



Written Testimony: HB 2119 – Student Empowerment Act (opponent)
House K-12 Education Budget Committee
February 8, 2021
By: Dr. Tonya Merrigan, Superintendent, USD 229 Blue Valley Schools

Madam Chairwoman and members of the Committee:

Thank you for the opportunity to submit these comments on HB 2119. USD 229 has a history of working with members of this committee as we mutually seek to enhance student learning opportunities in our state. It is our hope to strengthen that moving forward, although we do stand in opposition to the legislation before you today.

Blue Valley has a student population of more than 22,000 and consistently ranks in the top tier of high-performing schools, both in the state and in the nation. (See “Quick Facts” at end of testimony.) The Blue Valley Board of Education has a long-standing priority position that states:

[Blue Valley] opposes public funding of private schools, including offering public tax credits that decrease state revenue, that do not comply with the same standards and requirements of public school districts, including governance by an elected local school board.

Retrospective Eligibility

A particularly problematic piece of HB 2119 is the **retrospective nature of qualifying students** for the savings accounts – that is, basing eligibility on circumstances occurring prior to this law being in effect.

This last year has been challenging in ways our district, like the rest of the nation, could not have imagined. We share the frustrations of so many in this pandemic, who want to see classroom learning return to its former status. Our board wrestled with decisions that balanced our desire to have full in-classroom learning return in the 2020-21 school year, against the guidance of the State Board of Education’s COVID-19 gatekeeping criteria sent to us just before the school year was to begin in August.

Local school boards rely on the State Board, in its constitutional oversight role, for guidance in all aspects of K-12 student education. Therefore, upon receiving the State Board’s gatekeeping guidance, it was unanimously adopted by our local board. That gatekeeping criteria recommended remote or hybrid learning, based on the COVID-19 infection rate in Johnson County for most of this school year.

HB 2119 would have the effect of penalizing our school district for following the student instruction guidance provided us by the State Board of Education.

Major School Finance Reform

Overall, HB 2119 **proposes a significant reform of K-12 school finance** by directly diverting public education funds for private education opportunities. Because it is fairly vast in its proposed changes, we are left with questions and concerns regarding a number of the bill’s provisions, such as:

- The increased burden it places on our district’s resources to monitor and notify parents of student eligibility;
- The Kansas Constitution in Article VI, section 5 clearly establishes the relationship between the State Board of Education and locally elected school boards, but there is no contemplation of such

relationship with the State Treasurer’s office. We believe this sets up the strong potential of future school finance litigation;

- The mechanics are unclear regarding how funding would flow from the savings accounts should a student’s parents reverse course and decide to return that student to a public school within a school year, after initially choosing a private school route; and,
- This bill will require additional funding of costs associated with managing this program within the State Treasurer’s office, as well as those attached to managing the requirements within our school district.

As with any significant reform, we believe this legislation would be particularly well-served by appointing an interim committee to further vet and explore its various moving parts.

Before closing, we want to acknowledge the K-12 Education Budget Committee’s commitment to improving student learning opportunities across our state. USD 229 shares that commitment and has a vision of excellence in student performance and learning opportunities, so that our students may have the strongest hope of future education and career success throughout the globe. We wish that for all students.

USD 229 Blue Valley Schools: Quick Facts

K-12 Enrollment	21,608	ACT district composite average*	24.3
Early childhood – 12 Enrollment	22,171	ACT state average	20.4
Average Daily Attendance	95.9%	SAT district average	1313
Graduation Rate	96.6%	SAT state average	1237
Teachers with a master’s degree or higher	73%	*with 96% of students taking the ACT test	