

MINUTES
SENATE EDUCATION COMMITTEE

DATE: Monday, March 11, 2024

TIME: 2:00 P.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Lent, Vice Chairman Toews, Senators Den Hartog, Nichols, Carlson, Herndon, Lenney, Ward-Engelking, and Semmelroth

ABSENT/ EXCUSED: None

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 meeting of the Senate Education Committee (Committee) to order at 2:00 p.m.

H 663 **EDUCATION - Amends and adds to existing law to require school districts to establish internet access policies to block certain content and to establish digital literacy instruction for students in grades 6 through 12.** **Senator Ricks** introduced **H 663** and explained that it updated the internet use policy used by schools and created a digital literacy program for students in grades 6 through 12. **Senator Ricks** introduced Representative Green to provide more information about **H 663**. **Representative Green** offered that **H 663** pertained to digital devices provided to students by schools and ensured that they included filters and blocks to prevent student access to social media platforms and to prevent student hacking. It also authorized local education agencies to prohibit students from using wireless communication during instructional time. She stated that **H 663** contained instructions on responsible online behavior which included understanding the digital footprint, privacy protection, and online predatory behavior.

DISCUSSION: **Senator Herndon** asked if schools presently had digital literacy or digital citizenship policies similar to the ones outlined in **H 663**. **Representative Green** answered that many schools did have such policies, but that **H 663** ensured that all schools across Idaho did.

Senator Den Hartog asked if the digital learning requirement was an independent course or embedded into other subjects. **Representative Green** replied that she did not know what the digital citizenship course looked like at the local level. She added that it was up to the Department of Education to decide

Senator Lent asked for clarification about Page 1, Item C, Line 39 in **H 663** and the authorization to local education agencies to prohibit students from using personal wireless communications during instructional time and whether that meant students were not allowed to have a cell phone in class. **Representative Green** responded cell phone use policies were decided at the local level.

Senator Nichols inquired about Page 1, Line 36 regarding access to websites that did not protect against the unauthorized disclosure, use, or dispensation of students' personal information. She asked how this was handled by the schools when certain websites required personal information to use the site. **Representative Green** responded that lines 36-38 addressed tools for filtering and blocking. Schools were required to place a filter block to prevent students from hacking into websites or accessing personal information that was not their own.

MOTION: **Senator Herndon** moved to table **H 663**. **Senator Lenney** seconded the motion.

DISCUSSION: **Senator Herndon** shared his concerns about **H 663**. He pointed out that existing legislation already prohibited and prevented the use of school computers and other school owned technology from sending, receiving, viewing, or downloading materials that were considered harmful to minors. He expressed concern that **H 663** created a loophole by its language to exempt platforms the school district or school identified for student educational use or when expressly directed by a teacher, solely for educational or career exploration purposes. He said this exception created a loophole that was subject to misuse. He also voiced concern that digital citizenship was not defined. He specifically pointed to the lack of clear definition of the term bias as it related to information literacy, evaluation of online sources, and bias identification.

SUBSTITUTE MOTION: **Senator Ward-Engelking** made a substitute motion to send **H 663** to the floor with a **do pass** recommendation. **Chairman Lent** seconded the motion.

AMENDED SUBSTITUTE MOTION: **Senator Den Hartog** made an amended substitute motion to send **H 663** to the 14th Order of Business for possible amendment. **Senator Lent** seconded the motion.

DISCUSSION: **Senator Herndon** spoke to the amended substitute motion. He remarked that he considered the option to send **H 663** to the 14th Order of Business, but concluded that there was too much work that needed to be done and that another hearing was in order. For that reason, he did not support the amended substitute motion.

AMENDED SUBSTITUTE MOTION ROLL CALL VOTE: **Senators Den Hartog, Ward-Engelking, Semmelroth, and Chairman Lent** voted aye. **Senators Nichols, Carlson, Herndon, Lenney, and Vice Chairman Toews** voted nay. The amended substitute motion failed.

SUBSTITUTE MOTION ROLL CALL VOTE: **Senators Ward-Engelking, Semmelroth, and Chairman Lent** voted aye. **Senators Nichols, Carlson, Den Hartog, Herndon, Lenney, and Vice Chairman Toews** voted nay. The substitute motion failed.

ORIGINAL MOTION ROLL CALL VOTE: **Senators Den Hartog, Nichols, Carlson, Herndon, Lenney, and Vice Chairman Toews** voted aye. **Senators Ward-Engelking, Semmelroth, and Chairman Lent** voted nay. The motion carried.

S 1391 & S 1392 **Senator Den Hartog** introduced **S 1391** and **S 1392** together and explained that they were almost identical except that **S 1391** included language related to **H 521** which was currently in legislation. **S 1392** did not include language related to **H 521**. She explained that she brought both bills concurrently to prepare for the possible outcomes of **H 521**. Only one of the two bills would ultimately proceed through the legislative process. The other would be returned to Committee. She outlined that **S 1391** and **S 1392** restored public charter school facility funds which were inadvertently reduced by the passage of **H 292** in 2023. They set minimum funding at \$400 per student based on average daily attendance. She stated that **S 1391** and **S 1392** were not intended to increase funding. They returned the schools to approximately the same positions they were in before 2023. She added that they also specified that future virtual

charter schools and school districts that authorized virtual charter schools were not eligible for these funds.

- DISCUSSION:** **Senator Nichols** asked if the only difference between **S 1391** and **S 1392** was found on Page 3, Section D. **Senator Den Hartog** confirmed that was correct. **Senator Ward-Engelking** asked for clarification that funding was based on enrollment and not average daily attendance as it was in the traditional public schools funding model. **Senator Den Hartog** clarified that the intent was not enrollment and that the funding was attendance based. **Senator Ward-Engelking** pointed out wording in the bill that identified whichever was greater between enrollment and average daily attendance. **Senator Den Hartog** invited Blake Youde, Idaho Charter School Network, to respond. **Mr. Youde** explained that the original funding formula was an enrollment-based formula since 2014. **S 1391** and **S 1392** identified either the use of that enrollment-based formula number or \$400 per student based on average daily attendance, whichever was greater.
- TESTIMONY:** **Terry Ryan**, Blum Inc. and Idaho Charter School Network; **Susan Luke**, Compass Public Charter School; **Kelly Trudeau**, Compass Public Charter School; and **Bryan Fletcher**, Gem Prep Schools testified in support of **S 1391** and **S 1392**. The common theme of their testimonies was the imperative to restore funding to pre-2023 levels otherwise public charter schools were forced to access funding through other sources which was untenable in the long term.
- DISCUSSION:** **Senator Ward-Engelking** reminded the Committee that there were traditional public schools which could not pass a bond or a levy so they were in the same position as public charter schools and yet charter schools received more funding to address the issue. She emphasized the need for traditional public schools to receive necessary facilities funding, as well.
- MOTION:** **Senator Herndon** moved to send **S 1391** and **S 1392** to the floor with a **do pass** recommendation subject to the results of **H 521**. **Senator Nichols** seconded the motion. The motion carried by **voice vote**.
- PRESENTATION:** **Early Childhood Development as a Bipartisan Priority**. **Dr. Dan Wuori**, Founder and President, Early Childhood Policy Solutions LLC, presented about early childhood development from pre-birth to age three and about the economic impact of investment in early childhood learning (Attachment 1). He stated that early childhood investment decreased remediation, grade level retention, special education, social service utilization, and interactions with the criminal justice system. Investment in early childhood learning also improved long-term academic achievement, graduation rates, and health outcomes. He added investment in early childhood learning also led to more stable marriages and increased taxpaying ability. He also spoke about the economic impacts of insufficient child care on parents, employers, and taxpayers.
- GUBERNATORIAL APPOINTMENT VOTE:** **Committee vote on the Gubernatorial Appointment of Paul Amador to the Idaho Charter School Commission.**
- MOTION:** **Senator Nichols** moved to hold the Gubernatorial Appointment Vote for one legislative day. **Senator Carlson** seconded the motion.
- ROLL CALL VOTE:** **Senators Den Hartog, Nichols, Carlson, Lenney, Ward-Engelking, Semmelroth, Vice Chairman Toews, and Chairman Lent** voted aye. **Senator Herndon** was absent for the vote. The motion carried.
- ADJOURNED:** There being no further business at this time, **Chairman Lent** adjourned the meeting at 3:00 p.m.

Senator Lent
Chair

Lisa Stein
Secretary