

MINUTES  
**HOUSE EDUCATION COMMITTEE**

**DATE:** Friday, March 01, 2019  
**TIME:** 9:00 A.M.  
**PLACE:** Room EW41  
**MEMBERS:** Chairman Clow, Vice Chairman Kerby, Representatives Shepherd, Boyle, Mendive, DeMordaunt, Moon, Ehardt, Goesling, Marshall, Raymond, Wisniewski, McCrostie, Abernathy (Nye), Berch

**ABSENT/  
EXCUSED:** None

**GUESTS:** Branden Durst; Sam Katana; Karyn Levin; Kari Overall, IEA; Emilie Jackson-Edney; Lori Burrelle and Diane Jensen, NOW; Phylis King, Martha Lund, Gayle Wilde and Linda Andusan, AAUW; Susan Rudusky and Dusty Ginner, Planned Parenthood; Sheila and Darryl Ford, Canyon County Tea Party; Ann Joslin and Dylan Baker, Idaho Commission for Libraries; Sally Fong-Rocha; Quinn Perry, ISBA; Sara Fry; Kristin Reed; Hannah Gouyl; Marilyn Whitney, SDE; John Watts, Idaho Library Association

**Chairman Clow** called the meeting to order at 9:01 am.

**H 120:** Continuation of the meeting of February 26, 2019.

**Kari Overall**, President, Idaho Education Association (IEA), spoke **in opposition** to the bill. She stated IEA believes in age-appropriate sex education that includes parental involvement. She echoed concerns about the lack of definition for "sexuality" and the potential for this legislation to affect other subjects.

**Rep. Ehardt** was recognized to close testimony on **H 120**. She repeated the bill is about parental rights and involvement. She stated although parents have an opportunity to review content beforehand, there is too much information even for school boards to comprehensively review. She stated there is no need to worry about spillover to other subjects or schools' ability to distribute anti-bullying materials. She argued the current opt-out system does not work because it places responsibility in the hands of the student, when it rightfully belongs to the parents. She stated the comments as a whole were anti-parent and the fundamental job of education stakeholder groups is to support parents as they support their children.

In response to Committee questions, **Rep. Ehardt** stated teachers have many methods available to communicate with parents; if the opt-in forms have not been returned, the teacher should follow up with parents. She explained this legislation originated from concerns about outside speakers brought to supplement the sex ed curriculum, but another concern is educational materials coming from the Department of Health and Welfare and bypassing the Committee. She reiterated she is not against sex ed content, but wants parents to give their consent.

**MOTION:** **Rep. Marshall** made a motion to send **H 120** to the floor with a **DO PASS** recommendation. He said changing to an opt-in system would not be a burden to school administrators or teachers and will better respect the traditional views held by many parents.

**Rep. Kerby** spoke **in support** of the motion and noted if this becomes a burden, it can be changed as needed.

**SUBSTITUTE MOTION:**

**Rep. Berch** made a substitute motion to **HOLD H 120** in committee. He related his local high school has very few students opt-out of sex ed, but this bill makes the exception the norm and does not create a good process.

**Rep. McCrostie** spoke in support of the substitute motion. He argued the current opt-out process does work and does not need to be changed, because parents can already make this choice for their children.

**VOTE ON SUBSTITUTE MOTION:**

**Motion failed by voice vote.**

**ROLL CALL VOTE ON ORIGINAL MOTION:**

Roll call vote was requested. **Original motion carried by a vote of 12 AYE and 3 NAY. Voting in favor** of the motion: **Chairman Clow, Vice Chairman Kerby, Reps. Shepherd, Boyle, Mendive, DeMordaunt, Moon, Ehardt, Goesling, Marshall, Raymond and Wisniewski. Voting in opposition** to the motion: **Reps. McCrostie, Abernathy and Berch. Rep. Ehardt** will sponsor the bill on the floor.

**Chairman Clow** turned the gavel over to **Vice Chairman Kerby**.

**H 194:**

**Chairman Clow** presented **H 194**, which adds terminology to ensure and clarify current law that requires filtration of pornographic and obscene materials from libraries to minors, also applies to Wi-Fi offered by the library.

**John Watts**, on behalf of the Idaho Library Association (ILA), spoke in opposition to the bill. He stated librarians across Idaho oppose pornography in any child's hands and wants to help fix the problem. However, he argued **H 194** is only the shell of a fix and because it does not include any money, is an unfunded mandate. He stated there are 51 small rural libraries in Idaho, but the bill's Statement of Purpose claims there are only 25-35. He noted there is no methodology to determine which libraries would receive state assistance. He asked the Committee to hold the bill so all parties could agree on the best way to proceed.

**MOTION:**

**Rep. Goesling** made a motion to send **H 194** to the floor with a **DO PASS** recommendation.

**Chairman Clow** was recognized to close testimony on **H 194**. He stated **Mr. Watt's** comments and request for a delay were not new to him. Chairman Clow stated the bill does not contain additional penalties, but said he believes libraries are already in violation of the current law. He spoke in support of the motion.

**VOTE ON MOTION:**

**Motion carried by voice vote. Rep. Clow** will sponsor the bill on the floor.

**ADJOURN:**

There being no further business to come before the Committee, the meeting adjourned at 10:25 am.

---

Representative Clow  
Chair

---

Erica McGinnis  
Secretary