

Senate State Affairs Committee

Friday, March 01, 2024 - 8:00 A.M.

TESTIMONY ON: All Subjects

Written Testimony

Name (First & Last)	Subject	Manner Testifying	Representing Company/Organization	City	For / Against	Wish to Testify	District #
Barry Peters	SJR 105	IP	Homeschool Idaho	Eagle	For	Y	14

This Amendment will summarize and embed existing provisions of Idaho law into the Idaho State Constitution to further protect them from being too easily overturned.

Homeschoolers believe that this is really a matter of Equal Protection.

The state constitution already defines and protects public schools. Section 1 of Article 9 says that the legislature has the duty “to establish and maintain a general, uniform, and thorough system of public free common schools.” That’s a bedrock that cannot be ignored as the legislature goes about its work.

We believe families who homeschool or attend private schools should have equivalent provisions specifying the rights and autonomy of private schools and home schools

Recent enactments here in Idaho demonstrate that these principles work well:

2009 Idaho’s Compulsory Education statute was revised to expressly permit homeschooling. The measure passed both houses unanimously – no problems

2010 Health & Welfare investigation protocols adopted covering questions of possible educational neglect by homeschoolers – no problems

2015 Parental Rights statute adopted declaring that parents have the fundamental right to direct the education of their children – again, no problems

Idaho has not actively regulated private schools or home schools for many years. We now have an excellent track record showing that both such groups flourish under their wonderful liberties.

By elevating our freedoms to Idaho’s Constitution, we can protect the excellent outcomes and the autonomy of private and home

Name (First & Last)	Subject	Manner Testifying	Representing Company/Organization	City	For / Against	Wish to Testify	District #
Kirtlan Naylor	SJR 105	W	Self	Boise	For	N	17

My name is Kirtlan Naylor, and I am an attorney. I served as a Deputy Ada County Prosecuting Attorney from 1986-1988; and at that time served as the only Ada County juvenile deputy handling all the Child Protection and Juvenile criminal case load for the entire county (my how things have changed). Since 1988, in civil private practice I have served as the pro bono attorney for Guardians ad Litem in hundreds of Child Protection Cases.

I served on the Governor’s Task Force for Children at Risk (CARTF) for 14 years, and as chairman for 12 of those years. During that tenure, I worked with the home school/education group to pass the Compulsory Education statute, which included educational neglect to the Child Protection Act. Later, I helped collaborate with DHW and Home Schoolers leaders to spell out suitable protocols for investigating allegations of homeschooling educational neglect. This came about because there were reports that drug addicted/abusive parents may keep their children out of public school to protect themselves from being reported for the negligent/abusive behavior.

I have found the home-schooling leadership in Idaho to be reasonable in addressing real concerns about abuses to the educational system and the protection of our children. Concerns that were raised each time these statutory/rule changes were suggested have not been borne out. In fact, the purposes for these changes in protecting home-schooling rights, and still protecting vulnerable children have been met and even surpassed.

While I am no longer a member of CARTF, I continue to pro bono server Guardians ad Litem, and am intimately involved in and aware of abusive, neglectful and criminal adults who take advantage of children.

I am aware of the proposed amendment to the Idaho Constitution, Senate Joint Resolution 105, intending to include in the Compulsory Attendance at School Section 9 language protecting the fundamental right to home or privately educate Idaho children. I support this proposed change for the reason that Idaho home educators have worked within the statutory framework set forth to date. Also, over the decades of my involvement and contact with home educators, I have not found abuses to the system, neglect, or abusive conduct toward children as a result of persons trying to shield their conduct by claiming they are home schooling their children.

Based on my experience as a county prosecuting attorney, handling criminal child abuse/sex abuse cases, and CPA cases, I do not see that this proposed constitutional amendment could be used in a way to shield pedophiles or child abusers claiming to homeschool their children. This was the reason CARTF supported the “Educational Neglect” language in the Child Protection Act, and worked with DHW to draft rules and procedures to ensure “home schooling” is not used to protect criminal abusers from exposure. Since these developments, more than a decade ago, I am not aware of a corroborated case where child abusers have been found to shield their unsavory and criminal conduct by claiming to homeschool their children. It is my opinion that this concern is not borne out by facts or

Name (First & Last)	Subject	Manner Testifying	Representing Company/Organization	City	For / Against	Wish to Testify	District #
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Kirtlan Naylor	cont.						17
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history.

I would add that it has been my experience in the nearly two decades of dealing professionally with the organized homeschooling group that they have been cooperative and supportive of ensuring that home education is not used to shield such criminals, and they have cooperated with DHW and other groups, including CARTF to work together to protect children from such abuse.

Based on my more than 38 years dealing with vulnerable/abused children rights, I am of the opinion that this proposed constitutional amendment should be supported by all sides as a way to further the education of Idaho's children in ways that each family desires, and will not do harm to protecting vulnerable children.

Thank you for your consideration of my comments.

Kirtlan G. Naylor
kirtnaylor@gmail.com

Jean Gerth	SJR 105	W	self	Sagle	Against	N	1
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Amending the Constitution is something that should only be done after thorough discussion. Currently, Home schooling is already addressed in Idaho Statutes so an amendment is not necessary. I fear that a Constitutional amendment would be pave the way for state funds to be used for religious and private eductions. Education is essential to our democracy, and the state does have a role in ensuring that students attend.

Marilyn Beckett	SJR 105	W	Self	Moscow	Against	N	6
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This bill endeavors to change the state Constitution which I am against because

1) it claims a need that does not exist as compulsory schooling already includes home schooling

2) no amendment to the Constitution should be made without engaging the same number of voters necessary to put an initiative on the ballot previous to its proposal to committee* (unless an emergency, which this clearly is not).

*#2 represents my suggestion on one way to insure the legislature does not waste time and resources considering unpopular bills, and saves Idahoans effort in supplying testimony (what seems constant in recent sessions).

Name (First & Last)	Subject	Manner Testifying	Representing Company/Organization	City	For / Against	Wish to Testify	District #
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Marilyn Beckett	<i>cont.</i>						6
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I consider this bill frivolous and counter-productive. Please vote NAY.

Katie Knobbs	SJR 105	W	Self	Sandpoint	Against	N	1
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I am against this bill. I homeschooled my children for three years, and never experienced any issues with having to report or account for attendance. I fail to see why constitutional amendment is necessary.

Heather Stout	SJR 105	W	Self	Moscow	Against	N	6
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Home schooling is already addressed in Idaho Statutes. It is not necessary to amend Idaho's Constitution. This resolution is completely unnecessary. I also am worried that this resolution is another step by individuals wanting Idaho taxpayers to fund private education. Absolutely not. If parents want to educate their children outside of the public education system, they choose to do it at their OWN expense. In addition, there is an estimated cost of \$300,000 for the Secretary of State to publish this proposed constitutional amendment. This is an unwise use of our tax payer money when it is not needed or warranted. Please do not move SJR 105 forward. Thank you.

Melissa Nash	SJR 105	IP	Homeschool Idaho	Meridian	For	Y	21
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Idaho is one of the best States in the nation for parental choice in education.

Parents can choose from a variety of schooling options and have historically had overwhelming support from our legislative body.

Homeschool Idaho has represented privately funded homeschooling families in the state for nearly 40 years. Our role is to encourage these families in their schooling journey and to protect their right to educate their children as they see fit.

In the wake of COVID and school closures, many families have made the decision to seek educational options outside of the public school system.

This has created a boom of self-defined models of non-public education (pod schools, micro schools, hybrid schools, etc.) and a proliferation of public-private partnerships or bridge programs (Tech-Trep, Harmony, Overture, and HomeEd360)

Name (First & Last)	Subject	Manner Testifying	Representing Company/Organization	City	For / Against	Wish to Testify	District #
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Melissa Nash	<i>cont.</i>						21
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The school choice movement has muddied what have been historically clear statutory distinctions (public, private, and homeschool) Unfortunately, confusion abounds and many of these models have been mistakenly lumped together as homeschool by lay people, lawmakers, public schools and school districts alike.

This has led policy makers to use sweeping generalizations to make decisions

The Idaho Department of Education defines homeschooling thus:

Home Schooling is education directed by the parent/guardian. Since Idaho does not regulate or monitor home school education, it is up to the parent/guardian to select the curriculum they wish to use. There is no registration or sign up procedure required and the state of Idaho does not have a set curriculum to be followed for home school education. All costs associated with home schooling are the responsibility of the parent/guardian.

The IDOE based their very narrow policy definition on statute (33-202), and it is clear that they view them as education models that are distinct from the public education model (and its current and future variations) and are equally valid. It also makes it clear that the terms are purposeful and have important legal significance that should not be taken lightly.

This Amendment acknowledges that distinction and validity and gives clarity and equal protection to private school and home educating families.

The Amendment would give the State the same constitutional lens through which to view the various education choices Idaho has, to include home and private education.

Homeschool Idaho supports this Constitutional Amendment as written and encourages the members of the committee to vote in favor of it.

Nancy Britton	SJR 105	W	self	Ponderay	Against	N	1
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This bill adds nothing to our state Constitution and will cost \$500,000, as parents can already elect to send their children to a private school that implements their private values and pay for it themselves. When public funds and resources are used to educate home-schooled children, we would be better served to establish a standard of knowledge across disciplines equivalent to a public school education. This is a big government bill that infringes on the public's right to establish what the majority considers a quality education. I particularly object to the sentence pasted in below that implies public funds could be used for private schools.

Name (First & Last)	Subject	Manner Testifying	Representing Company/Organization	City	For / Against	Wish to Testify	District #
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Nancy Britton	<i>cont.</i>						1
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"...privately educated shall be free from government regulation of such education"

Please vote NO on SJR 105.

Thank you for your service,
Nancy Britton

ANN GIANTVALLEY	SJR 105	W	self and the people	SANDPOINT	Against	N	1
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I am against this bill. We already have information in the state constitution about home schooling. Why amend the constitution with statutes that are already addressed in the constitution. We don't need to add more amendments to laws that work. Is this some way for private education to take money away from PUBLIC education? Kind of seems like that. Our public education is vital, effective, and a responsibility of our state. I do not want my tax dollars going to private schools or home schooling. As a public educator for 38 years I have seen my fair share of MANY ineffective home schooled children. Most home schooled students were far behind their peers, not to mention often socially awkward which doesn't help their future work relationships. Use common sense and leave this amendment off our state constitution.

Ann Giantvalley
Sandpoint

Mary Ollie	SJR 105	W	Self	Bonnors Ferry	Against	N	1
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Idaho's Constitution is a grand document. It was never intended to deal with details best left to statute or administrative rule.

For that reason I cannot support amending Idaho's Constitution.

Idaho statutes address homeschooling. Let's leave it that way.

Please vote "NO" on SJR 105.

Name (First & Last)	Subject	Manner Testifying	Representing Company/Organization	City	For / Against	Wish to Testify	District #
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David Britton	SJR 105	W	self	Ponderay	Against	N	1
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I am absolutely opposed to this bill. As a Republican I stand for good government, and this bill proposes a constitutional amendment that takes away the right of the state to ensure that all children, regardless of their parents' ignorance or distorted beliefs, will be entitled to and will receive an adequate basic education. The state has a duty of care to all children that extends to their access to basic education, just as it has a duty of care to prevent children's abuse and neglect by parents. Children are people, not property, and parental rights do not include harming them by withholding or neglecting their proper education, which must be accountable to and under the guidance and regulation of the dept. of education. This absolutely includes home schooling, which must be done in conformance with basic requirements and verification by appropriate educational testing.

Trisha Gronenthal	SJR 105	V	Self	Burley	For	Y	27
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There are many examples throughout history of great minds who were educated unconventionally. Much of the first education for both Leonardo da Vinci and Benjamin Franklin was spent observing and experimenting in nature. Albert Einstein's school dropped him, so his mother taught him at home. And Anne Sullivan, Helen Keller's teacher, hadn't even learned to read herself until she was fourteen years old. The deemphasis of formal elementary education is arguably the reason for these people's great minds, not that they were great in spite of it.

As far as my own children's education goes, two of my sons have dyslexia. One was taught to read in public school, the other I have taught at home. When I approached my oldest son's first grade teacher about the possibility of him having dyslexia, she negated my concerns and told me that he was more likely to be cognitively underdeveloped. I knew that that was not right, that my son was intelligent, and that he did show signs of dyslexia, but she was more experienced with teaching kids than I was, so I deferred to her "expertise" and didn't pursue my inclinations further.

Later during our first year of homeschooling, I quickly realized that my oldest son was traumatized from his experiences from four years in public school. Every time I asked him to read or write anything more than two words long, he broke down into tears. It took most of that first year of homeschooling for me to help him overcome that fear and anxiety he had around the written word. Almost four years of homeschooling later, he now rather enjoys reading and reads a lot.

As for my second son, he exhibits signs of even more intense dyslexia, and his progress with reading has been slow. He's now nine years old and is still learning to read at a kindergarten level. Before you think that he's behind or that I'm not doing a good job with teaching him, I want to impress upon you that I have been teaching him at his own pace, where he is. I've read several examples online of other children who didn't learn to read until they were between ten and fourteen years old. I'm very confident that when he's ready,

Name (First & Last)	Subject	Manner Testifying	Representing Company/Organization	City	For / Against	Wish to Testify	District #
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Trisha Gronenthal	<i>cont.</i>						27
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my son will take off with reading, and he won't have the negative experiences associated with being pushed to read faster than he's comfortable, like his older brother. If he were in public school right now, he would be behind, and he might not ever recover from the lack of self-esteem caused by the label the school system would place upon him. As it is, since he is able to be at home with me in a loving environment, without judgment and without arbitrary standards to reach each year, he doesn't know that shame. I hope that he never will.

This is the beauty and blessing of private education! Catering to each child's needs can enable them to become great thinkers like those of old. Children don't come in a one-size-fits-all; public education, unfortunately, often does. I am confident that the public school was not and would not be a good fit for my boys. I am so very grateful for the opportunity to teach them at home.

I implore you to pass SJR105 and allow future parents of Idaho to teach their children at their own pace, where they are, in the way that works best for them.

Quinn Perry	SJR 105	IP	Idaho School Boards Association	Boise	Against	Y	19
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Senators,

The language in this constitutional amendment is too broad. For example, does "free from government regulation" also include fire safety codes? Cross checks with birth certificates? Criminal laws? This is our constitution after all. We respect the right for every family to choose the schooling that is best for them, but this begins to take us down a path that could be detrimental to families. Further, Idaho continues to be the least regulated homeschool state in the country. Meanwhile, in my 7 years at ISBA, I've seen nearly 30 proposals that advocate for state-funded private school tuition in one form or another - and this would likely prohibit any basic kind of accountability on a possibility of hundreds of millions of dollars should this pass. I request you hold it in committee, or at least send it to the 14th order for amendment. Thank you.

Yvonne Sandmire	S 1376	W	self	Boise	Against	N	19
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Legislators should not be permitted to use public, taxpayer-funded resources to advocate against citizen ballot initiatives. Senate Bill 1376 would reverse current statute that prohibits legislators from using public resources, like government email, mail and other communications tools) for electoral advocacy. Removing that regulation for ballot measures is a blatant attack on Idaho citizens' fundamental right to make law by ballot initiative, which is guaranteed in our constitution. Legislators should not have the ability to use resources funded by OUR tax dollars taxpayer to attack citizen-led initiatives. Passing this bill will result in more of our tax dollars spent on legal fees & court costs when this law is successfully challenged in court. Stop attacking citizen ballot initiatives. Just stop.

Name (First & Last)	Subject	Manner Testifying	Representing Company/Organization	City	For / Against	Wish to Testify	District #
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Karen M. Hansen	S 1376	V	self	Viola	Against	Y	6
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I am Karen Hansen from Viola ID.
I am firmly against SB~1376.

No, elected officials should NOT have special privileges that other Idahoans do not have when it comes to expressing their views on ballot measures, especially initiatives and referenda. This is electioneering pure and simple. They can make their views known using their own personal resources like every other Idahoan does. It is fundamentally wrong to use Idaho taxpayer dollars to argue against efforts being made by Idaho taxpayers.

This bill is yet another attempt by the Idaho legislature to interfere with the ability of Idaho voters to exercise their constitutional right to place an initiative on the ballot.

It is becoming abundantly clear that the Idaho legislature does not truly represent the interests of most Idaho voters.

Why else would there be such reluctance by the legislature as a whole to trust the people of Idaho to have a direct voice in their own government.

It is unacceptable for the Idaho legislature to continually try to silence the voice of the Idaho people.

Vote no to tax dollar funded electioneering.

Vote no on SB~1376

Judith Roesbery	S 1376	W	Self	Garden City	Against	N	16
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This is a bunch of gobbledegook that looks like yet another attack on our initiative process. I am so tired of these annual attacks on our initiative process. This right is written into our Idaho Constitution and has worked perfectly well for us since 1890. It has not been used frivolously. There is no reason to change it in any way. I have participated in the initiative process, and it is sufficiently difficult as it was originally designed. We do not want to allow legislators to use taxpayer-funded resources to unduly influence initiatives, which are by definition led by ordinary citizens.

Vickie Fadness	S 1376	W	self	Lewiston	Against	N	7
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I ask you do not support SB1376

Specifically, I do NOT support the additions and changes to 74-604 (2) and 75-6056 (3) (4) which cheat and steal hardworking Idahoans of their generous contributions to our taxes/resources and property.

NO EXCEPTIONS! Idaho legislators have their personal campaign newsfeeds, monied accounts, supporters, organizations and printed and social media to advocate for or against initiatives. They have free speech and can speak to the extreme right or left on any subject. They DO NOT need to steal taxpayer money/resources or property to advocate for or against initiatives. Legislators can do what the rest

Name (First & Last)	Subject	Manner Testifying	Representing Company/Organization	City	For / Against	Wish to Testify	District #
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Vickie Fadness

cont.

7

of us do, use their resources, not ours. We are not obliged to pay for any campaigns and should NOT be forced to do so. I am confident legal action will be taken on this bill and you will be shamed again.

Finally, quit obsessing about initiatives. Good Lord, they will pass or fail when Idahoans – you include – vote. Counselling may be necessary.

Thank you,

Vickie Fadness, District 7

Amy Burkholder

S 1376

W

Self

Boise

Against

N

8

Please vote NO on S 1376. Citizen initiatives and referendums are just that, initiatives and referendums put forth by citizens. I do not want any of my tax dollars to be used by legislators to advocate for or against an initiative or referendum. Again, please vote NO on S 1376. Thank you.

Bonnie Shuster

S 1376

W

self

Boise

Against

N

19

Chairman Guthrie and committee members, please do not advance SB 1376. Sections 74-604 and 74-605 are fine as currently written and there is no need to carve out an exception to allow Idaho legislators to use public resources to advocate for or against an initiative or referendum. This is simply another attack on the people's constitutional rights of initiative and referendum, as well as an inappropriate use of public funds, property, and resources.

I am sorry that I cannot be at this hearing in person, but the House State Affairs Committee is simultaneously holding a public hearing on another bill that attacks our rights of initiative and referendum.

Vickie Fadness

S 1377

W

self

Lewiston

For

N

7

I ask that you support RS31462/S1377

Good for you! It is with great pleasure I support this bill. Please support this bill so that we can keep "big" money/businesses/etc. out of our initiative process. I bow to your expertise with this bill. Thank you!

Vickie Fadness

District 7

Name (First & Last)	Subject	Manner Testifying	Representing Company/Organization	City	For / Against	Wish to Testify	District #
Amy Dundon	S 1377	W	American Civil Liberties Union of Idaho	Boise	Against	N	19

WRITTEN TESTIMONY AGAINST SENATE BILL 1377
SUBMITTED TO THE IDAHO SENATE STATE AFFAIRS COMMITTEE ON
MARCH 1, 2024 ON BEHALF OF THE
AMERICAN CIVIL LIBERTIES UNION OF IDAHO

Chairman Guthrie and Members of the Committee:

The ACLU of Idaho opposes Senate Bill 1377 (SB 1377). If passed, the bill would require individuals paid to gather signatures for a ballot initiative to specify to potential signers in a variety of ways that they are being paid to gather signatures. The process outlined in SB 1377 by which paid signature gathers would use to disclose that they are being paid is onerous. What’s more, the stipulations for disclosure, because of their specificity and sheer number, would likely make collecting signatures more difficult – and therefore threaten the ballot initiative process, generally.

DISCLOSURE STIPULATIONS

SB 1377 would require paid signature gatherers to:

"verbally notify" potential signees that they're being paid

provide the name of the entity paying them

"prominently and legibly" print, on each page of the petition, that the signature collector is being paid

"prominently and legibly" print, on each page of the petition, the name of the person paying the signature collector

wear a "clearly visible" badge that says "paid petition circulator" (the Secretary of State would decide the font, shape, size, and color of the badge)

Name (First & Last)	Subject	Manner Testifying	Representing Company/Organization	City	For / Against	Wish to Testify	District #
Amy Dundon	<i>cont.</i>						19

Not only are these provisions excessive, they could violate the privacy of the signature gatherer. Just because someone is getting paid to do a particular job does not mean that payment – nor the payor – should be disclosed.

SB 1377 WOULD CREATE ADDITIONAL, NEEDLESS BUREUCRACY

If passed, the bill would void any signatures collected that do not adhere to the provisions in SB 1377. Such verification requirements are not only logistically complicated, they would likely threaten the ballot and initiative process.

The bill would also require Secretary of State to promulgate rules to implement signature gathering identification requirements outlined in the bill, including the specificities of the badges the bill would require signature gatherers to wear. This provision would make additional work for the Secretary of State, and for no clear purpose.

Why we oppose:

SB 1377 would further regulate signature gathering on ballot initiatives and could make initiatives. The bill would introduce new scrutiny, regulation, and bureaucracy into the petition process - and could make the ballot initiative process more difficult. We believe ballot initiatives are a crucial component of participatory democracy, and we feel SB 1377 would only make it harder for people to express their opinions, values, and choices through a time-tested democratic process. The bill, by requiring several different identification processes, raises questions about paid signature gatherer's privacy. Finally, the stipulations in the bill are excessive and would be expensive, and, as a practical matter, it's unclear how the bill would be enforced, or now it would be possible that verify that each provision in the bill was followed.

Name (First & Last)	Subject	Manner Testifying	Representing Company/Organization	City	For / Against	Wish to Testify	District #
Amy Dundon	<i>cont.</i>						19

Thank you for your attention and the opportunity to testify.

Amy Dundon

Legislative Strategist, ACLU of Idaho