Senate Education Committee
SB 87 – Tax Credit Scholarship Program
Proponent Testimony
James Franko, President
6 February 2025

Chairwoman Erickson and Members of the Committee,

Thank you for the opportunity to testify today in support of SB 87. As I have said elsewhere and before this committee earlier this session, 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.

I am a product of Kansas public schools and, like many people around the state, have family members who dedicate their professional lives to students in Kansas public schools. Certainly, many kids receive a quality education in Kansas, but the facts also make clear that many do not. Regardless of district, building, or region of the state no one system can serve each child equally well. Our schools are filled with dedicated educators and nothing about KPI's support for school choice should be read as being opposed to our public schools and the fine people working in them.

There is strong parental support for educational choice as well. We conducted a poll in December 2024 in which 78% 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."[i] Those numbers were remarkably consistent across self-identified ideology and party affiliation. We often hear that "rural Kansas" doesn't want school choice but this poll makes clear that rural Kansans want the same educational freedom as do Republican, Democrats, and Kansans from seemingly every walk of life. The poll was conducted by SurveyUSA; the firm has clients that include the *Wichita Eagle*, KCTV5, and KWCH12.

Simply stated there is widespread, bipartisan support that cuts across geographic regions for educational choice.

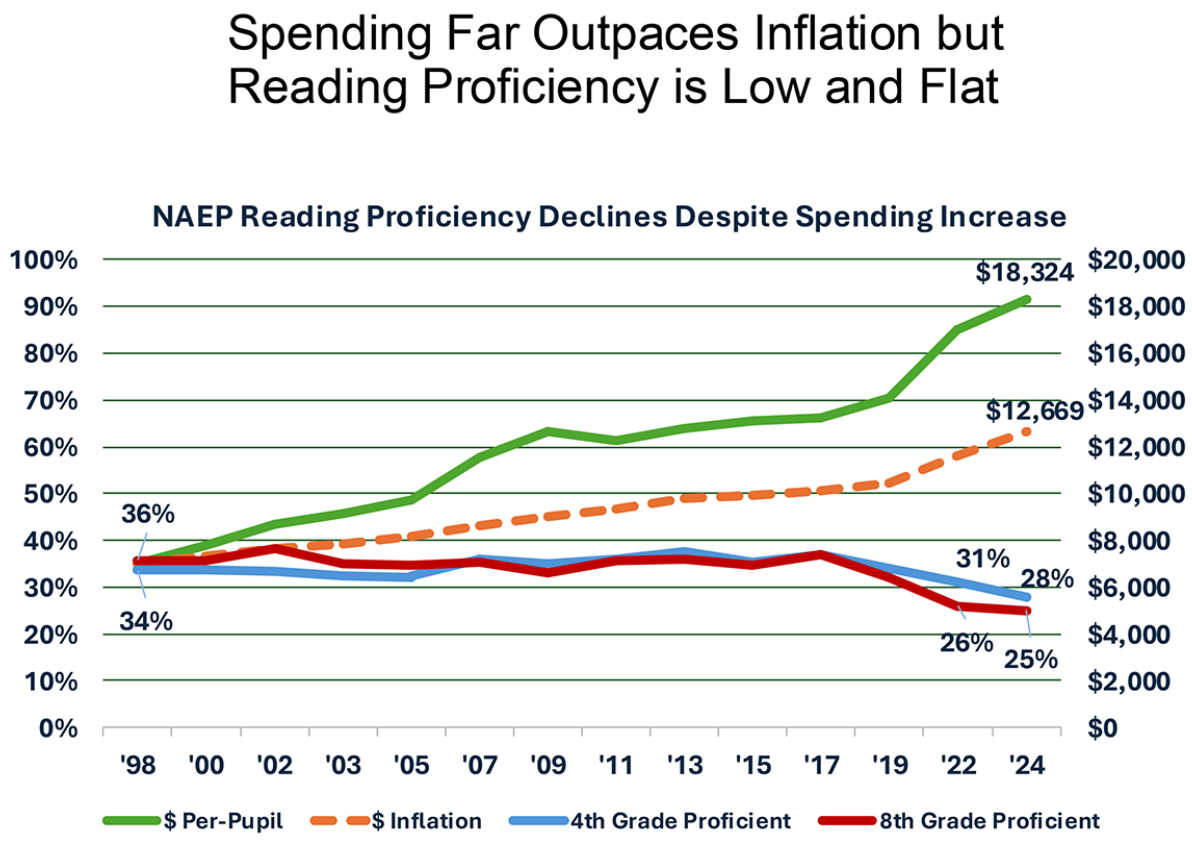
This committee is very familiar with the flat-lined overall achievement in Kansas schools and the staggering achievement gaps between low-income and non-low-income children. There are many reasons for these long-term trends, and they must be addressed.

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.

The ACT score for Kansas students is slightly lower than it was 20 years ago and fewer than 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.

2024 NAEP Comparison			
Subject / Student Cohort	2003	2024	Change
4th Reading Low-Income			
Kansas	18.3%	15.3%	(3.0)
National avg.	15.3%	19.4%	4.0
4th Reading Not Low-Income			
Kansas	37.6%	38.5%	0.9
National avg.	35.9%	44.1%	8.2
8th Reading Low-Income			
Kansas	21.6%	15.9%	(5.7)
National avg.	15.8%	17.6%	1.8
8th Reading Not Low-Income			
Kansas	45.9%	31.5%	(14.4)
National avg.	40.0%	40.5%	0.5
4th Math Low-Income			
Kansas	23.6%	21.9%	(1.7)
National avg.	15.2%	25.4%	10.2
4th Math Not Low-Income			
Kansas	53.3%	53.4%	0.1
National avg.	44.7%	56.3%	11.6
8th Math Low-Income			
Kansas	19.0%	11.6%	(7.4)
National avg.	12.1%	14.0%	1.9
8th Math Not Low-Income			
Kansas	41.3%	36.3%	(5.0)
National avg.	37.2%	40.5%	3.3
Source: NAEP			

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 $18,324.



Source: KSDE, NAEP, BLS

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. The committee is also certainly aware of two[ii], separate[iii] audits from Legislative Post Audit highlighting the problems in Kansas' at-risk funding program. The same students identified as those most in-need through the *Gannon* litigation.

Some students are forced to attend underperforming public schools while others struggle to find the right fit to suit individual needs within the district of their choice. As said at the outset, 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.[iv] Also, I would also direct the committee's attention to "A Guide to Designing Educational Choice Programs" from the Institute for Justice. This report deals with something the legislature 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 to Kansas parents by advancing SB 87.

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[i] https://www.surveyusa.com/client/PollReport.aspx?g=8076071a-a3ff-42d2-a38d-417a091b958e
[ii] https://www.kslpa.gov/audit-report-library/k-12-education-evaluating-at-risk-student-counts-weights-and-expenditures/
[iii] https://www.kslpa.gov/audit-report-library/evaluating-at-risk-expenditures-and-statutory-compliance/
[iv] https://www.theatlantic.com/ideas/archive/2020/01/espinoza-montana-bigoted-laws/604756/