July 2006

The NCES World Wide Web Home Page is <http://nces.ed.gov>.

The NCES World Wide Web Electronic Catalog is <http://nces.ed.gov/pubsearch>.

Suggested Citation

Braun, H., Jenkins, F., and Grigg, W. (2006). *Comparing Private Schools and Public Schools Using Hierarchical Linear Modeling* (NCES 2006-461). U.S. Department of Education, National Center for Education Statistics, Institute of Education Sciences. Washington, DC: U.S. Government Printing Office.

For ordering information on this report, write to

U.S. Department of Education

ED Pubs

P.O. Box 1398

Jessup, MD 20794-1398

or call toll free 1-877-4ED-Pubs or order online at <http://www.edpubs.org>.

Content Contact

William Tirre

202-502-7361

William.Tirre@ed.gov

The work upon which this publication is based was performed for the National Center for Education Statistics by Educational Testing Service, the NAEP Education Statistics Services Institute, Pearson Educational Measurement, and Westat.



Testimony
Senate Education Committee – SB282
February 14, 2007
Kathy Cook, Executive Director
Kansas Families United for Public Education

Madam Chair and Members of the Committee:

Thank you for the opportunity this afternoon to voice our concerns with this legislation. I have testified before this committee on more than one occasion asking you to fund 100% of the excess cost of Special Education services. In addition, I have testified before this committee asking you to fund the actual costs of educating each individual student based upon their individual need.

If we truly want to better serve our students with Individual Education Plans, this is what will be required.

In no way does Senate Bill 282 guarantee a greater quality of education for any student. Furthermore, it does not even guarantee a student with special needs admission to a particular private institution.

This legislation states that a “scholarship” would be available for students with a grade point average of less than 3.0 on a four-point scale. However, it does not require that the private institution, where this “scholarship” would be used, raise that grade point average in order to continue receiving state funding. In fact, the grade point average of the student could drop within the private school setting, while the public school district is footing the bill because the “participating schools shall be given the maximum freedom to provide for the educational needs of their students without governmental control.”

What this bill really does is spend our tax dollars with no oversight. In a democracy, the expenditure of taxpayer dollars should always be done --- subject to government oversight. Otherwise, you have “taxation without representation” --- the very tyranny that our American founding fathers fought to prevent.

We understand that we have “some” students who are not achieving their full potential within “some” of our public schools. But, this legislation contains no magic-cure. And, in fact, this legislation would only serve to further exacerbate the problem by taking funds from the public schools --- where the majority of students with special needs with less than a 3.0 grade point average, will inevitably remain and further languish.

It is our opinion that this legislation is simply an attempt to introduce school vouchers into the state of Kansas. Parents may think they are being allowed a so-called “choice;” however, there is nothing in this bill which guarantees parents that their children will be admitted to any participating private institution. In reality, the only “choice” they have is the choice of where there may fill-out an application. In reality, that choice may also be uninformed, since private institutions have no requirement to provide information on teacher qualifications or parental involvement.

For these reasons, our organization adamantly opposes this bill. And, as a parent of a child with an Individual Education Plan, I personally oppose this bill.

We urge you to continue to strengthen the current public education system of Kansas and retain oversight of our tax dollars.

15941 W. 65th St., #104
Shawnee, KS 66217
(913) 825-0099

Senate Education Committee
2-14-07 Attachment 7



Olathe School District
Testimony provided by Dr. Gary George
February 14, 2007

Regarding Senate Bill 282:

My name is Gary George and I am an assistant superintendent in the Olathe School District. Thank you for allowing me to testify in opposition to Senate Bill 282, which would provide vouchers for at-risk and special needs students.

Olathe teachers are working extremely hard to address the needs of at-risk students. Some of our programs to address these needs include summer school, School Plus, after school programs, use of Title I funds in 10 of our elementary schools, and staff training to address the learning needs of at-risk students. The Olathe School District has been cited by Standard and Poor's for our work in narrowing the achievement gap for students in our AYP student groups and their counterparts. Consequently, we do not see a need for this legislation for at-risk students.

In addition, our district staff works very hard to meet the needs of special needs students and their parents, as well. In October 2005, we surveyed 943 parents of special education students. Our parents reported between 95.2 percent and 98.3 percent being satisfied or highly satisfied with the IEP, its implementation, their child's progress, their IEP team's ability to work together, team responsiveness to parent questions, adequate resources for special education, overall quality of special education staff, and quality of the district's special education program.

Survey Question	% Highly Satisfied and Satisfied
1. How satisfied are you with your level of input into your child's IEP?	98.3%
2. How satisfied are you with the clarity of your child's IEP?	97.6%
3. How satisfied are you that your child's IEP is being implemented?	98.3%
4. How satisfied are you with the communication you receive about your child's progress on his/her IEP?	97.2%
5. How satisfied are you with the overall IEP team's ability to work together?	97.8%
6. How satisfied are you with your school's response to your special education related questions/issues?	97.5%
7. How satisfied are you that the District provides adequate resources to meet the need of students with exceptionalities?	95.2%
8. Overall, how satisfied are you with the quality of the special education staff that provides services to your child?	97.8%
9. How satisfied are you that the District's special education program is a quality program?	97.7%

We believe that one of the reasons the data is so positive is the process of providing supports for students. Before a district ever begins the special education process, a number of general education interventions have already been tried through the Student Intervention Team which includes parents, teachers, student (when appropriate), and other building staff. This process involves identifying targeted interventions that address the specific concerns of the student. As active members of this team, parents and students remain vital members of this team as we continually check for understanding and buy-in along the way. Should the interventions provide positive results, an intervention plan is implemented to provide that necessary support. If due to the intensity of the interventions, the team feels it is appropriate to consider a formal request to determine special education eligibility parents help the team determine what their student's evaluation will include. A high level of value is placed on parent input as the team determines eligibility, develops the individualized education plan (IEP), and determines appropriate placement. Parents are continually informed of their parental rights and are invited to seek clarification of these rights throughout the process and at any time when addressing the student's special education services. In most cases, simply following the process generates high levels of parent involvement and satisfaction.

*Senate Education Committee
2-14-07 Attachment 8*

In addition to participation in the problem solving process, parents receive a minimum of quarterly updates regarding their student's progress on their IEP goals. Many teams also schedule regular meetings throughout the school year in order to come together for updates and to problem solve any unique situation at hand. The value placed on parent participation is also evidenced through the monthly workshops aimed at providing parents with opportunities to learn more about the special education process, best teaching practices, and various interventions.

It should also be pointed out that although some people believe that the public schools are doing a poor job and an alternative should be found to improve the quality of education, such an approach is not supported by the data. The 2006 Phi Delta Kappan Poll indicated that 71 percent of the respondents favored reforming the public schools versus the 24 percent who wanted to find an alternative (vouchers) to reforming the public schools. The data from these sources does not support Senate Bill 282.

Additionally, The Olathe Board of Education has adopted a legislative position against vouchers or choice plans to aid private elementary or secondary schools which are not subject to the same legal requirements as public school districts.

In reviewing Senate Bill 282, I see that a participating private school is not required to have certified/licensed teachers. Surely if certification is required for public school teachers who are paid with public money, then it seems appropriate that a private school should also be required to employ certified/licensed teachers when they accept public money.

In paragraph 10, it is clear that financial viability is necessary if the participating school receives \$50,000 or more during the year from the state. Does this mean that schools that do not receive \$50,000 do not have to demonstrate financial viability?

In paragraph 12, it indicates that a "... participating (private) school is autonomous and shall not be deemed to be an agent of the state or federal government." Further, the "state may not in any way regulate the educational program" of a participating school. This would appear to mean that the money could flow to a private school with no compliance with the open records act, no compliance with the open meetings laws, and no special education audit to which all public schools are subject. This section of the bill amounts to the abandonment of the state's oversight role in ensuring the public that tax dollars are used responsibly.

It appears that this bill is really about starting a voucher program in Kansas. Under Senate Bill 282, the initial program is at-risk and special needs scholarships. We suspect that if you start this program, it will create its own constituency and will be difficult if not impossible to shut down. In fact, you will probably have requests to expand it. Vouchers programs have been struck down by the courts and have been rejected by voters in several states. It is also difficult to understand why some would have us go down this road when the special education process for parent/district partnering does not support the need for Senate Bill 282.

We believe that if the Legislature wants to improve the quality of special education in our state, it should call on the federal government to fully fund its share (40 percent) of special education costs, increase state funding to provide more technical assistance for special education programs for schools, provide funds for intensive staff development for special education staff, provide mentors for new teachers, and share best practices among the state's special education community. Further, the Legislature has provided more funds to address the needs of at-risk students. It seems that districts should be given an opportunity to demonstrate success with these new funds before changes are instituted.

Senate Bill 282 is seriously flawed and would open a voucher program in our state; a program to which the Olathe School District is strongly opposed.



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

**Mark Desetti, Testimony
Senate Education Committee
February 14, 2007**

Senate Bill 282

Madame Chair, members of the committee, thank you for the opportunity to come before you today to discuss Senate Bill 282.

Our public schools have been working under the requirements of the Individuals with Disabilities Education Act since the 1970's to meet the needs of students with special needs. What does the state hope to gain by moving some children out of public schools and into private institutions?

One of the things of which we are most proud in the public education system is that we turn no child away. Regardless of what a child brings to our schools, we take that child in. If we have no more desks, we take the child in. If the child speaks no English, we take the child in. If the child is gifted or severely handicapped, we take the child in. It is our mission to serve every child within our borders and we do it gladly.

That is the great difference between public and private education. The private school can and does discriminate. The private school can set admissions criteria to turn away students who are likely not to meet high standards and SB 282 allows this. The private school can turn away a child with a discipline history or expel a child for a disciplinary infraction and SB 282 allows this. A private school can cap its enrollment and turn children away and SB 282 allows this. The private school can charge tuition above and beyond the voucher granted and SB 282 allows this. Then, SB 282 takes money away from public schools to do all this.

Is there a fiscal note?

This bill is carefully crafted to ensure that you can never get an accurate fiscal note. On page 2, lines 16 through 18, it says the Department of Education shall determine the voucher amount by looking at the IEP – every voucher is different. Lines 21 through 24 on the same page say the amount shall be “equivalent to the cost of the educational program that would have been provided for the student in the resident school district.” It goes a little further though on lines 25 and 26 to say that, while the voucher is equivalent to the cost of implementing the IEP, the private school has no obligation to honor the IEP at all. The school gets paid for all the services, but is obligated to provide none of them.

The proponents I am sure will argue that there is no fiscal note to the state. I suppose that's because the money for the voucher comes from the resident school district, not the state. The child is enrolled in the resident school district but the voucher can be significantly more than that amount. On page 2, lines 34 through 38, the bill says, “the funds needed to provide a scholarship shall be subtracted from the state financial aid and the state aid for the provisions of special education and related services payable to the student's resident school district.” The cost of this voucher is drained directly off the resident district. While this might appear to be a 1:1 transfer, it is not necessarily so since state aid to a school district is not based on the actual cost of implementing the IEP but rather on the provisions of the school finance formula.

There's a big fiscal note to the resident school district.

SB 282 lays out at least four additional areas where the resident school district will be left to pick up the expenses of the child.

*Senate Education Committee
2-14-07
Attachment 9*

- Section 5 (c) bills the resident school district for transportation. Yes, the district gets transportation weighting for the child but the costs could significantly outweigh the funding if one considers that transporting one student to a distant private school could require private transportation arrangements. Perhaps a private school bus, a taxi, or a daily ride from a district employee is the solution. (p3, lines 10-15)
- Section 5 (d) bills the resident school district if the parent wants the child to take the state assessment. (p3, lines 17-19)
- Section 8 (c) says that participation in this program is "a nonpublic placement for purposes of the individuals with disabilities education act." You know that public schools, under IDEA, must provide special education services to resident students in private schools. This bill drains the money away from the resident school district, giving it to the private school, and then holds the public school responsible for providing services. (p5, lines 10-12)
- If the private school wants to give the student assessments to determine his or her needs, the public school must foot the bill; "the costs of any assessment by the participating school of the student's special needs may be included in the scholarship amount." (p2, lines 31-33)

All those resources and no accountability.

Surely with this dramatic amount of resources being drained from the resident school district for the benefit of a private school, the accountability measures must be great. That's what one would think, however, the opposite is true.

Section 7 (a) beginning on page 3, line 41, spells out what a school must do to be eligible. There are 12 requirements. And there is one telling omission. **The school does not have to be accredited.** We assumed that back in section 5 (d) in which we learned these schools were under no obligation to give state assessments (p3, lines 16-20). Accredited schools must give state assessments.

This is further spelled out in section 7(b) where the authors say, "The department and any other state agency may not in any way regulate the educational program of a participating school that accepts a special needs scholarship."

And how will the state know this is a successful program. That is assured by the carefully crafted "study of the program."

Four of the six issues to be assessed are designed to show perfect results.

1. Are the students satisfied?
2. Are their parents satisfied?
3. "The percentage of participating students who were victimized because of their special needs status at their resident school compared to the percentage so victimized at their participating school."
4. "The percentage of participating students who exhibited behavioral problems at their resident school compared to the percentage exhibiting behavioral problems at their participating school." That one is easy to calculate since section 8 (b) allows the voucher school to throw out any student who does not "comply fully with a participating school's written code of conduct." We can tell you now, it will be 0% at the voucher school.

Senate Bill 282 is a terrible idea. Its sole purpose is to drain funds from public schools under the guise of helping special needs students. And those funds will go to unaccredited, unaccountable private schools – perhaps home schooling parents who wish to bring in a few extra gifted children and their accompanying state aid. It is bad public policy and we urge you to reject Senate Bill 282.



The Historic Lackman-Thompson Estate

11180 Lackman Road
Lenexa, KS 66219-1236
913.888.1414
Fax 913.888.3770

TO: Senator Schodorf, Chair
Members, Senate Education Committee

FROM: Ashley Sherard, Vice President
Lenexa Chamber of Commerce

DATE: February 14, 2007

RE: **SB 282—Special Needs Scholarship Program**

We appreciate the opportunity to express our concerns regarding SB 282, which would create a “special needs scholarship program” to provide publicly-funded vouchers to allow students with emotional, behavioral, or physical impairments or at-risk students with GPAs below 3.0 to attend the public or nonpublic school of their choice.

The Lenexa Chamber of Commerce has historically opposed voucher programs. While we understand the desire to provide every individual child with an optimal learning environment for their needs, we are concerned such a plan would funnel already limited financial resources away from public schools where the majority of Kansas children will continue to be educated and threaten the quality public education that has been a cornerstone of the state’s economic prosperity.

Further, while proponents claim that increased competition among schools is the major benefit brought about by voucher programs, we believe the competitive “playing field” created in SB 282 is not nearly level. Nonpublic institutions are not subject to the same mandates, regulations, and reporting as public institutions supported by public tax dollars. To ensure public funds are being appropriately spent, we believe any nonpublic institution that may accept publicly-funded vouchers should be subject to the same public accountability and mandates as public institutions. Sections 7(b) and (c) of SB 282, however, specifically attempt to prevent any such regulation or oversight – a position with which we strongly disagree.

For all of these reasons, the Lenexa Chamber of Commerce urges the committee not to recommend SB 282 favorable for passage. Thank you for your time and attention to this very important issue.

*Senate Education Committee
2-14-07
Attachment 10*