

SESSION OF 2020

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2465**

As Amended by House Committee on K-12  
Education Budget

**Brief\***

HB 2465, as amended, would amend the Tax Credit for Low Income Students Scholarship Program (Program) by expanding student eligibility. The bill would also require the Kansas State Department of Education (KSDE) to publish one-page accountability reports for accredited nonpublic schools.

***Student Eligibility for the Tax Credit for Low Income Students Scholarship Program***

The bill would amend the Program to expand student eligibility in two ways. First, the bill would amend the definition of “eligible student” to include students who are eligible for free or reduced-priced meals under the National School Lunch Program, reside in Kansas, and are enrolled in a public school or are eligible to be enrolled in a public school. Current law limits eligibility to students who are eligible for free meals.

Second, the bill would amend the definition of “public school” for the purposes of determining student eligibility for the Program. The bill would define “public school” as any school operated by a unified school district in Kansas. Current law limits eligibility to those students enrolled or eligible to be enrolled in the lowest 100 performing elementary schools, as identified by the State Board of Education (State Board).

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\*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 <http://www.kslegislature.org>

The bill would also make technical amendments and retain a provision in current law that allows any student who has previously received a scholarship under the Program and has not graduated high school or is not 21 years old to remain eligible for the Program.

### ***Accountability Reports***

The bill would require KSDE to prepare one-page accountability reports for all accredited nonpublic schools in the state. The bill would also require KSDE to include accredited nonpublic schools in the longitudinal achievement report submitted to the Governor and Legislature each year.

The bill would require the websites of accredited nonpublic schools participating in the Program to include a prominent link to KSDE's website where the one-page accountability reports are published.

### **Background**

The bill was introduced by the House Committee on Education at the request of Representative Huebert.

In the House Committee on K-12 Education Budget hearing, proponent testimony was provided by representatives of ACE Scholarships, All Saints Catholic School, Bishop Ward High School, the Catholic Education Foundation, EdChoice, ExcelinEd, Hayden High School, Holy Savior Catholic Academy, Kansas Policy Institute, Support for Catholic Schools, and the Urban Preparatory Academy and by a private citizen. The proponents favored expanding student eligibility for the Program due to the impact of the Program on current scholarship recipients, and generally favored expanding school choice programs in Kansas as a way to help low-performing students. Written-only proponent testimony was provided by representatives of Americans for Prosperity–Kansas and the Kansas Catholic Conference.

Neutral testimony was provided by a representative of the State Board. The representative indicated the State Board had not determined an official position on the bill and encouraged the Legislature to ensure that performance data for accredited nonpublic schools be made available to parents.

Opponent testimony was provided by representatives of Game On for Kansas Schools, the Kansas National Education Association, the Kansas Association of School Boards, the Kansas School Superintendents' Association, Stand Up Blue Valley, and United School Administrators of Kansas. Opponents generally opposed providing public funding to private schools and favored funding for public schools to help low-performing students. Written-only opponent testimony was provided by representatives of Education First Shawnee Mission, Mainstream Coalition, the Olathe Public Education Network, One United Voice, the Overland Park Chamber of Commerce, and USD 512 (Shawnee Mission), and by a private citizen.

The House Committee amended the bill as follows:

- Deleted language that specified student eligibility for free or reduced meals would be based on the requirements of the National School Lunch Program as it existed on January 1, 2020; and
- Added language to require KSDE to include accredited nonpublic schools in accountability reporting and to require nonpublic schools participating in the Program to include a link to the one-page accountability reports produced by KSDE on the school's website.

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the bill would increase the number of students eligible for scholarships under the Program. However, the additional number of contributions to scholarship granting organizations cannot be estimated.

Additionally, any additional tax credits claimed would reduce revenues to the State General Fund. The total amount of tax credits for contributions is capped at \$10.0 million per tax year. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2021 Governor's Budget Report*.