



Frontier Peace Advisors

"Peace is the New Frontier"
www.frontierpeace.com

Frontier Peace is a private membership association dedicated to advancing libertarian principles in the Kansas legislative process. All funding for Frontier Peace comes from paid memberships, open to anyone, in which each person pays the same, flat, very modest, annual fee.

Before the House K12 Education Budget Committee
Re: Support for SB 61

February 23, 2021
Bob L. Corkins
Chief FPA Lobbyist

Only the very tip of the iceberg is represented by base-state-aid-per-pupil. Please don't think that public schools are spending just \$4,439 per student. The true number is \$14,848 (file:///C:/Users/Owner/Downloads/school_fin_rpt.pdf). That's the average amount spent per student by Kansas public schools last year. Because averages don't tell the whole story, consider also that the median USD spent \$15,687 per student, that virtually all USDs spent between \$12,000 to \$25,000 per student, that one outlier district spent just \$8,406 and that two districts spent in excess of \$31,000 per pupil.

Overall, Kansas public schools represent more than a \$7 billion annual industry – easily big enough to qualify for the Forbes 500 if it were a competitive private business. Except that it's neither private sector nor competitive. When a customer's only option for getting an alternative is to continue paying for product-A while also paying for their more desired product-B, at these prices, few can afford it.

Kansas doesn't need to assert such monopoly power in order to achieve quality education for which all our youth have an equal opportunity. This committee's very commendable recent attention to our constitution's education clauses highlights the directive to provide for intellectual improvement and provide for finance of educational interests. "Provision" is not "production". There is no constitutional mandate that our K-12 education be delivered in government buildings, financed with government borrowing, taught by government employees entitled to government pensions, using government curriculum. It's only by historical tradition that, in the case of K-12, our government exerts near-monopoly control over the means of production.

So, please apply this backdrop to the Tax Credit for Low Income Students Scholarship Program. Compare 632 students in TCLISSP to 476,454 public students. Compare the maximum \$8,000 per scholarship to double that amount we'd spend for them in public school. Compare \$2.5 million in awarded scholarships to more than \$7 billion. WalMart is losing no sleep over Smith's Corner Market. Even if Smith's had a stupendous year and quadrupled its gross revenue – *i.e.*, even if SB 61 were enacted and the maximum \$10 million in tax credits were claimed – WalMart wouldn't notice any difference.

Today I won't dwell on the constitutionality of incentivizing charity that might go toward parochial schools. You've reviewed the Espinoza decision of the US Supreme Court and its current safe harbor standard that applies here. Nor will I elaborate on Kansas' Blaine Amendment, despite its anti-Papist origins in this country, because the "control" of public education funds is totally unaffected by the TCLISSP even if SB 61 is enacted. All awarded scholarships are paid from private taxpayers' charitable donations...and in return each taxpayer gets to keep a little bit more of their own money away from the

tax collector. The surest way to separate church and state is to minimize the size and scope of government.

In fact, if you ignore local and federal funding of K-12 for a moment, isolating only the State Aid portion which amounts to an average \$10,173 per student, you'll see that state coffers result in a net gain from this program – that is, 632 students for whom we no longer pay state aid, a savings of \$6.4 million versus \$2.5 million in awarded tax credits. The net gain gets even better when you add in the local and federal budget savings and the fact that not all 632 students received a full \$8,000 scholarship (if they all had, the awarded tax credits would have been \$3.5 million).

I can also spare this committee time by deferring to plenty of other conferees regarding the quality of education received by scholarship students. In short, I believe it would be very difficult to find parents of any student in this program who are not happier now with the alternate school their child is attending.

Turning to some specifics of the TCLISSP and today's bill, the crux of its proposed change is to expand the program's application to more than just those children in the 100 lowest-scoring elementary schools of this state. Current law leaves things up to the State Board of Education to declare which are the lowest performing schools. The Board chose to use aggregate school test scores in Math and English Language Arts that are part of its Academic Performance Index.

Math and English test scores? Really? It's a shallow analysis that is arbitrary at best. Student safety and their level of engagement with other academic subjects are other evaluations that seem worthy. But more so than the State Board's cursory compliance effort, the biggest policy shortcomings are the statute's limitation to only 100 schools, and only those that are "lowest performing". The State Board is simply (very simply) complying with what the statute demands. However, so-called "successful" schools still manage to fail particular students, just as "low performing" schools still manage to succeed with certain students. There is no student-centered evaluation permitted by the rigid eligibility of this program. In fact, this law's whole thrust implies that we're only going to give low income students an alternative they desire if the State decides they really need it. The existing law generates an offensive quibbling here about which small clusters of low income kids deserve a better option.

Plus, there are many powerful reasons parents may want their kids educated elsewhere. For any given family the motive may be bullying, gangs, drugs, classroom disruptions, sexual harassment, sex education, evolution, other curriculum objections, enforced homework or lack thereof, library censorship or lack thereof, etc. SB 61 would result in far less second-guessing – or overruling – of parental preferences.

Finally, we highlight an ambiguity of the new KSDE reporting requirements in §3 of this bill. Here, SB 61 directs the agency to begin publishing accountability reports for all "accredited nonpublic schools". While other provisions of this bill are careful to address nonpublic "qualifying schools", meaning schools that choose to participate in this program and comply with its terms, this proposed change in §3 does not distinguish between participating and nonparticipating nonpublic schools. It seems to require accountability reports from nonpublic schools that want no involvement with TCLISSP. Is that the intent of the bill's drafters? Will nonparticipating private schools be compelled to supply KSDE with data that they're not currently required to submit to KSDE (perhaps because they're not state

accredited)? We ask that SB 61 confine itself to the TCLISSP and only those nonpublic schools that avail themselves of this program.

With only that final caveat of clarification, the members of Frontier Peace encourage your support of this legislation. Thank you for your time and consideration.

###