

Written Opponent-Testimony before the House K-12 Education Budget Committee
In opposition to
**HB2119 - Creating the student empowerment act to provide an education savings account
for students who are academically at-risk.**
by Becky Plate, Eudora, Kansas
February 4th, 2021

Madam Chair, Members of the Committee:

It is my great honor to serve on the Board of Education for the Eudora USD491 Schools. This testimony is my own. I do not speak for the school district or the board as a whole, and this testimony should not be construed as the will of that board. I submit my testimony in opposition to HB2119 out of concern for the wellbeing of the students and staff in Kansas schools.

HB2119 takes advantage of an unprecedented public health crisis, to rebuke accredited public schools, filled with educators and staff who have bent over backwards to engage meaningfully with students, and continue providing an education against daunting odds. It infers a false premise that students are better served in private and unaccredited programs than in accredited public schools. The implication that private schools provide a superior education, is not supported by research. There is ample evidence that private schools do not categorically outperform public schools academically.⁸⁻¹² HB2119 would allow the diversion of public tax dollars away from the State General Fund, in order to fund private and unaccredited programs who have chosen not to or have not had to resort to remote and hybrid learning due to small class size. HB2119 seeks to divert tax dollars away from the fund public schools who follow health and safety directives rely on. HB2119 also ignores the obligation of schools, both public and private, as employers, to provide safe working conditions for their employees.

In the wake of the spread of COVID19, local school districts and boards of education in Kansas have been tasked with the responsibility for establishing plans to continue providing education for all students in their district, while also incorporating systems that comply with public health directives and protect students and staff from COVID19 transmission in schools. Educators all over Kansas worked through the spring and summer in planning teams and collaborated with health experts and community leaders to troubleshoot what felt like an impossible problem. As the death-toll began to rise around us, it became clear that most schools would not be able to operate “business as usual” for the 2020-21 academic year.

There was no manual for how to operate schools during a 100 year plague, and during the last one, the 1918 flu, most schools in the United States just closed completely for weeks or months.¹ We lacked a guide to navigating the safe delivery of education for K-12 students during a deadly pandemic, so more than 700 educators and other experts spent months developing exactly that. The Kansas Department of Education developed “Navigating Change: Kansas’ Guide to Learning and School Safety Operations”, which was presented to the Kansas State Board of Education on July 14th, 2020. On July 15th, 2020, the Kansas State Board of Education voted 9-0 to accept the guidelines for Navigating Change 2020 to assist schools in their preparations for the 2020-21 school year.² These guidelines include recommendations for maximum classroom counts in order to promote physical distancing and cohort groups, as well as methods of hybrid and remote learning.³ Local school boards were tasked with adapting and implementing these recommendations in ways that would fit each of their unique situations. This process was not easy for anyone involved. As time went by, and processes were implemented, some worked and some didn’t. Adjustments have been made at both local and state levels to continue to solve emerging problems while safely delivering an education to Kansas students. Updates to the Navigating Change guidance were presented to the State Board of Education and accepted in a 10-0 vote on November 10th, 2020.⁴ Additional updates to the Navigating Change guidance were presented to the State Board of Education and accepted in a 10-0 vote on December 8th, 2020.⁵ Updates to the Kansas Gating Criteria portion of the Navigating Change guidance were released publicly on December 14th, 2020.⁶

In addition to the continually-evolving guidance from the KSDE and KSBOE, each learning community falls under the jurisdiction of their county and local public health authority. Many of these, including Douglas County, where my district is, issue their own safety protocols for school operations, which also have adapted over time and include maximum classroom counts in order to promote physical distancing and cohort groups, as well as methods of hybrid and remote learning.⁷ These public health experts advise school districts on a week to week, or even day to day basis, on their capacity to provide in-person learning safely. At times, this even gets down to the individual building or cohort level, in order to maximize the amount of in-person learning that can be offered, without unduly jeopardizing the health and safety of students and staff.

Many districts, such as my own, have very different capacities to physically distance students and staff at each different attendance center. The level of community spread of COVID19 within our community has varied greatly over time, and varies greatly from other communities in the state. At times, we have experienced insurmountable levels of COVID19 cases among our student and staff populations, and had to shift into remote learning temporarily. Even when we do everything we can to curb the spread of COVID19 within the walls of our school environments, the rate of community spread of COVID19 outside our walls is beyond a school district's control. Our attendance centers do not exist in a vacuum, and the impact of COVID19 spread in our communities does not stop at our front doors.

In conclusion, HB2119 favors schools who may pick and choose their students over those who serve all. It favors unaccredited programs over accredited ones. It favors potentially hazardous practices over practices aimed at student and staff safety. HB2119 exploits a public health crisis that has taken the lives of nearly half a million Americans in the last year, as an opportunity to divert public funding to private programs. I urge you to oppose HB2119.

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2. July 2020 Kansas State Board of Education Minutes.
<https://www.ksde.org/Portals/0/Board/Minutes/2020/July%202020%20Minutes%20Approved.pdf?ver=2020-08-12-093914-937>
3. Kansas State Department of Education, Topeka, Kansas. NAVIGATING CHANGE: KANSAS' GUIDE TO LEARNING AND SCHOOL SAFETY OPERATIONS.
https://www.ksde.org/Portals/0/Communications/Navigating%20Change/Navigating_Change.pdf?ver=2020-07-15-183032-667
4. November 2020 Kansas State Board of Education Minutes.
<https://www.ksde.org/Portals/0/Board/Minutes/2020/November%202020%20Minutes%20Approved.pdf?ver=2020-12-08-130217-603>
5. December 2020 Kansas State Board of Education Minutes.
<https://www.ksde.org/Portals/0/Board/Minutes/2020/December%202020%20Minutes%20Approved%20Signed.pdf?ver=2021-01-15-085732-863>
6. Kansas State Department of Education, Topeka, Kansas. Navigating Change 2020 KANSAS' GUIDE TO LEARNING AND SCHOOL SAFETY OPERATIONS: Kansas Schools Gating Criteria.
<https://www.ksde.org/Portals/0/Communications/Navigating%20Change/Gating%20Criteria%20Graphic.pdf?ver=2020-12-14-103106-517>

7. Lawrence Douglas County Public Health, Lawrence, Kansas. Douglas County Smart & Safe School Guidance – PK-12 Phase Criteria. <https://ldchealth.org/DocumentCenter/View/3113/Reopening-Douglas-County-Schools-Public-Health-Criteria-2020->
8. Jonathan N. Mills & Patrick J. Wolf, Univ. of Ark., The Effects of the Louisiana Scholarship Program on Student Achievement After Four Years (Apr. 2019).
9. Megan Austin et. al., Russell Sage Foundation J. of the Social Sciences, Voucher Pathways and Student Achievement in Indiana’s Choice Scholarship Program (2019).
10. David Figlio & Krzysztof Karbownik, Fordham Institute, Evaluation of Ohio’s EdChoice Scholarship Program: Selection, Competition, and Performance Effects (July 2016).
11. *E.g.*, Jonathan Plucker et al., Ctr. for Evaluation & Educ. Policy, Univ. of Ind., Evaluation of the Cleveland Scholarship and Tutoring Program, Technical Report 1998-2004, 166 (Feb. 2006).
12. *E.g.*, U.S. Dep’t of Educ., Evaluation of the DC Opportunity Scholarship Program: Impacts Three Years After Students Applied (May 2019); U.S. Dep’t of Educ., Evaluation of the DC Opportunity Scholarship Program: Impacts Two Years After Students Applied (June 2018); U.S. Dep’t of Educ., Evaluation of the DC Opportunity Scholarship Program: Impacts After One Year (June 2017).