



Chairwoman Tyson and Members of the Committee,

Thank you for the opportunity to testify today in support of SB 509. There is no silver bullet in K-12 education, but many states across the country are enacting, or expanding, educational choice programs to specifically help student populations be they foster children, low-income children, children who are bullied, or children who are unable to read at grade level. A new trend is the expansion of educational choice to be universal, or nearly so, and include eligibility for every student in the state. This is a remarkable trend and recognizes that no one system can serve 500,000 students equally well.

Certainly, many kids receive a quality education in Kansas, but the facts also make clear that many do not. This fact is true across districts and the state. This is true despite the best efforts of countless teachers, counselors, paraprofessionals, and others working in our public schools.

There is strong parental support for educational choice as well. We conducted a poll in December 2023 in which 65% of Kansas parents or grandparents either strongly or somewhat agreed with the statement that, “[ESAs] should be available to all students, with no limits on eligibility.”¹ Those numbers were remarkably consistent across self-identified ideology and party affiliation. At the same time we also polled rural Kansans and Johnson County residents. Simply stated there is widespread, bipartisan support that cuts across geographic regions for educational choice. The poll was conducted by SurveyUSA; the firm has clients that include the *Wichita Eagle*, KCTV5, and KWCH12.

Granted, the poll question was related to Educational Savings Accounts but there is little reason to believe that returning the tax money Kansans pay for education to their control via a refundable, education tax credit would be similarly popular.

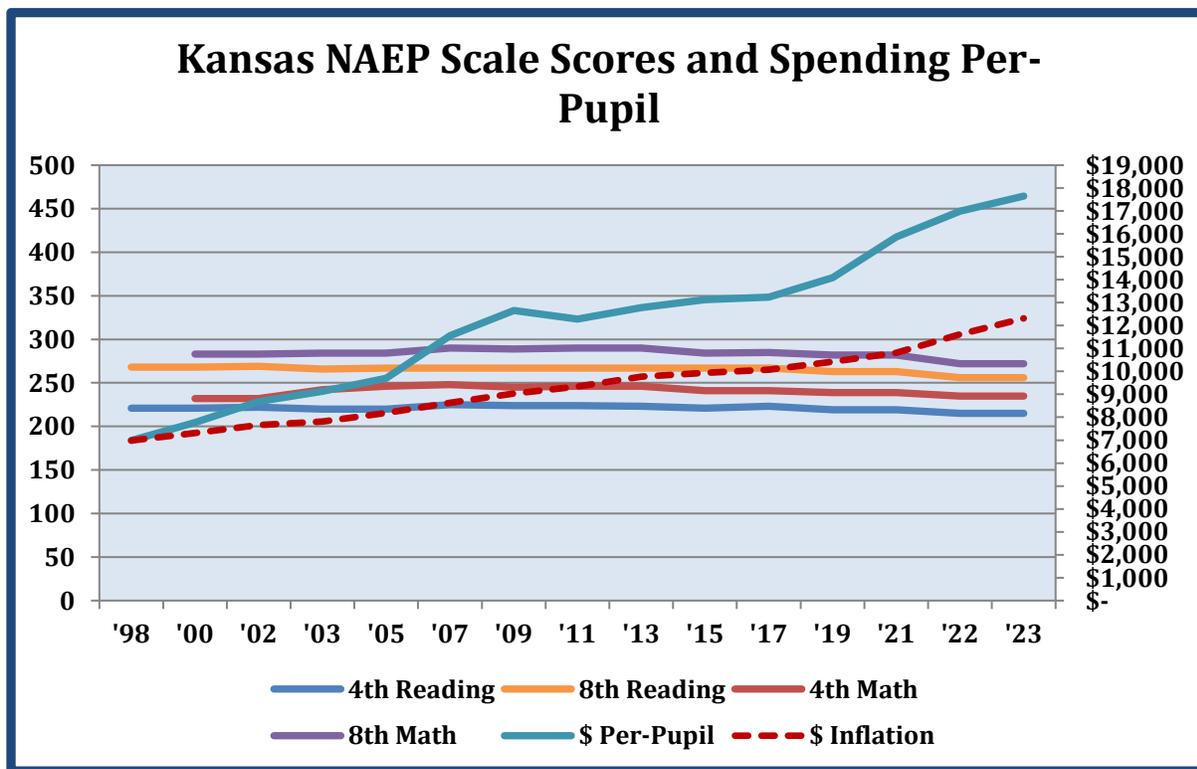
I would also like to point out the stagnating overall achievement in Kansas schools and the staggering achievement gaps between low-income and non-low-income children. There are many reasons for these long-term trends, and they must be addressed.

The National Assessment of Educational Progress demonstrates the difference in achievement for low income children compared to higher income students. This is data from a national exam and looks at all students from a statistically valid and representative sample of Kansas pupils.

Not only did the 2022 NAEP composite scores drop considerably from 2019, Kansas students are now performing worse than in 2003. Only one in four Kansas 8th graders is proficient in math or reading. Only 30% of 4th graders are proficient in math, 35% in reading. The proficiency rates for low-income students are much lower.

The ACT score for Kansas students is slightly lower than it was 20 years ago and only about one in five students are college-ready in English, Reading, Math and Science. State assessment results also reflect stubbornly low achievement overall and persistent achievement gaps.

All of this is against the backdrop of (now dismissed) *Gannon* litigation and increasing school spending. Had per-pupil funding been increased for inflation since 1998, it would have increased from about \$7,000 per-pupil to less than \$12,000; instead, it is now above \$17,000 and rising.



From state exams, to the NAEP, to the ACT, or graduation rates. It is abundantly clear that “achievement gaps” are a tragic reality of education. Not just in Kansas but across the country. Higher income children are achieving academic success at a much higher rate than their lower income peers.

Again, many or even most students across Kansas get a fine education. However, even the lawyers representing Schools for Fair Funding in *Gannon v. State of Kansas* lawsuit testified that too many children are being left behind. The Court itself has also confirmed this point by referencing the 25% of low-income students who are behind their peers academically.

Some are forced to attend underperforming public schools while others struggle to find the right fit to suit individual needs. This is not to say that teachers and school administrators are not amongst our most dedicated citizens. It is simply a recognition of fact and experience.

For some, moving to a different school district simply is not an option as money or a career prevents it. They send their kids to school based upon rigid school district boundaries and hope for the best. For many, the district-based system is sufficient but the numbers suggest that it does not work for everyone.

The *Espinoza* and *Carson* decisions from the U.S. Supreme Court struck down the bigoted Blaine Amendments, recognizing them as an outdated relic of America’s past.¹¹ Also, I would also direct the committee’s attention to “[School Choice and State Constitutions](#)” from the Institute for Justice. This

report deals with something this committee has discussed in the past – Blaine Amendments. This report highlights three separate citations for why this idea, Blaine Amendment, should not preclude consideration of educational choice in Kansas - 2004 Kansas Att’y Gen. Op. 2004-5 (Mar. 19, 2004); *Americans United for Separation of Church & State v. Bubb*, 379 F. Supp. 872 (D. Kan. 1974); *Atchison, T. & S. F. R. Co. v. Atchison*, 28 P. 1000 (Kan. 1892).

Kansas Policy Institute is a strong supporter of Kansas public schools and wants them to be the best in country. Our public schools, our teachers, and our administrators spend their lives helping young people learn. Those schools will always be the place where the vast majority of Kansas families send their children.

However, the goal is not to have good public schools in and of themselves.

The goal is to give every Kansas child the opportunity to succeed. That will mean attending a high-performing public school for most children, but it should also include a different avenue for children where the local public school is not the right fit.

Thank you again for the opportunity to present today. I urge the committee to provide more educational opportunity by passing educational savings accounts into law.

ⁱ <https://kansaspolicy.org/polling/>

ⁱⁱ <https://www.theatlantic.com/ideas/archive/2020/01/espinoza-montana-bigoted-laws/604756/>