



SMAC PTA LEGISLATIVE UPDATE

March 1, 2024

We are halfway through the legislative session in Topeka and it has been pretty quiet on the education front. However, we expect things to pick up. Below we've included some good news, some updates, some issues/bills we are watching, and a [CALL TO ACTION](#).

The following items related to [Kansas PTA's](#) and [SMSD's](#) legislative platforms are covered below:

- Good news — Flat Tax defeated¹
- Dangerous public health bill passes in the Senate²
- Supreme Court ends jurisdiction (oversight) of school funding case¹
- Fully Fund Special Education³
- Voucher bills⁴ diverting public tax dollars to private schools
- Gun Safety:⁵ constitutional amendment weakening gun laws & safe storage bills
- Medicaid Expansion⁶ could help SMSD families

Look for the vote counts for our SMSD area legislators and take note of how your legislators voted on bills that impact the 90% of Kansas kids who attend our public schools.

Use openstates.org to find your legislators; state House representatives are designated by LOWER chamber and state Senators by UPPPER chamber.

Don't miss the [CALL TO ACTION](#) section relating to public health, special education, and gun safety. These are easy links to send emails to legislators — 5 minutes total.

Major Developments

Good news — Flat Tax Bill was defeated The Flat Tax bill (HR 2284) was projected to create a deficit within five years, putting funding for public education at risk. During the recession and Brownback tax experiment years, public schools experienced significant budget cuts. Those general education funds were just recently restored after being phased-in over five years as a result of the Gannon Supreme Court case that found our schools were constitutionally underfunded.

The Governor vetoed the bill and an attempt to override her veto failed in the House. We are hopeful the legislature can now come up with a plan to cut taxes for Kansans while also ensuring our schools will be properly funded. **Representative vote count:**

Sustain the veto (protects school funding): Stephanie Clayton, Linda Featherston, Jo Ella Hoye, Heather Meyer, Cindy Neighbor, Jarrod Ousley, Mari-Lynn Poskin, Jerry Stogsdill, Lindsay Vaughn, Brandon Woodard, and Rui Xu

Override the veto (puts school funding at risk): Owen Donohoe and Laura Williams

Dangerous public health bill passes in the Senate SB 391 eliminates current quarantine laws and restricts the ability of local health officials to stop the spread of infectious diseases; particularly dangerous as measles cases are on the rise. SB 391 will move on to the House next.
Senator vote count:

NO (maintains public health laws): Senators Ethan Corson, Cindy Holscher, Pat Pettey, and Dinah Sykes

YES (weakens public health laws): Senators Mike Thompson and Kellie Warren

Kansas Supreme Court ends jurisdiction over Gannon case Over the course of the last 20 years, the courts have ruled twice (Montoy & Gannon) that Kansas schools were not constitutionally funded. Restoration of funding began under Montoy, but the legislature never fully restored funding to the levels required by the Supreme Court. That then led to the Gannon court case. After the Gannon ruling, the court maintained jurisdiction (oversight) to ensure the legislature completed the agreed upon five year phase-in of general education funding.

The 2022-2023 school year was the final year of the phase-in of general education dollars. At the [behest of Attorney General Kris Kobach, the court has ended their jurisdiction over education funding](#). Considering the history of school funding in Kansas, we need to ensure we have legislators in office who will continue to fund our schools at constitutional levels.

Issues/Bills to watch

Fully Fund Special Education (SPED) Despite the \$173 million shortfall in special education and proposals from the State Board of Education, the Special Education Task Force, and the Governor to phase-in funding, legislative leadership has yet to take action.

Instead, a hearing was held on bill HB 2738 that would change the way funds are counted to make it appear as if SPED is fully funded. **Testimony included one proponent and 97 opponents.** SMSD is using \$10 million in general education funds (undercutting the restoration of funds from Gannon) to cover the SPED shortfall.

Vouchers

SB 509 Tax Credit Voucher: Kansans with kids who don't attend public school would receive a refundable tax credit of close to \$4000 for each child not attending public school. This bill would

reduce state revenues and undermine the state's ability to fund our public schools by essentially paying those who have made a private choice to forgo a public good.

SB 469 Education Savings Accounts (ESAs): This is the fourth year an attempt to create ESA's in Kansas has been initiated. ESA's allow for an amount equal to the BASE per student aid to be transferred from public school funds to an individual student's account. Those funds can then be used to pay for tuition and other education expenses at a non-public school. SB 469 is a more scaled down attempt than the massive program attempted last year, but we've seen continual expansion attempts once voucher programs take hold.

Concerns with Voucher Programs

This is just a sampling of concerns around voucher programs:

- Divert public tax dollars to private and homeschools at a time when legislators should be focused on the \$173 million shortfall in special education funding.
- Private schools can choose which students they accept, whereas public schools educate ALL Kansas students regardless of academic ability, physical ability, religion, sexual orientation, and so on.
- Private schools are not held to the same accountability standards and are not required to participate in state testing.
- Voucher programs have no review process in place to evaluate if students are achieving and tax dollars are being used wisely.
- Continued research demonstrates that private [school vouchers don't improve student achievement](#).
- Voucher programs in other states have created significant budget cuts to public education.

Public tax dollars should remain with public schools that accept and educate all children.

Gun Safety — constitutional amendment & safe storage

Constitutional amendment: Both the House (HCR 5020) and the Senate (HCR 1618) now have proposals to amend the state constitution to apply a heightened legal test for gun restrictions, referred to as "strict scrutiny." **This amendment could loosen the firearm laws currently in place and make it more difficult to pass new laws in the future.** We are watching to see if there is further movement on these bills.

Sponsors of the proposed amendment: Rep. Owen Donohoe and Sen. Mike Thompson

Safe storage bills: Bills were introduced in 2023 by SMSD area legislators in both the House (HB 2413 – Rep. Linda Featherston) and Senate (SB 137 – Sen. Cindy Holscher). The [PTA](#) and SMSD advocate for safe storage of firearms to reduce gun violence, the leading cause of death among children and teens. Safe Storage can prevent suicides and unintentional deaths by firearm.

Medicaid Expansion We are still waiting on a hearing for Medicaid Expansion; 150,000 Kansans fall into a coverage gap and are unable to obtain health insurance. According to SMSD's legislative platform, a significant number of SMSD families would be helped by Medicaid Expansion. Healthy families put students in a space where they are better able to learn.

CALL TO ACTION

Each link below should automatically populate an email to the appropriate legislators with pre-filled in wording. If possible, please customize with your own wording or personal story.

PROTECT PUBLIC HEALTH Click [here](#) to send an email to all SMSD area Representatives urging them to vote no on SB 391 that would weaken our public health system.

FULLY FUND SPECIAL EDUCATION Click [here](#) to send an email to legislators urging them to fully fund special education.

SAFE STORAGE OF FIREARMS Click [here](#) to send an email to House leaders and click [here](#) to send an email to Senate leaders asking for a hearing on the Safe Storage bills.

Footnotes

¹ **Kansas PTA Priority 2 – Investing in Public Education | SMSD Legislative Platform – School Finance**

² **Excerpt from Kansas PTA Values** We aim to raise the standards of home life and advocate for laws that further the education, physical and mental health, welfare and safety of children and youth. | **SMSD Legislative Platform – Health, Safety and Social and Emotional Well-Being**

³ **Kansas PTA Priority 3 – Fully Fund Special Education and other Mandates | SMSD Legislative Platform – School Finance** SMSD supports special education services and state funding at the required 92% of excess costs and mitigate the wide variance in reimbursements...Shawnee Mission fully pays for the required (and additional) special education services for our students. We pay for it, but the district does not receive funding. Each year, we are forced to shift funding from other areas of need to fill the budget hole that state funding does not fill...In addition, unreimbursed special education costs impact ALL students, as students with an IEP are general education students first, and spend most of their time in the general education classroom.

⁴ **Kansas PTA Legislative Priority 11 – Public Dollars for Public Education | SMSD Legislative Platform – Support for Public School** SMSD will support legislation to repeal or reduce the private education tuition tax credit program, and oppose vouchers, corporate scholarships or similar programs, and oppose any efforts to divert public, taxpayer funds to private education savings accounts.

⁵ **Kansas PTA Legislative Priority 8 – Gun Safety | SMSD Legislative Platform – Health, Safety and Social Emotional Well-Being** Support efforts to keep schools safe from gun violence, including financial

support for threat assessment programs in schools, security upgrades, effective emergency planning assistance, and responsible firearm storage.

⁶ **Kansas PTA Priority 10 – Access to Affordable Quality Health Care | SMSD’s Legislative Platform – Health, Safety and Social Emotional Well-Being** Support Medicaid expansion, which will increase health insurance coverage for a significant number of families in our community, promoting family access to health care...which will increase the opportunities for students to be successful in school.