

MINUTES  
JOINT MEETING  
**HOUSE EDUCATION COMMITTEE  
SENATE EDUCATION COMMITTEE**

**DATE:** Thursday, March 17, 2016

**TIME:** 2:30 P.M.

**PLACE:** Room WW02-Lincoln Auditorium

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

Chairman Mortimer, Vice Chairman Thayn, Senators Nonini, Patrick, Souza, Den Hartog, Anthon, Buckner-Webb, Ward-Engelking

**ABSENT/  
EXCUSED:** Representative(s) Shepherd, Wills, Boyle, Clow, Gestrin, Mendive, Kerby, Pence, Rubel, Senator Thayne

**GUESTS:** David Martin, self; Robin Nettinga, Matt Compton, Penni Cyr, Idaho Education Association; Gwynne McElkinney, self

**Chairman DeMordaunt** called the meeting to order at 2:32 p.m.

**HJR 1:** **Rep. Nate** gave a presentation on **HJR 1**, which amends Article IX, §5, Idaho Code, also known as the Blaine Amendment, and how it relates to school choice. He said the state should let the market work for education choices, as it has for food choices and other areas. School choice programs, said Rep. Nate, allow parents to choose programs which are in line with their values. In Washington, D.C., the Washington, D.C. Opportunity Scholarship Program has produced higher graduation rates, test scores which are 21 points higher, and more satisfied parents, he added. Parents of children with special needs are more satisfied when given school choice, he said. The Heritage Fund Report of 2009 compared every study regarding school vouchers, said Rep. Nate, and the report found a positive impact on public schools, due to competition created by vouchers. Rep. Nate said the Zellman vs. Simmons-Harris Case found the school voucher program in Ohio did not violate the U.S. Establishment Clause, as long as parents have a choice of public or private school. However, several states, including Idaho, have more severe restrictions, known as the Blaine Amendment, in their state constitutions. Rep. Nate said **HJR 1** was written with the help of the Institute for Justice.

The reason **HJR 1** is important, said **Rep. Nate**, is it opens up opportunities for state scholarships, aligns Idaho's Constitution with the U.S. Supreme Court decision, and provides an opportunity for more school choice. According to the Attorney General's office, said Rep. Nate, a school voucher system would probably not survive a legal challenge under current statute. **HJR 1** specifies that aid to students is not the same as aid to institutions. The Blaine Amendment was amended before in the 1980's, he added, to allow state funds to be used at hospitals associated with a religious institution, such as St. Luke's and St. Alphonsus.

**Briana LeClaire**, Idaho Federation of Independent Schools, spoke **in support of HJR 1**. Although private schools serve only 4% of students, 47% of parents said they would prefer to send their children to private schools, if money was not an issue, said Ms. LeClaire (See Attachment 2). The amount public schools spend per student is greater than what private school annual tuitions are, she added (See Attachment 1). **HJR 1** is the first step to match students with a school which will work best for them, said Ms. LeClaire.

**Ms. LeClaire** said **President Grant** called for a constitutional amendment prohibiting the use of public money for sectarian religion. The amendment, called the Blaine Amendment, did not pass the United States Congress, but 37 states adopted it for their own constitutions, including Idaho, said Ms. LeClaire. The Idaho Constitution is silent on whether state money can go to parents, who may then use the money at a private school, she added. Until the Blaine Amendment is amended, access to choices will continue to be impeded, said Ms. LeClaire.

**Jean Lockhart**, Boise Rescue Mission, spoke in support of **HJR 1**. She said 50 to 200 children participate in the education program at the shelters. All come to the shelters testing below grade level. The shelters help them get to grade level and start thinking of attending college or trade school. Most are the first in their families to go to post-secondary education, she said, and some are the first in their families to graduate from high school. Most go to public schools, said Ms. Lockhart, but some need a different environment, such as online schools or private schools, and the number who can participate is limited by the number of sponsorships and staff. **HJR 1** helps underprivileged kids get into programs which will help them, she added.

In response to questions from the committees, **Rep. Nate** said amending the Blaine Amendment does not have a fiscal impact. Funding for programs, such as education savings accounts or voucher programs could then be considered. **HJR 1** does not require an increase in funding, he added. The funding for those programs would come from public school funding, but public schools will also not have the costs of educating children participating in those programs, said Rep. Nate.

In response to questions from the committees, **Ms. LeClaire** said the per-pupil costs indicated on Attachment 1 were from all sources of funding, such as state funding, federal funding, and school levies, not just state funding.

In response to questions from the committees, **Rep. Nate** said Article IX, § 5, Idaho Code, also known as the Blaine Amendment, was amended in the 1980's to allow Idahoans to have access to medical care provided by institutions affiliated with a religion, such as St. Luke's and St. Alphonsus. The amendment language says state money can be used to finance or re-finance health facilities owned by a church or religious society, said Rep. Nate, which may not be a direct parallel to a voucher program.

**Senator Den Hartog** said **HJR 1** would have implications for regulations and testing requirements for private institutions. The state might need to be sure accountability is met, but accountability is embedded in school choice, and those institutions will lose students.

**Senator Ward-Engelking** said the difference between hospitals and schools is the religiously-affiliated schools are teaching a particular religion, and hospitals do not do that. This is a big difference, she added, and probably why the language used for hospitals does not work for the public education system.

**ADJOURN:** There being no further business to come before the committees, the meeting was adjourned at 3:27 p.m.

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Representative DeMordaunt  
Chair

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Jenifer Cavaness-Williams  
Secretary