

MINUTES  
**HOUSE EDUCATION COMMITTEE**

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

**TIME:** 9:00 A.M.

**PLACE:** Room EW41

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

**ABSENT/  
EXCUSED:** None

**GUESTS:** Jeff Church, State Department of Education; Julie Lynde, Cornerstone Family Council; Helen Price, Phil Homder, Idaho Association of School Administrators; Harold Ott, Idaho Rural School Administrators; Stephanie Rose, Jane Wittmeyer, Idaho Coalition of Charter School Families; Kristi Poole, Amy Chadez, Idaho Virtual Academy; Suzanne Budge, SBS Associates, LLC

**Chairman DeMordaunt** called the meeting to order at 9:02 a.m.

**S 1342aa:** Continuation of the meeting of March 16, 2016.

**Rep. Clow** said he liked the intent of **S 1342aa**. However, the letter from the Attorney General's Office said the terminology, which specifically mentions the Bible, would be impossible to defend in a lawsuit. Not all the recommendations of the Attorney General were followed in the drafting of the bill, he added (See attachment 1).

**SUBSTITUTE MOTION:** **Rep. Clow** made a substitute motion to send **S 1342aa** to General Orders.

**Rep. Kerby** said he supported the original motion, to send **S 1342aa** to the floor with a DO PASS recommendation. No bill is perfect, he added, and it will help clarify the issue.

**Rep. Boyle** spoke in support of the original motion.

**Rep. Rubel** spoke in support of the substitute motion. Although she appreciates the intent of the bill, she said, the letter from the Attorney General (See attachment 1) made it clear that singling out the Bible by name will be legally challenged and thrown out, which would cost taxpayers money. Merely taking out the reference to the Bible, and leaving "religious texts," would be an easy way to fix it, she added.

**Rep. McDonald** spoke in support of the original motion.

**Rep. Kloc** spoke in support of the substitute motion. The letter from the Attorney General's Office said it is likely an effort to use the Bible as a text in an Idaho public school would be found unconstitutional under the Idaho Constitution.

**Rep. Kerby** spoke in support of the original motion. He said he thought the state would prevail in a lawsuit, and this issue is important to many people.

**Rep. Clow** said if the terminology wouldn't be supported under current statute, taking "Bible" out and leaving "religious texts" in would not be supported either. He said he would support an amendment to the Idaho Constitution.

**Rep. Mendive** spoke in support of the original motion. He said the revised bill had followed the Attorney General's advice and added "religious texts" to the bill.

**Rep. Rubel** commented this version of **S 1342aa** did not take out the reference to the Bible, as advised. The Bible would already be included in the reference to "religious texts."

**Rep. Dixon** spoke in support of the original motion. He said the opposition has been against the Bible, not other religious texts. If "Bible" is not left in **S 1342aa**, he said he thinks people will still see opposition to referencing the Bible in classroom.

**Rep. Pence** spoke in support of the substitute motion. She said the current statute is fine, and the Bible can be used now as a reference; teachers just can't use specific religious tenants. The State Department can put out information about what is allowed, regarding religious texts used in classrooms, she added.

**ROLL CALL  
VOTE:**

A roll call vote was requested on the substitute motion to send **S 1342aa** to **General Orders**. **Motion failed by a vote of 4 AYE, 10 NAY, 1 Absent/Excused.** Voting in favor of the motion: Reps. Clow, Pence, Kloc, and Rubel. Voting in opposition to the motion: **Chairman DeMordaunt, Vice Chair VanOrden, Reps. Shepherd, Boyle, Gestrin, Harris, Mendive, McDonald, Dixon and Kerby.** Absent/Excused: **Rep. Wills**

**ROLL CALL  
VOTE:**

A roll call vote was requested on the original motion to send **S 1342aa** to the floor with a **DO PASS** recommendation. **Motion passed by a vote of 10 AYE, 4 NAY, 1 Absent/Excused.** Voting in favor of the motion: **Chairman DeMordaunt, Vice Chair VanOrden, Reps. Shepherd, Boyle, Gestrin, Harris, Mendive, McDonald, Dixon, Kerby.** Voting in opposition to the motion: **Reps. Clow, Pence, Rep. Rubel.** Absent/Excused: **Rep. Wills.** **Rep. Dixon** will sponsor the bill on the floor.

**Chairman DeMordaunt** turned the gavel over to **Vice Chair VanOrden**.

**H 603:**

**Rep. DeMordaunt** spoke to **H 603**. He said **H 603** helps schools with funding when students move after the first 10-week count for staffing allowance is done. It provides a mechanism for the school receiving new students to receive 75% of the funding for the new students. Schools which have a growth of 3% or more, said Rep. DeMordaunt, will receive funding. Schools have said they could manage a 2% growth, he added.

**Rep. Boyle** said she appreciated the work done on the bill, but rural schools which experience smaller growth are not covered. The governor has requested \$1.3 million for this purpose, and if the 3% cap was removed, more of the schools could be covered, she added.

**Rep. DeMordaunt** said he thought it was fair to ask districts, whether they are large or small, to manage a growth of less than 3%. **H 603** helps schools which provide a safety net to students who move after the beginning of the year.

In response to questions from the committee, **Rep. DeMordaunt** said he believes the funds are available, and Senate members support the bill.

**Stephanie Rose**, Idaho Coalition of Charter School Families, spoke in support of **H 603**. She said charter schools experience a large number of students enrolling in the middle of the year.

**Amy Chadez**, Idaho Virtual Academy, spoke in support of **H 603**. Virtual schools offer year-round enrollment for students in crisis, she said, and provide flexibility in education for students. **H 603** will provide equitable funding for all schools, including those which experience growth later in the year, she added.

In response to questions from the committee, **Ms. Chadez** said the largest increase in student enrollment is at the secondary level.

**MOTION:**

**Rep. Kloc** made a motion to send **H 603** to the floor with a **DO PASS** recommendation.

**SUBSTITUTE MOTION:**

**Rep. Mendive** made a motion to send **H 603** to General Orders and take off the 3% cap, to include more schools.

In response to questions from the committee, **Tim Hill**, State Department of Education, said if all the schools which experienced growth were given extra funding, the fiscal impact would be approximately \$1.438 million.

**Rep. Clow** spoke **in support** of the original motion.

**Rep. Harris** spoke **in support** of the substitute motion.

**Rep. Boyle** spoke **in support** of the substitute motion. She said JFAC had appropriated \$1.3 million, and an additional \$90 million is available from PISA. If a small school experiences even a small percentage of growth, it makes a big difference, said Rep. Boyle, and small districts do not have the same property tax base.

**ROLL CALL VOTE:**

A roll call vote was requested on the substitute motion. **Motion failed by a vote of 6 AYE, 8 NAY, 1 Absent/Excused. Voting in favor** of the motion: **Reps. Shepherd, Boyle, Gestrin, Mendive, and Dixon. Voting in opposition** to the motion: **Chairman DeMordaunt, Vice Chair VanOrden, Reps. Wills, Clow, McDonald, Kerby, Pence, and Kloc. Absent/Excused: Rep. Rubel.**

**VOTE ON MOTION:**

**Original motion carried by voice vote. Rep. Kerby** will sponsor the bill on the floor.

**Vice Chair VanOrden** turned the gavel over to **Chairman DeMordaunt**.

**ADJOURN:**

There being no further business before the committee, the meeting was adjourned at 9:55 a.m.

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Representative DeMordaunt  
Chair

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Jenifer Cavaness-Williams  
Secretary