

# Education Opportunities Amendment

*“An amendment to the Kentucky constitution, giving parents choices in educational opportunities for their children.”*

Support for advocacy - managed by



*Paid for by Kentucky Students First, an independent, nonprofit corporation exempt from federal taxation under section 501(c)(4) of the Internal Revenue Code, 657 S Hurstbourne Parkway, Suite D 260, Louisville, KY 40222*

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# TODAY'S DISCUSSION

## SCHOOL CHOICE REGIONAL SNAPSHOT



### *Parents and Children deserve educational options.*

Every state surrounding Kentucky has multiple educational choice programs. These programs help cover the cost of non-public school tuition for eligible families. These programs sometimes cover educational expenses beyond education, including special needs therapies, textbooks, and technology.

Kentucky has no educational choice program, but efforts are underway to change that. The 2024 General Assembly passed a Kentucky Constitution Amendment bill, and the Amendment will be on the November 5, 2024 ballot for voter approval.

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# Executive Briefing

## Education Opportunities Constitution Amendment

### CURRENT SITUATION

- Thousands of Kentucky children cannot attend a K-12 school that parents believe is best for them because they do not have the necessary resources.
- The Kentucky Legislature has tried to remedy the situation by passing Education Opportunity Accounts and Charter School legislation.
- The Kentucky Department of Education bureaucracy, the Kentucky Education Association, and the courts continue to block offering school choice to Kentucky parents/students.
- Kentucky is the only state in the region that does not have active school choice programs.
- **Our parents, our children, and our state deserve better!**

### THE SOLUTION – A Constitution Amendment

- Legislators determined that the best option available to Kentucky citizens is an amendment to the Kentucky constitution allowing for educational choice in addition to public schools.
- On March 15, 2024, the Kentucky General Assembly passed HB2 amending the constitution; the Amendment will be on the 2024 ballot, and if voters approve, it will be effective immediately.
- The Amendment will be strongly resisted by the National Education Association, the Kentucky Education Association, the ACLU, and other national anti-school choice organizations; combined, they are expected to spend more than \$13 million in opposition.

### FINANCIAL SUPPORT

- Kentucky Students First hopes to raise \$6 to \$7 million from Kentucky donors and \$3 to \$5 million from national organizations to conduct a professionally managed, credible state-wide advocacy for passage.
- To maximize the impact of this initiative, high-capacity, passionate donors such as yourself must significantly embrace this effort.
- We hope children can soon have permanent access to educational venues that best fit their needs.
- Please consider a stretch donation today; individuals, businesses, and trusts may donate unlimited amounts to 501(c)(4) organizations.
- **There is no greater Return on Investment than educating our children!**

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## Proposed Constitution Amendment

The following is the proposed constitutional amendment passed by the General Assembly on March 15, 2024. The proposed constitutional amendment will allow the General Assembly to implement and fund educational options so parents can choose what is best for their children. The amendment will appear on the November 5, 2024, ballot, and the voters will hopefully vote YES.

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## Education Opportunities Constitution Amendment

To give parents choices in educational opportunities for their children, are you in favor of enabling the General Assembly to provide financial support for the education costs of students in kindergarten through 12th grade who are outside the system of common (public) schools by amending the Constitution of Kentucky as stated below?

IT IS PROPOSED THAT A NEW SECTION BE ADDED TO THE CONSTITUTION OF KENTUCKY TO READ AS FOLLOWS:

**The General Assembly may provide financial support for the education of students outside the system of common schools. The General Assembly may exercise this authority by law, Sections 59, 60, 171, 183, 184, 186, and 189 of this Constitution notwithstanding.**

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## Amendment Limitations and Implications

### What the Amendment Does – **Nothing More**

- ✓ **Allows Legislators to Implement Education Innovation**
- ✓ **Protects Public School Funding Under the Constitution**

### Educational Change for K-12 Students

- ✓ Additional Parental Rights – Options & Choices  
Recognizes Parents' Responsibility as the “Primary Teacher”
- ✓ Improves All Students’ Academic Performance  
Applies to Public and Nonpublic School Students – Has Happened in Other States
- ✓ Improves Student’s Fit with the School  
Academic Achievement, Curriculum, Class Size, Location, Safety, Alignment of Family and School Values, etc.
- ✓ A Pathway to Improve Teacher Retention and Job Satisfaction  
Allows Teachers Actually to Teach STEM, Reading, English and Civics

**Win**

**Parents**

**Win**

**Students**

**Win**

**Teachers**

## MYTHS and FACTS

**MYTH - “Takes money away from public schools.”**

**FACT**— Funds for educational initiatives allowed by this amendment must come from somewhere other than public school funding (SEEK). Public schools remain unchanged under the Constitution, and it is essential to understand that public school spending is currently at an all-time high: OVER \$10,000,000,000 (billion) annually.

**MYTH - “Allows funding of private or religious schools with public money.”**

**FACT** - The ballot issue is only about an amendment to the constitution, not any suggested school program, and who might be eligible to participate in future opportunities.

**MYTH – “We do not need a constitutional amendment.”**

**FACT** - In a December 2022 decision on a school choice program, the Kentucky Supreme Court strongly suggested putting a constitutional amendment before the people of Kentucky to settle the issue because the constitution on education issues (written in the 1800s) is outdated.

**MYTH - “The amendment does not require accountability of any new programs.”**

**FACT** - Ultimately, accountability is to the parents for academic achievement; parents will choose a different school if poor academic performance persists. The constitution “as is” also does not require accountability; accountability is an administrative issue, not a constitutional issue.

**MYTH - “The amendment will take children out of public schools.”**

**FACT** – If a child leaves a public school, it is likely because the school is not a good fit for that child. If the public school is performing well, it is not logical that a parent would remove their child to place them in a substandard alternative school.

**MYTH - “The amendment is an attack on the education and rights of the LGBTQ community.”**

**FACT** - The opposite is true, although the Amendment IS NOT about any specific program; instead, the amendment allows for choice for all students without biases.

**MYTH - “The amendment will allow for segregation and thereby is racist.”**

**FACT** – The ballot does not establish any choice program but is only an Amendment issue. Such a racist assumption is intellectually dishonest and has proven untrue in other states with school choices. Choice favors minorities who frequently have no financial means for an alternative.

**MYTH – “An amendment opens the door for school programs that do not address all the special needs of children.”**

**FACT**—This generalization equally applies to public schools and alternative education venues. This is precisely why parents should have school choices that fit their children’s needs.

## Frequent Questions

### **Who crafted the amendment?**

- House and Senate legal counsel
- Legal input from
  - The Attorney General's Office
  - Institute for Justice – Washington DC
  - EdChoice National - Indianapolis
- Marketing input from
  - Various legislators
  - EdChoice Kentucky – based on polling data
  - Many other advocates

### **When did the amendment pass the General Assembly?**

- The amendment bill passed on March 15, 2024
- The votes in the House were in favor 65-32 (67%); needed a constitutional majority of 60 votes
- The votes in the Senate were in favor 27-8 (77%); needed a constitutional majority of 23 votes

### **What is the history of amendments passing?**

- Since 2000 (24 years), there have been ten amendments on the ballot; seven have passed – 70%
- Since 1990 (34 years), there have been twenty-one amendments on the ballot; thirteen have passed – (62%)
- In a January 2024 statewide poll, passing an amendment was favored by a three percent (3%) plurality. The poll was taken before the amendment was passed

**What does the \$10 million budget look like?**

**Administration**

- Fundraising – Fees & Expenses 8.0%
- Management, Staff & Consultants 1.6%
- Compliance 1.5%
- Video and Audio Production 1.0%
- All other .4%

**Total Admin 12.5%**

**Advocacy Services**

- Mass media – TV 40.0%
- Mass Media – Radio 2.5%
- Social Media ads 1.0%
- Signs & Billboards 2.0%
- Professional Canvassers 3.0%
- Direct Mail and Flyers 30.0%
- Texting via Voter Voice 4.0%
- Phone Banks and Robot Calls 2.0%
- All other 3.0%

**Total Advocacy 87.5%**

If fundraising falls short of the target, all expenditures will be reduced, but not proportionately. TV and direct mail will have to take the largest percentage decrease.

**Who else is likely to advocate for passing the amendment?**

Key organizations fall into two categories: those with significant funding and those with less funding who are advisory or research organizations.

**Professional Paid Advocates**

- Kentucky Students First – newly formed single-purpose organization managed by Roebing Solutions
- Americans for Prosperity – Kentucky Division
- Senatorial Advocacy Committee

**Coalition Volunteer Organizations – will conduct research, speak at rallies, write op-eds, etc.**

- Bluegrass Institute
- Catholic Conference for Kentucky
- Commonwealth Education Opportunities
- Commonwealth Policy Center
- EdChoice Kentucky
- Family Foundation
- Kentucky FREE