

Testimony before the House Education Committee
in opposition to
House Bill 2374 – Expanding the tax credit for low income students scholarship program
by
Judith Deedy, Executive Director of **Game On for Kansas Schools**
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Mr. Chair, Members of the Committee:

[Game on for Kansas Schools](#) is a nonpartisan grassroots effort among Kansans who share a belief in high-quality public education as a right of all Kansas students. We advocate for Kansas public schools to ensure our teachers, principals, superintendents, and school board members have the resources necessary to deliver quality education to all Kansas students. We inform communities across the state about issues and legislation affecting their students, and our membership extends statewide.

Our concerns regarding this bill are extensive. We opposed the tax credit scholarship bill in 2014, saw it defeated in this committee but then bundled into HB 2506 and passed in the final hours of the 2014 session with the Gannon equity remedy. The underlying bill is an ALEC (American Legislative Exchange Council) bill.¹ Sections of Kansas' tax credit scholarship program are identical or nearly identical to the ALEC boilerplate bill. ALEC is not an advocate for Kansas children or schools, but is a national group that promotes limited government and free markets. In alignment with these ALEC goals, this bill provides for the diversion of taxpayer funds to private schools. As we have seen in other states, the initial bill was merely the first step, and we are now testifying against a third attempt at expansion.

We were told in 2014 that the tax credit scholarships are a combination of donor philanthropy and helping poor children escape failing schools, but donating money that is given back is not philanthropy; it's tax avoidance. This isn't even a tax deduction, it's a tax credit, and this bill retains the 70% credit for corporations and expands to include a 90% credit for individuals. This is money that would otherwise go into the State General Fund. At a time when we are facing an ongoing budget crisis and a determination from the Kansas Supreme Court that the funding for our public schools is unconstitutional, it is inappropriate to give away up to \$10 million.

We disagreed with the claims the original bill would allow children to "escape failing schools" and reassert our disagreement today. Our schools continue to do more in an effort to help all Kansas children achieve despite facing challenges including increasing numbers of students living in poverty and with special needs. Our public school students need continued investment in the schools that serve them all, regardless of religion, income or ability. We believe that this bill represents a step towards abandoning and deprioritizing those schools. This bill doesn't require that children already be attending a Title I school or even a public school nor does it in any way tie participation to the school the child is already attending. Thus, this bill is merely a private school subsidy.

Attempts to justify this bill have been based on the alleged superiority of private schools. Unfortunately, the voucher/tax credit scholarship experiment has been underway for decades in other cities and states, and research (including a major recent study) shows that these programs do not lead to improved student performance.² Private schools utilizing vouchers in other states have shown a lack of accountability,³ higher attrition rates,⁴ fiscal mismanagement, fraud and a lack of adequate academic services.⁵

As parents, we find the complete lack of accountability in this program troubling. If taxpayer dollars are to be distributed to private schools, we ought to require the schools receiving the funds to show that they are providing these children with a strong education. Instead, this bill removes all children participating in the program from every protection contained in the rules regulating public schools. There are no requirements that schools are accredited, use qualified teachers, use legitimate curricula, or have adequate and safe facilities. There are also no requirements they provide art, music, physical education, meals or transportation. They are not required to provide special education services or free lunches. The current law provides that parents participating in this program waive their IEPs unless the district provides services to the school.

Although the scholarship mechanism avoids the direct funding of religious institutions, the fact remains that the vast majority of the private schools that would receive "scholarship" funding are religious. Of the 90 schools signed up to participate in the program, 88 are Christian or Catholic. Six of the seven Scholarship Granting Organizations (SGOs) are

directly tied to Catholic or Christian schools. We also note that these SGOs, one of which is a Virginia entity, retain up to 10% of the funds donated. Religious schools are free to exist in Kansas, but they should not receive taxpayer funding. We also oppose state support for segregation of Kansas students based on religious beliefs.

We must explicitly state that this is a voucher bill, with the SGOs placed in the middle in order to avoid the direct funding of religious schools (which has been ruled unconstitutional in other states) and to try to fly below the radar of public perception as polls have repeatedly demonstrated that people oppose vouchers. We oppose this lack of transparency and end run around the Kansas Constitution.

Given our state's current fiscal situation, it defies logic to tell our public schools they must be efficient and minimize administration and then allow the diversion of public dollars to schools in a separate system, with their own buildings and own administrators. Instead of looking at expanding this program, we should be discussing repealing it entirely. Our fiscal situation has worsened since 2014, and we now have a Supreme Court decision that our funding of our public schools is unconstitutionally inadequate. We should be devoting our resources to those public schools.

We oppose this bill, which subsidizes religious schools with public tax dollars, fails to protect the educational interests of the students utilizing the program and actively harms the vast majority of Kansas children who rely upon our public schools for their education. We urge you to oppose House Bill 2374 and vote NO if the bill comes to pass.

¹ <http://www.alec.org/model-legislation/the-great-schools-tax-credit-program-act-scholarship-tax-credits/>

² <http://www.epi.org/publication/school-vouchers-are-not-a-proven-strategy-for-improving-student-achievement/>;

<http://www.nber.org/papers/w21839> (School Vouchers and Student Achievement: First-Year Evidence from the Louisiana Scholarship Program, LSP participation substantially reduced academic achievement)

http://host.madison.com/news/local/education/local_schools/dpi-students-in-milwaukee-voucher-program-didn-t-perform-better/article_4f083f0e-59a7-11e0-8d74-001cc4c03286.html#ixzz2tmx3Km7W (voucher students performing "similar or worse" than other poor Milwaukee students); http://blog.cleveland.com/metro/2011/02/cleveland_students_hold_own_wi.html (Cleveland students hold own against voucher students).

³ <http://www.jsonline.com/news/education/scores-show-voucher-schools-need-accountability-t87s06b-181693671.html> (Milwaukee voucher schools lack accountability);

http://www.nola.com/education/index.ssf/2013/11/no_performance_score_for_80_pe.html (New Orleans);

http://www.washingtonpost.com/local/education/dc-school-voucher-program-lacks-oversight-gao-says/2013/11/15/9bb8c35e-4e3d-11e3-be6b-d3d28122e6d4_story.html (DC)

⁴ <http://nepc.colorado.edu/newsletter/2012/04/review-Milwaukee-Choice-Year-5> (by 12th grade nearly 75% of original MCP 9th graders were no longer attending a participating private school)

⁵ <http://www.jsonline.com/news/education/163337666.html> (funds to buy 2 Mercedes);

<http://www.jsonline.com/news/milwaukee/112892364.html> (fraud and money laundering);

<http://www.miaminewtimes.com/2011-06-23/news/mckay-scholarship-program-sparks-a-cottage-industry-of-fraud-and-chaos/> (multiple instances of malfeasance and lack of provision of adequate academic services)