

MINUTES
HOUSE EDUCATION COMMITTEE

DATE: Wednesday, March 16, 2016

TIME: 8:30 A.M.

PLACE: Room EW41

MEMBERS: Chairman DeMordaunt, Vice Chairman VanOrden, Representative(s) Shepherd, Wills, Boyle, Clow, Gestrin, Harris, Mendive, McDonald, Dixon, Kerby, Pence, Kloc, Rubel

**ABSENT/
EXCUSED:** Representative(s) Shepherd

GUESTS: Chris Troupis, Troupis Law Office; Will Bogdanoff, Sage International; Jon Bauman, self; Paula Davina, Evalyn Bennett; Julie Lynde, Cornerstone Family; Leo Morales, American Civil Liberties Union; Blake Youde, State Board of Education; Josh Femreite, IDEA School; Terry Ryan, Emily McClure, Idaho Charter School Network; Kirk Vander Leest, Ambrose Christian School; Tamara Baysinger, Public Charter School Commission; Phil Homer, Helen Price, Rob Winslow, Idaho Association of School Administrators; John Watts; Bert Glandon, College of Western Idaho; Senator Dean Mortimer

Chairman DeMordaunt called the meeting to order at 8:31 a.m.

MOTION: **Rep. Mendive** made a motion to approve the minutes of March 7, 2016. **Motion carried by voice vote.**

S 1376: **Blake Youde**, State Board of Education, spoke to **S 1376**. Mr. Youde said the bill streamlines the process for charter holders to replicate high achieving charter schools, and provides for additional transparency regarding the management of charter schools. It defines "charter holder" and "educational services provider" in Idaho Code, § 33-5202A (4). In Idaho Code, § 33-5203 (3), it allows for replication of an existing high-performing charter school. Idaho Code, § 33-5203 (6), stipulates that a charter holder may not operate enterprises other than the public charter schools for which it has been authorized, said Mr. Youde. The conditions for holding multiple charters are addressed in Idaho Code, § 33-5204, said Mr. Youde, and include the requirement for each charter school to have its own performance certificate and to be independently accountable for its academic, financial and operational outcomes. Idaho Code, § 33-5205 (c) streamlines the application process and eliminates the need for an efficiency review, if the school is a replication of a successful charter school, said Mr. Youde. **S 1376** allows public charter schools to contract with educational services providers, subject to provisions in Idaho Code, § 33-5206 (10a-i).

In response to questions from the committee, **Mr. Youde** said a charter school would need to include any members of its board who are education service providers on its review. A charter school cannot override the decision of the school district, said Mr. Youde. The reason the legislation was introduced by the State Affairs Committee, and not the Education Committee, said Mr. Youde, is there was a phrase in the original draft legislation which addressed a purchasing clause. A new RS was drafted, and didn't meet the deadline for introduction, so the bill had to be introduced through the State Affairs Committee.

MOTION: **Rep. Wills** made a motion to send **S 1376** to the floor with a **DO PASS** recommendation.

In response to questions from the committee, **Mr. Youde** said the education service provider, as a non-profit organization, may appoint up to 13 members on the charter school board, but they may not be employees of the provider.

Will Bogdanoff spoke in support of **S 1376**. He said Sage International Charter School is a high performing school, and the charter school board would like to replicate it, which is difficult under the current law.

Josh Femerite spoke in support of **S 1376**. He said IDEA student scores have been in the top ten nationally, and Gem Tech has had similar success.

Terry Ryan spoke in support of **S 1376**. He said the bill will allow the increase of high performing schools.

Vice Chair VanOrden said she was opposed to the bill. Although the bill requires charter school board members with a conflict of interest to disclose the conflict of interest, it still allows them to be on the charter school board.

In response to questions from the committee, **Mr. Youde** said current Idaho Law sets forth provisions for when board members or directors have a pecuniary interest.

In response to questions from the committee, **Ms. Tamara Baysinger** said existing statute prohibits a conflict of interest. This bill stipulates any conflicts of interest must be disclosed to the charter school board.

**VOTE ON
MOTION:**

S 1332:

Motion carried by voice vote. Rep. VanOrden requested to be recorded as voting **NAY. Rep. Clow** will sponsor the bill on the floor.

John Watts, Veritas Advisors, spoke to **S 1332**. Mr. Watts said the purpose of the bill is to set up a fund in the state treasury, to be used by professional-technical colleges and industry to provide a rapid response to gaps in skills and abilities by making funds available to provide timely access to relevant college credit and noncredit training. Once the funds are available, colleges will be able to work with industry partners in their regions to apply for funds. Use of the funds depends on a contribution from industry, either an in-kind contribution or cash contribution. Examples of in-kind contributions are industry instructors, machinery, or space, said Mr. Watts. Proposals will go to the Technical College Leadership Council (TCLC), which will provide a response within thirty days. This helps industry keep up with changing technology and training. The bill requires the TCLC to report proposals submitted, proposals approved, and expenditures made from the fund to the legislature and the governor's office by no later than February 1, said Mr. Watts. In the last four years, said Mr. Watts, Computer Numeric Control (CNC) was developed to help with the bending and forming of metal. This used to be done manually. Now, 75% of a fabrication company's equipment is robotic, requiring employees to have more technical skills. The bill is a good compliment to the Advanced Opportunities Scholarship, said Mr. Watts. The Advanced Opportunities Scholarship helps the student, and this bill helps the employer.

In response to questions from the committee, **Mr. Watts** said the money for the fund can come from legislative appropriations and other sources, such as business contributions. The colleges submitting proposals must have matching funds from industry.

In response to questions from the committee, **Senator Mortimer** said general funds from the education bill and the economic development bill could be deposited to the fund created by **S 1332**. The bill only creates the fund in the treasury department, he said. Because of the other requests for funds, said Senator Mortimer, the bill only creates a place for the funds and gives the account spending authority. Both short-term and long-term projects can request grant money, said Senator Mortimer. It is designed to respond rapidly to employers' needs. The bill will also help with economic growth, he added. such as when an industry comes to Idaho and needs employees with certain skills.

Bert Glandon spoke in support of **S 1332**. He said the bill addresses both cash and in-kind contributions. Colleges don't need industry advisors, he said, they need industry partners, and the bill provides incentives for industry to participate more fully. The bill gives greater opportunities for colleges to engage local businesses, he added.

In response to questions from the committee, **President Glandon** said the bill gives businesses another incentive to get involved with colleges, in addition to the other ways they may contribute. It also challenges post-secondary education to seriously look at their programs, he said. President Glandon gave the example of the Caterpillar Company (CAT) providing funding and suggestions on how the College of Western Idaho could reduce the training time for CAT technicians. The educational environment has changed, he said, and if colleges do not deliver differently, Idaho will not reach the 60% goal.

MOTION: **Rep. Kloc** made a motion to send **S 1332** to the floor with a **DO PASS** recommendation.

In response to questions from the committee, **Senator Mortimer** said the reference to wage thresholds in lines 25-28 is about training people for jobs which provide a living wage. There is no emergency clause, he added, because this bill was not intended to compete with other legislation for funding.

VOTE ON MOTION: **Motion carried by voice vote. Rep. VanOrden** will sponsor the bill on the floor.

S 1342aa: **Senator Nuxoll** spoke to **S 1342aa**. She said the bill codifies what is already done in practice, by allowing religious texts, including the Bible, to be referenced and discussed in public schools. It eliminates confusion and affirms free speech in a climate of political correctness, she added. Ignoring religious texts in education would give an inaccurate depiction of history, said Senator Nuxoll. The bill was written with regard to the language used in other states, she said, although the language is much stronger in the other states than what is in **S 1342aa**.

Senator Nuxoll said **Scott Yenor**, a professor of political science at Boise State University, has said an understanding of Christianity is important to understand much of the Western tradition of political philosophy. He has noticed the level of students' understanding of what Christianity is has been dropping over time, said Senator Nuxoll. She provided his written testimony to committee members (see attachment 1).

In response to questions from the committee, **Senator Nuxoll** said if other religious books fulfill the two requirements of state law, it would be equally important to use them. The Supreme Court has ruled the Bible is non sectarian, she added. According to the Attorney General's Office, said Senator Nuxoll, **S 1342aa** fulfills the intent of state law. The addition of "religious texts" was added to accommodate the Attorney General's opinion, she said. The bill does not stop or add to what is already done, said Senator Nuxoll; it just codifies the practice to remove the fear of using the Bible in class.

Chris Troupis spoke in support of **S 1342aa**. He said a Supreme Court case in 1963 made it clear the Bible may be used in school if it is used for secular or reference purposes. The reason the bill is necessary is because of the language in Idaho Code, Article 9, Section 6.

In response to questions from the committee, **Mr. Troupis** said the word Bible was included to establish it is a non-sectarian and non-denominational document, and because all the challenges have been to the Bible, not other texts. Teachers are not allowed to use for indoctrination, he added, but instructional usage such as quotations should be allowed. Mr. Troupis said he did not know what kind of training teachers receive on this topic. The ten states which have similar language have not had it challenged, he said.

Jon Bauman spoke in opposition to **S 1342aa**. He said the Bible may be embedded in our culture, but neutrality is embedded in our laws. Idaho's constitution has four provisions which require a division of church and state, said Mr. Bauman. The bill does not clarify who is responsible for determining which areas of study should include reference to the Bible, or who decides what is "relevant and useful." Under Article 9, Section 1, Idaho stipulates a general, thorough and uniform education, and education will not be uniform if teachers and school districts decide which religious texts to use. The lack of clarity will result in challenges, and the intention of uniformity will be undermined, he added.

In response to questions from the committee, **Mr. Bauman** said if the constitution, the way it is currently written, is problematic, it should be changed. It is fine for students to choose to use religious texts as for reference, he added. The determination of a text's sectarian or non-sectarian nature depends on how it is used, said Mr. Bauman. In addition, the engrossed version of **S 1342aa** is not the same as the laws passed in other states, and the other states do not have such stringent provisions in their constitutions regarding church and state as Idaho, added Mr. Bauman. The bill does not specify a teacher's boundaries or who makes the decisions, he said.

Paula Davina spoke in support of **S 1342aa**. She said Article 9, Section 6 could be construed to prohibit both the constitution and the Bible. The concern, she said, is the restriction of teachers' and students' freedom of speech. Article 11, Section 1 speaks to an informed citizenry, she said, and the Bible has influenced law and history.

Julie Lyndy spoke in support of **S 1342aa**. She said **S 1342aa** will alleviate anxiety about using the Bible for academic purposes, in a time of political correctness. The bill clarifies for parents, students and teachers what is allowed in class.

Leo Morales spoke in opposition to **S 1342aa**. He said the original draft of the bill expressly mentioned science subjects. Although this version removes the references to science, the language is ambiguous and would allow teachers who believe the Bible is relevant to science classes to include it. It is already legal to use the Bible in comparative religion and literature classes, he added. Mr. Morales said the new version of the bill adds "religious texts," but the Bible is still named and singled out, which violates the law that government may not favor one religion over another. A Philadelphia School District spent \$1 million on attorney fees to defend their policy, he said, and lost.

Kirk Vander Leest spoke in support of **S 1342aa**. He said classical Christian Schools have waiting lists, which show more parents want their children to have an education which teaches the Bible's place in Western Civilization and Government.

Senator Nuxoll concluded by saying she wanted Idaho students to have an accurate understanding of history, and teachers are already using the Bible as a reference.

MOTION: **Rep. Dixon** made a motion to send **S 1342aa** to the floor with a **DO PASS** recommendation.

Rep. Dixon said there is not a clear stance of neutrality. Sayings of Confucious are posted on school walls, and school children were bused to see the **Dalai Llama** when he was in Boise. Secular Humanism is also a religion, he added, and there is a distinct stance against the Bible. Students cannot have a clear understanding of the nation's history without referencing the Bible, said Rep. Dixon.

Rep. Kerby said the bill clarifies academic freedom for teachers and students.

Due to time constraints, **S 1342aa** will be carried over to the meeting of March 17, 2016 at 9:00 a.m.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 10:32 a.m.

Representative DeMordaunt
Chair

Jenifer Cavaness-Williams
Secretary