

MINUTES  
**SENATE EDUCATION COMMITTEE**

**DATE:** Wednesday, February 21, 2024

**TIME:** 3:00 P.M.

**PLACE:** Room WW55

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

**ABSENT/ EXCUSED:** Senators Nichols

**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 3:06 p.m.

**H 450** **SCHOOL DISTRICT ACTIVITY FUNDS - Amends existing law to allow disbursements from school district activity funds through the use of a debit card.** **Senator Semmelroth** presented that **H 450** allowed school district activity funds to be dispersed through debit cards, and not just check or cash which was the current requirement. She added that debit cards did not carry balances and receipts were still required.

**MOTION:** **Senator Carlson** moved to send **H 450** to the floor with a **do pass** recommendation. **Senator Herndon** seconded the motion. The motion carried by **voice vote**.

**S 1362** **EDUCATION - Adds to existing law to require public schools to display only certain flags on school property.** **Senator Trakel** stated that **S 1362** codified which flags can be displayed in public schools. He explained that it was brought to his attention that certain flags were omitted such as Native American tribe flags. He asked to send **S 1362** to the 14th Order for amendment.

**TESTIMONY:** **Kristy Hardy** testified in favor of **S 1362**. She stated that flags in public schools should be politically and socially neutral. She supported the display of flags such as the American flag and the Idaho State flag because they served to unite. She opposed the display of divisive flags such as the Black Lives Matter flag, the Confederate flag, and others. She pointed out that public school classrooms were government properties and should not be personalized for the purpose of indoctrination.

**Mistie DelliCarpini-Tolman**, State Director, Planned Parenthood Alliance Advocates Idaho, testified in opposition of **S 1362**. She remarked that the bill was vague, overly broad, and could ban a wide range of flags and emblems including sports flags, event flags, and parade flags among others. She also stated that **S 1362** targeted the First Amendment rights of LGBTQ communities and allies. In her opinion, the pride flag and transgender rights flag were symbols of inclusion, diversity, and acceptance. She said it was important to display these flags so that LGBTQ youth felt seen and supported.

**DISCUSSION:** **Senator Toews** asked Ms. DelliCarpini-Tolman whether she was a hard-liner on free speech and whether she supported the display of the Nazi or communist flags. **Ms. DelliCarpini-Tolman** replied that she believed in free speech, but that any speech that constituted hate speech should not be allowed.

**Senator Trakel** pointed out that the U.S. Supreme Court ruled that government employees' speech was regulated when they worked in their official capacity for the State. When a teacher displayed a flag, the implication was that the government entity supported the position represented by the flag. He said the purpose of the legislation was not to discriminate against any group. It served to create a neutral environment conducive to learning.

**MOTION:** **Senator Herndon** moved to send **S 1362** to the 14th Order of Business for possible amendment. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**.

**ADJOURNED:** There being no further business at this time, **Chairman Lent** adjourned the meeting at 3:20 p.m.

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Senator Lent  
Chair

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Lisa Stein  
Secretary