

UPDATED
SESSION OF 2025

SUPPLEMENTAL NOTE ON SENATE BILL NO. 87

As Amended by House Committee on Education

Brief*

SB 87, as amended, would expand eligibility requirements for students to receive scholarships under the Tax Credit for Low Income Students Scholarship (TCLISS) Program and increase the maximum cap of the state tax credit.

Eligibility Requirements

The bill would amend the definition of an “eligible student” from requiring the student to meet all requirements to requiring a student to meet one or more of the following requirements in current law:

- Has an annual family income of less than or equal to 250.0 percent of the federal poverty guidelines and
 - Was enrolled in any of the grades kindergarten through eight in any public school in the previous school year; or
 - Is eligible to be enrolled in any public school in the school year for which the scholarship is first sought; or
- Has received an educational scholarship under the program.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <https://klrd.gov/>

The bill would also add the following additional optional requirements to the eligibility list:

- Has been in foster care or placed in a kinship care placement at any time prior to graduation from high school or reaching the age of 21;
- Has a parent who:
 - Is on active duty with any branch of the armed forces of the United States;
 - Sustained a service-connected injury or disability as described in law; or
 - Died while serving in military service; or
- Has a parent who:
 - Was injured or disabled while performing duties as a public safety officer; or
 - Died as a result of injury sustained while performing duties as a public safety officer.

The bill would add definitions for “injury” and “disability” to mean the same as in law applicable to public officers and employees, and “public safety officer” to mean a law enforcement officer, firefighter, or emergency medical service providers as defined in law applicable to public officers and employees.

[*Note:* Requirements in continuing law that a student be a Kansas resident, has not graduated high school, and is under 21 years of age would be retained as universal requirements for any student under the definition of “eligible student.”]

Tax Credit

The bill would increase the current cap on tax credits provided under the TCLISS program from \$10.0 million to \$15.0 million and require the Secretary of Revenue

(Secretary) to review the total amount of credits claimed for TCLISS every tax year, commencing after December 31, 2025. Should the Secretary determine the amount of credits claimed has exceeded 75.0 percent of the aggregate credit limit, the credit limit would be increased by 25.0 percent for the succeeding year to a maximum of \$25.0 million.

Other Provisions

The bill would require the State Board of Education to provide a scholarship-granting organization with written notification of a student's eligibility to receive a scholarship within 45 days of receiving a request from said organization. The bill would also make technical changes.

Background

The bill was introduced by the Senate Committee on Education at the request of Senator Erickson.

Senate Committee on Education

In the Senate Committee hearing, **proponent** testimony was provided by representatives of the All Saints Catholic School, Catholic Diocese of Wichita, Catholic Education Foundation, ExcelinEd, Kansas Catholic Conference, and Kansas Policy Institute, and by a private citizen. The proponents generally stated the scholarship has been working and growing in the number of applicants, and the \$10.0 million cap will be reached in the near future. The proponents also stated that the program allows parents to have more choices for where their children go to school.

Written-only proponent testimony was provided by representatives of ACE Scholarship, Kansas School Board Resource Center, and Marantha Christian Academy, and by five private citizens.

Opponent testimony was provided by representatives of the Kansas Association of School Boards, Kansas PTA Advocacy Team, and United School Administrators. The opponents generally stated concerns about expanding this program without having data showing the program is working; the scholarship will no longer be just for low-income students, therefore making it less likely that those low-income students will be chosen for the program; and that private schools can still reject students.

Written-only opponent testimony was provided by representatives of Game On for Kansas Schools, Shawnee Mission School District, and the State Board of Education, and by 32 private citizens.

No other testimony was provided.

[*Note:* The Senate Committee received additional testimony after the conclusion of the hearing.]

Senate Committee of the Whole

The Senate Committee of the Whole amended the bill to remove the 100.0 percent tax credit for contributions made to the TCLISS program and retain current law providing a 75.0 percent tax credit for said contributions.

House Committee on Education

In the House Committee hearing, **proponent** testimony was provided by representatives of All Saints Catholic School, Catholic Diocese of Dodge City, Catholic Diocese of Salina, Catholic Diocese of Wichita, Catholic Education Foundation, Holy Savior Catholic Academy, Kansas Catholic Conference, and Kansas Policy Institute; two school administrators; a school parent; two students; and a private citizen. The proponent testimony was similar to the testimony heard by the Senate Committee.

Written-only proponent testimony was provided by representatives of ExcelinEd in Action, Kansas Family Voice, Lutheran Schools of Kansas, Most Pure Heart of Mary Catholic School, Sacred Heart Catholic School, St. Anne Catholic School, St. Margaret Mary Catholic School, and St. Patrick Catholic School, and 12 private citizens.

Opponent testimony was provided by Representative Poskin; representatives of Game On for Kansas Schools, Kansas Association of School Boards, Kansas Interfaith Action, Kansas National Education Association, Kansas PTA, and United School Administrators of Kansas; a teacher; and a private citizen. The opponent testimony was similar to the testimony heard by the Senate Committee.

Written-only opponent testimony was provided by representatives of American Federation of Teachers-Kansas, the City of Overland Park, Kansas PTA, Kansas State Board of Education, Mainstream Coalition, Stand Up Blue Valley: Families for Our Schools, and USD 229 (Blue Valley Schools), and 165 private citizens.

No other testimony was provided.

The House Committee amended the bill to change optional elements on the eligibility list regarding parents who serve in the U.S. armed forces or in public safety to qualify a student whose parent:

- Is on active duty with any branch of the armed forces of the United States;
- Sustained a service-connected injury or disability as described in law;
- Died while serving in military service;
- Was injured or disabled while performing duties as a public safety officer; or

- Died as a result of injury sustained while performing duties as a public safety officer.

The Committee also added definitions for “injury” and “disability” to mean the same as in continuing law, and “public safety officer” to mean a law enforcement officer, firefighter, or emergency medical service providers as defined in continuing law.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Department of Revenue (Department) estimates that no fiscal effect would occur until tax year 2026 or FY 2027. The Department estimates the bill would reduce State General Fund (SGF) revenue by \$2.5 million in FY 2027, \$5.6 million in FY 2028, \$9.5 million in FY 2029, and \$10.0 million in FY 2030.

The Department further estimates the tax credit cap will begin to increase by 25.0 percent in tax year 2026 and would hit the increase maximum cap in tax year 2029.

The Department also estimates increased expenditures of \$1,450 SGF to implement the bill and modify the automated tax system.

Education; Tax Credit for Low Income Students Scholarship Program; private schools; K-12 education; scholarships; tax credit