

MINUTES
SENATE EDUCATION COMMITTEE

DATE: Wednesday, March 04, 2015

TIME: 3:00 P.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Mortimer, Vice Chairman Thayn, Senators Keough, Nonini, Patrick, Souza, Den Hartog, Buckner-Webb and Ward-Engelking

**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 Mortimer** called the meeting to order at 3:08 p.m.

PRESENTATION: **Ken Edmunds**, Director, Department of Labor (IDL), presented "Investing in Idaho's Future." He showed statistics on the labor workforce, projected increase of the workforce, and the skills gap. He explained that as the baby boomers retire, the workforce gap gets larger. The health care industry is the largest producer of jobs. He explained that Idaho companies need workers with good soft skills. The Governor's Task Force gave recommendations and funding to work on these issues. **Mr. Edmunds** explained the student career plan, its problems and possible solutions. He illustrated the sector grants that have been awarded to programs across the State and highlighted each one's success. He stated that those grants are a way to unite industry with education. The goal is to find some way to make careers and education work hand in hand for economic development (see attachment 1).

Senator Patrick asked if the IDL could work with the career counselors to promote the different job opportunities and emphasized the importance of needing the IDL to partner with this approach. **Mr. Edmunds** said that is IDL's dream. He explained the resources they have to augment the program and suggested the title be changed to career coacher.

Vice Chairman Thayn asked what the IDL position is in regards to the Idaho Career Information Systems and Product Privacy Policy. **Sara Scudder**, Career Information System (CSI) Administrator, IDL, stated the IDL has been questioned by parents and others about a student's portfolio. She explained the portfolio's usage for career selections and resume building. **Vice Chairman Thayn** asked what organizations are provided the CIS information. **Ms. Scudder** provided a list of state agencies that have received the IDL licensure.

PASSED THE GAVEL: Chairman Mortimer passed the gavel to Vice Chairman Thayn.

DOCKET NO. 08-0202-1401: **Tracie Bent**, Chief Planning and Policy Officer, State Board of Education, presented **Docket No. 08-0202-1401**, Rules Governing Uniformity, Teacher Certification Requirements and Endorsements for Teachers in Idaho. She explained why the rule was created and why it is no longer needed.

MOTION: **Chairman Mortimer** moved to reject **Docket No. 08-0202-1401**. **Senator Souza** seconded the motion.

Chairman Mortimer stated that this information has become obsolete. If the current legislation being prepared passes, there will be new rules. **Ms. Bent** commented if that were to happen, what the Committee would review next year would be all new rules.

The motion passed by **voice vote**.

PASSED THE GAVEL: Vice Chairman Thayn returned the gavel to Chairman Mortimer.

S 1096: **Senator Den Hartog**, District 22, presented **S 1096** regarding parental rights in education. She explained the roles of parents and how those have been disregarded in the educational system. She cited a U.S. Supreme Court ruling, *Pierce v. Society of Sisters*, 268 U.S. 510 (1925) which outlined parents as having the right and duty to recognize and obligate their child for additional duties in life. She explained this bill will seek to make parents the primary people responsible for the education of their children. She remarked that parents will be put on notice that they must reengage and be an active participant in the education process. **Senator Den Hartog** outlined what school districts would be required to undertake and illustrated the work that is currently being done in the Kuna School District. There are 14 other states that are enacting parental rights legislation. The bill is not for parents to request individual specific curriculum for their children.

Senator Keough asked is there any data regarding how many other districts across the State have the best practices in place. **Senator Den Hartog** stated she did not have any specific data. **Senator Keough** said she hesitated to make this a state statute because the local elected school boards are aware of this type of conversation, and the school district in her district has this type of policy in place. Wouldn't the first place to address this issue be at the local school board level. **Senator Den Hartog** said the School Board Association is not in favor of this legislation. She explained there is a broader issue at stake, it is important that the State weigh in on the rights of parents.

Senator Buckner-Webb said she operates on the assumption that parents are interested in their child's well being and would be as engaged in their schooling as much as possible. She asked would the parent who could not participate at a minimum level of involvement be discriminated against. **Senator Den Hartog** replied that she didn't think that would be the case; there are many parents who are both working who do not have the time to be in the classroom. With the better routes of communication, they would be able to participate. She affirmed that this bill is not meant to be punitive nor prescriptive to the level of involvement. The goal of this legislation is about collaboration between parents and schools.

Senator Buckner-Webb stated that parents should have the best possible advantage. This bill could discourage parents from participating in school. She outlined the areas of concern she had regarding the bill and stated she would not be supporting this bill. **Senator Den Hartog** said yes, there are concerns; yet there must be an awareness of the level of school and parental involvement. She highlighted the work of the Kuna School District and explained that their parent advisory boards have a good pulse on the parents' concerns.

Senator Ward-Engelking said that she applauds the goal of the legislation, but she would like to see this addressed at the local level rather than making it a state mandate.

TESTIMONY: **Jess Harrison**, Policy and Government Affairs Director, Idaho School Boards Association (ISBA), said she was here to represent Idaho Association of School Administrators and the Idaho Education Association. She stated they all stand in opposition to the bill and that these organization see no need for the legislation. She noted that there is another bill similar to this coming from the House that has been objected to by the Idaho Supreme Court and the Prosecuting Attorney's Association. **Ms. Harrison** asserted that schools and school districts already have parent involvement policies in place, and this would place an additional burden on districts to accommodate all the possible individual requests. She pointed out that the Governor's Task Force for Education Improvement had a committee which encouraged districts to have the autonomy to accomplish the intent of this bill. This bill could add more mandates to the many that school boards must accommodate.

Chairman Mortimer asked how many schools have this type of plan in process. **Ms. Harrison** said the vast majority of schools in the State receive Title I funding, and she explained those requirements. She recounted that of the districts she works with, 90 percent already have a parental involvement policy in place.

Vice Chairman Thayne explained that section a. of the bill addresses the parental involvement plan. Sections b. and c. is a process by which parents will learn about the courses of study. He asked in the districts she referenced, if all three parts were incorporated. **Ms. Harrison** said every district she works with has a grievance portion and a curricular materials review committee that are an open process. Most districts have all the parts of this bill in practice. **Vice Chairman Thayne** asked if these processes are already in place, what problems could this legislation cause. **Ms. Harrison** replied the biggest concern is Section c. of the bill; the basis of what is harmful is too vague.

Senator Keough asked if it was possible for ISBA to survey the districts to get a more accurate account of which ones have the parental involvement policies in place. **Ms. Harrison** replied in the affirmative.

Senator Nonini asked with today's current policies, if a health class is teaching a sexual topic, can a parent opt their child out of that. **Ms. Harrison** replied in the affirmative.

TESTIMONY: **Paul Stark**, General Counsel, IEA, stated that it is not clear to IEA what problem exists for this bill to address. He stated that parents can approach a school district about curriculum request accommodations and/or opt out certain instruction. He outlined the IEA's concerns with the bill; the language is broad and ambiguous which could create for an individualized education plan (IEP) for each student. He outlined the burdens that would create for districts and teachers. He concluded the IEA is opposed to **S 1096**.

Senator Souza asked if there is a difference between the weight and power of legislation on the state level verse policy at a district level. **Mr. Stark** replied there is a vast difference in the two, Legislation is binding upon all and is statewide. He then explained the impact this bill would have on school districts and concluded that this bill would create a private cause of action to enforce the statute.

Chairman Mortimer asked if as a parent he found learning material or an activity offensive, would he be able to withdraw his child from that activity or class. **Mr. Stark** said this legislation doesn't address that request. He explained in Section c. there is an option to withdraw a child from anything in class if it is deemed harmful to the child.

Chairman Mortimer asked as a parent, does he have the right to withdraw his child if he finds something harmful or objectionable or if the learning material is not suitable. **Mr. Stark** replied under the Idaho constitution, the State has a right to mandate that children attend school or the equivalent: there must be substitute education. He stated that if a parent found that a subject matter was objectionable, currently there are avenues available to address those issues. At this time, the State has opt out provisions depending on the facts and the situation for parents or guardians to withdraw their children from certain curriculum. He emphasized there are some mandates by the State that assert children must be educated on English and mathematics.

TESTIMONY: **Rome Sorento**, a father of 2 children who attend school in the West Ada School District, testified in support of the bill. He said it is concerning that there must be legislation which says parents should have education rights. He pointed out as the authority of his children, he should have the right over his children's education. Specifically, he addressed the SBAC test opt out and how at the local level he could not get his request addressed.

TESTIMONY: **Geoff Schroeder**, Elmore Republican Party Precinct Committeemen Vice Chairman, Legislative District 23 Chair, City Councilman, High School Philosophy Teacher, indicated he was in opposition to the legislation. He said that from the Republican Party platform it says that the most effective, responsible and responsive government is one that is closest to the people. That government is best that governs least. He said this bill expands state government and expands the reach of state law rather than shrinking it. There is a new section of Idaho Code where one had not previously existed. It mandates state control over local issues, costing the local districts money. He explained that there are elected school boards at the local level to address the issues this legislation mandates.

Senator Souza asked how is legislating parental rights expanding government. **Mr. Schroder** replied it is expanding government because it is telling all 115 school districts that they must act in a certain way. This would be overarching and an expansion of government. It would create a new section and a new chapter where one did not previously exist.

Senator Den Hartog acknowledged that the language is broad and that is for a reason. She said local districts will be allowed discretion in how their policy will be written. She stated that school districts would have the ability to set parameters to address the unending objections from parents. She said she doesn't believe that this is an expansion of government. This bill is an acknowledgement of the rights of parents.

Vice Chairman Thayn stated that a law like this is overdue in the State. He detailed the historical background of the power given to the State regarding public education and quoted the State Constitution, Article 9, Section 2. He reiterated that the State was given all the power of education and the parents have no rights unless they are granted by the Legislature. **Vice Chairman Thayn** believed this bill is artfully crafted and long overdue. The concern in section c., it may not quite perfect and he understands the testimony to that section. The legislation should step in to define the rights of parents in the public school system in the public school districts. He pointed out that one of the reasons for government is to protect the rights of individuals.

MOTION: **Vice Chairman Thayn** moved to send **S 1096** to the floor with a **do pass** recommendation. **Senator Patrick** seconded the motion.

Senator Nonini said this is a tough bill to support and he supports parental rights. He said his problem with this bill has to do with having to write parental rights into law. He agreed in part with a couple of the points made by the maker of the motion. He explained that he would have been much more supportive of this if it had been in the form of a Senate Concurrent Resolution, and he is struggling with putting a God given right into code. **Senator Nonini** pointed out that he typically doesn't agree with the IEA counsel, but does agree with the statement that this is overly broad and ambiguous. He said he cannot support the motion.

SUBSTITUTE MOTION:

Senator Ward-Engelking moved to hold **S 1096** in Committee. **Senator Buckner-Webb** seconded the motion.

Senator Ward-Engelking said she liked the idea that this might be better placed in a resolution.

Chairman Mortimer revealed that in his time in sitting on the Judiciary and Rules Committee the rights of children and parents have been discussed immeasurable times. He emphasized that one of the conclusions he has come to is that there is a distinction between a parent's and child's rights in the general sense until education is addressed; then those rights are stopped. The State takes all the educational rights and then a parent has to exert those rights back. **Chairman Mortimer** believes the bill's section c. is the full reason why the legislation was written. His understanding is without section c, parents would not have the right to take their children out of school to avoid harmful circumstances on a day to day basis. The Legislature has been silent on this issue for way too long. He affirmed that he was in support of the original motion. This bill needs to go through the system and start the discussion that parents have the rights and the responsibilities to make sure that their children will be educated.

Senator Keough stated that this bill is premature at this time. This could become a state policy without necessarily statewide issues, and there has not been hard data presented to rationalize this legislation.

Senator Souza said that today the Committee has heard many opinions concerning parents' rights in education. She stated that there is a problem with the State Constitution, which doesn't include language that gives rights to parents in education and explained how this legislation would affect the school districts.

VOTE:

Senator Keough called for a roll call vote for the substitute motion to hold **S 1096** in Committee. **Senators Keough, Nonini, Buckner-Webb and Ward-Engelking** voted aye. **Senators Mortimer, Thayn, Patrick, Souza and Den Hartog** voted nay. The motion failed.

VOTE:

Vice Chairman Thayn requested a roll call vote for the motion to send **S 1096** to the floor with a **do pass** recommendation. **Senators Mortimer, Thayn, Patrick, Souza and Den Hartog** voted aye. **Senators Keough, Nonini, Buckner-Webb and Ward Engelking** voted nay. The motion passed. Senator Den Hartog will carry the bill on the floor.

ADJOURNED:

There being no more business, **Chairman Mortimer** adjourned the meeting at 4:46 p.m.

Senator Mortimer
Chair

LeAnn South
Secretary