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Testimony in Support of HB 2400

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House Education Committee

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Madame Chair and Members of the Committee:

The Kansas Catholic Conference stands in support of HB 2400.

It is just a fact of life that different children have different needs, and different schools are better suited to meet those varying needs. A child who might be struggling in his or her current educational situation could well prove to be successful in a changed environment. This is oftentimes not the “fault” of the original school, but rather a reflection of the fact that one size does not fit all. It is not always a question of finding a “better” school, but rather a matter of determining which circumstances are best suited for that particular child.

This is why parents should have the opportunity to choose the school that best fits their children’s needs. Giving parents greater freedom in pursuing educational opportunities for their children can only strengthen Kansas’ overall educational system. Kansas needs both strong public schools and strong private schools for the state to be competitive in the coming years.

Parents should have the right to choose the best school for their children without being penalized for enrolling them in a school not operated by the government. The state of Kansas has a vested interest in the education of every child. While the state obviously has a special obligation to the children in the public schools it sponsors, that does not excuse the state from its obligation to the over 50,000 children who do not attend public schools.

The approach represented by HB 2400 is constitutional both in terms of the Kansas and United States constitutions. Under the bill, corporate donors would receive a tax credit for contributions to scholarship granting organizations, which would then use those corporate contributions to

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provide scholarships to students attending private schools. Kansans already receive tax credit for donating to religious charities, this is nothing new. **The bill does not give state funds to private schools.**

Two years ago, in *Arizona Christian School Tuition Organization v. Winn*, the United States Supreme Court upheld a similar law in Arizona. The majority opinion made the observation that:

Like contributions that lead to charitable tax deductions, contributions yielding STO tax credits are not owed to the State and, in fact, pass directly from taxpayers to private organizations. Respondents' contrary position assumes that income should be treated as if it were government property even if it has not come into the tax collector's hands. That premise finds no basis in standing jurisprudence. Private bank accounts cannot be equated with the Arizona State Treasury.

Thriving private schools not only provide an important service to parents and children, they are also an asset to the state. Private schools relieve the financial burden that would fall upon the state were it obliged to fund the education of every student in Kansas. Were Kansas' private schools to close, tens of thousands of students would suddenly require placement in public schools, but no new funding would come with them. The state clearly has an interest in encouraging the long-term viability of the private school option.

Kansas should follow the lead of reform-minded states across the country that are pursuing school choice in an effort to make their states more attractive and competitive to businesses and families. HB 2400 will empower parents who lack financial means to choose the education that they believe is best for their child (something Catholic schools have already been attempting to do through scholarships and other approaches to financial aid). Such an opportunity should be something we can all agree on.