

February 5, 2021

House K-12 Education Budget Committee

Written Testimony in Opposition to House Bill 2119

Chairwoman Williams and Members of the Committee:

The Shawnee Mission School District is opposed to House Bill 2119, which will establish an educational savings account for parents while diverting scarce public dollars away from public schools. The bill will erode the ability of public schools to continue in their role as the engine that drives the success of Kansas. Public schools are the ones that open their doors to serve every child in Kansas. It is important for every child, including and especially those in poverty, to have strong local public schools that meet their academic and social-emotional needs. Solutions to improving academic outcomes for every child rest with the ability to help teachers and administrators work in partnership with parents to design schools that use research-based practices to improve learning. In public education this work is done openly, transparently and under the authority of a locally-elected Board of Education. Public funds are for every child and require the accountability that go with the responsibility. HB2119 affords no such accountability for public funds.

The Shawnee Mission School District legislative platform reflects the policy priorities of our Board of Education and our District. Our approved 2021 legislative platform asserts:

18. Support legislation to repeal or reduce the private education tuition tax credit program, and oppose vouchers, or similar programs, such as the Kansas Hope Scholarship Act from 2019.”

<https://www.smsd.org/about/legislative-information/legislative-advocacy-and-platform>

Some of the components in HB 2119 are especially concerning.

At-Risk: The elimination of statutory compliance with the Kansas School Equity and Enhancement Act in House Bill 2119 eliminates the statutory definition of “at-risk,” and replaces that provision with the assertion the student is “eligible for free or reduced-priced meals under the school lunch act.” This provision creates a very broad eligibility pool, which is no longer based on academic need or low achievement. It further ignores the public school requirement to maintain approved at-risk assistance programs, which provide support for at-risk students. Finally, such a profound change to state law should only be considered after careful consideration of all of its impacts, something that is next to impossible in the midst of a pandemic.

Public schools are held to high standards for educational outcomes and student achievement, because they are funded by the taxpayers. Publicly elected school boards are accountable to the citizens and taxpayers, and follow open meetings, open records, and auditing laws. Since this proposed law would allow education savings accounts to receive the financial benefits of taxpayer funds, Kansas taxpayers should expect that same level of accountability and transparency be accomplished by amending the bill to include the following provisions:

- The bill should be amended to add provisions that would include as an eligibility requirement that entities that receive education savings account funds must adhere to state and federal anti-discrimination laws.
- The second change would add an additional requirement to the required KSDE performance accountability report that the report must include specific data reported by both public school districts and any organizations or institutions receiving education savings account funds. The annual reports beginning in 2022 should include the number and percentage of students with either an IEP or at-risk status, as defined in KSA 75-5232.
- The third amendment should include a requirement for an audit by the Division of Legislative Post Audit for the 2023 school year on the education savings account program, as was done for other components of the school finance formula. Finally, all recipients of expenditures from education savings account funds should be statutorily identified as subject to contractual and financial audits, as are public schools per KSA 46-1114.

Resources for educating all citizens through the public school system are critical, as we have just emerged from nearly a decade of court and legislative battles to complete satisfaction of constitutionally adequate and equitable funding. Work needs to be done by all of us to provide educational outcomes for low-income and low-performing students. In the midst of a pandemic and resulting financial disruption, House Bill 2119 is not the solution.

If I can provide any additional information or answer questions, please do not hesitate to contact me.



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