

MINUTES
SENATE EDUCATION COMMITTEE

- DATE:** Monday, February 20, 2023
- TIME:** 3:00 P.M.
- PLACE:** Room WW02
- MEMBERS PRESENT:** Chairman Lent, Vice Chairman Toews, Senators Den Hartog, Nichols, Herndon, Lenney, Ward-Engelking, and Semmelroth
- ABSENT/ EXCUSED:** Senator Carlson
- NOTE:** The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.
- CONVENED:** **Chairman Lent** called the Senate Education Committee (Committee) to order at 3:09 p.m.
- MOTION:** **Vice Chairman Toews** moved to defer the Gubernatorial Reappointment of David Hill to the State Board of Education to February 21, 2023. **Senator Den Hartog** seconded the motion. The motion carried by **voice vote**.
- PRESENTATION: Day in the Life of a Rural Public School Student.** **Gracie Castillo** gave a summary of her unique experiences as a student at Garden Valley School, a rural school located in Garden Valley, Idaho. She discussed some of her classroom experiences and described what it was like to grow up in a small, rural community. Ms. Castillo relayed to the Committee the ways in which her rural public education had differed from education in urban areas.
- DISCUSSION:** **Senator Semmelroth** asked Ms. Castillo if there were any issues she would like to bring to the Committee's attention based upon her experience as a rural student. **Ms. Castillo** reported the biggest problem she had noticed at her school was the difficulty of retaining administrative and guidance counselor staff. **Senator Semmelroth** asked Ms. Castillo how the Committee could help rural schools like hers. **Ms. Castillo** stated she would like to see more support for administrative staff in rural schools.
- Senator Den Hartog** thanked Ms. Castillo for her presentation and for informing the Committee about rural public school experiences in Idaho.
- Senator Nichols** asked Ms. Castillo what her future plans were. **Ms. Castillo** said that she was planning on attending the College of Idaho and double majoring in biology and Spanish and using the skills she learned to work in the agricultural sector.
- PRESENTATION: Day on the Hill.** **Quinn Perry**, Deputy Director, Idaho School Board Association (ISBA), introduced leadership officers of the ISBA to the Committee and invited the members of the Committee to meet with their local school board officials who were visiting the Capitol.

S 1015 **Extended Learning Opportunities - Amends existing law to limit applicability to full-time students.** **Tracie Bent**, State Board of Education (SBE), Chief Planning and Policy Officer, explained the potential legislation made two changes to Idaho Code § 33-512D. These changes clarified how public schools reported students in extended learning programs for funding purposes. This legislation addressed and prevented the potential problem of having part-time students who attended extended learning opportunities at public schools being reported as a full-time student for funding purposes.

DISCUSSION: **Senator Herndon** asked Ms. Bent to clarify which section of Idaho Code was being changed. **Ms. Bent** confirmed that it was § 33-512D. **Senator Herndon** asked if she knew what the total reporting change would be if this bill passed. **Ms. Bent** stated that she did not have that number because the program was still in its first year of implementation and they would not have that number until the end of the year.

Senator Lenney asked if there were going to be students who would be considered ineligible for the extended learning program because of this bill. **Ms. Bent** commented there would be no changes to enrollment in this program, only how students were reported for funding purposes. **Senator Lenney** asked if Ms. Bent could confirm that homeschoolers would not be disqualified from an extended learning program. **Ms. Bent** explained homeschool and private school students who participated in this program were governed by another section of Idaho Code and would not be affected by this bill.

MOTION: **Vice Chairman Toews** moved to send **S 1015** to the floor with a **do pass** recommendation. **Senator Ward-Engelking** seconded the motion.

DISCUSSION: **Senator Den Hartog** clarified for the Committee this bill was related to a piece of legislation that passed during the prior legislative session, S 1238, and based on her reading of **S 1015**, it did not alter the original intent and goal of S 1238.

Vice Chairman Toews informed the Committee that he met with the original sponsors of S 1238 and confirmed with them **S 1015** was consistent with the spirit of S 1238.

VOICE VOTE: The motion to send **S 1015** to the floor with a **do pass** recommendation carried by **voice vote**.

S 1071 **Education - Amends existing law to prohibit instruction on human sexuality, sexual orientation, or gender identity prior to the fifth grade.** **Vice Chairman Toews** gave an overview of **S 1071**, which restricted any sex education before the fifth grade. He remarked the purpose of the bill was to maintain Idaho children's innocence during the informative years of their lives. **Vice Chairman Toews** stated this was not a widespread issue here in Idaho. He further stated that he received an email from an Idaho citizen who pointed out that in "Boise's More Equitable City for Everyone" Report, there was a concerning goal to "collaborate" with the Boise School District to establish sex education for Pre-K through 12th grade. **Vice Chairman Toews** viewed the bill as more of a preventative measure to ensure that this kind of instruction does not happen and explained his concern with the report and that this bill would try to prevent policies like this.

DISCUSSION: **Senator Ward-Engelking** asked for clarification if this bill would prevent gender-specific hygienic instruction or assistance from a teacher. **Vice Chairman Toews** believed the bill would not prevent any kind of hygienic assistance from a teacher and there were no hygiene issues addressed in the bill. **Senator Ward-Engelking** asked if an attorney could confirm this would be the case. **Vice Chairman Toews** assured Senator Ward-Engelking that the bill would not address feminine hygiene.

Senator Semmelroth asked why there was a need to address a problem that was not happening in Idaho schools. **Vice Chairman Toews** remarked he saw a movement towards sex education for children as mentioned in the report he cited in his presentation. He also discussed this issue with the Attorney General's office who said this bill would be helpful for clarification on instruction in the future. **Senator Semmelroth** highlighted her concerns with the bill being an aggressive use of legislative power and stated that she would not support the proposed legislation. **Vice Chairman Toews** responded that he did not want to see sex education before fifth grade become a widespread problem in Idaho and viewed the bill as noncontroversial for most Idahoans.

Senator Ward-Engelking asked if a topic such as Stranger Danger fell under the definition of sex education. **Vice Chairman Toews** indicated that even in the broadest definition of sex education, he did not believe that Stranger Danger fell under sex education.

Senator Lenney asked what was the source of the "Boise's More Equitable City for Everyone" report. **Vice Chairman Toews** answered the report was sent to him by a citizen of Idaho.

Senator Ward Engelking pointed out to the Committee that this report did not come from the Boise School District and this issue needed to be handled by local school districts. **Vice Chairman Toews** responded that it was the goal of the City of Boise to collaborate with the Boise School District on this issue and that this bill attempted to respond to that. **Senator Ward-Engelking** asked Vice Chairman Toews if he talked about this report with anyone from the Boise School District. **Vice Chairman Toews** responded he did not.

Senator Ward-Engelking asked if Nancy Gregory, former President of the Boise School District, could share her knowledge on the issue. **Chairman Lent** asked if Vice Chairman Toews would yield to testimony from Ms. Gregory. **Vice Chairman Toews** agreed.

TESTIMONY: **Nancy Gregory**, President, ISBA, testified she went through the curriculum of the Boise School District when she was notified of the report in question and did not find any sex education in pre-k through fifth grade. She confirmed the Boise School District did not collaborate with the City of Boise on the report that was mentioned by Vice Chairman Toews.

DISCUSSION: **Senator Nichols** asked if there was any section of Idaho Code that already defined what age or grade instruction on sex education was permitted. **Vice Chairman Toews** reported there was a section in Idaho Code that mentioned sex education was allowed in fifth grade. Senator Nichols asked if it was correct to assume that **S 1071** gave more clarification to who can and cannot receive sex education instruction in Idaho schools. Vice **Chairman Toews** confirmed this for Senator Nichols. **Senator Nichols** asked if this also addressed who was able to administer sex education and if it would give parents the choice of whether or not they wanted their child to participate in sex education. **Vice Chairman Toews** indicated that **S 1071** did not address these concerns and only gave clarification as to what age groups sex education could be administered. **Senator Nichols** commented she appreciated this bill's goal to clarify Idaho Code for parents and educators.

TESTIMONY: **Conrad Woodall**, Director, Parent's Rights in Education in Idaho, expressed his support for the bill. **Mr. Woodall** discussed some of the dangers of sex education when administered before fifth grade from a developmental psychology point of view and insisted programs that taught child safety would not be affected by this bill.

Emily Connelly testified in opposition to the bill. She asserted that this bill would be used to ban books from schools that depicted gay or lesbian relationships and it would make it more difficult for teachers to protect students from bullying in relation to gender identity and sexual orientation.

MOTION: **Senator Lenney** moved to send **S 1071** to the floor with a **do pass** recommendation. **Senator Nichols** seconded the motion.

DISCUSSION: **Senator Lenney** addressed claims from those opposed to the bill that sexual education was not being taught in Idaho public schools. He cited a report from the State Department of Education which reported 21 percent of Idaho public schools were using a program called Second Step to educate students. **Senator Lenney** claimed that through the Second Step program, Idaho students were being instructed on human sexuality, sexual orientation, and gender identity which was why he was in favor of the bill. **Chairman Lent** asked for clarification, if Senator Lenney was claiming whether these subjects were being taught in Idaho public schools to pre-5th grade students. **Senator Lenney** confirmed this based on the report he was citing.

ROLL CALL VOTE: **Senator Herndon** called for a roll call vote. **Chairman Lent, Vice Chairman Tows, Senators Den Hartog, Nichols, Herndon, and Lenney** voted aye. **Senators Ward-Engelking and Semmelroth** voted nay. The motion carried.

ADJOURNED: There being no further business at this time, **Chairman Lent** adjourned the meeting at 4:01 p.m.

Senator Lent
Chair

Linette Grantham
Secretary