

MINUTES
SENATE EDUCATION COMMITTEE

DATE: Wednesday, April 07, 2021

TIME: 1:30 P.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Thayn, Vice Chairman Crabtree, Senators Den Hartog, Woodward, Lent, Johnson, Cook, Ward-Engelking, and Nelson

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 Thayn** called the meeting of the Senate Education Committee (Committee) to order at 1:32 p.m.

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

H 249 **Relating to Education; Amends Existing Law to Provide for Permission to Participate in Instruction Regarding Human Sexuality.** **Chairman Thayn** outlined the bill for the Committee.

DISCUSSION: **Senator Ward-Engelking** asked who sets the curriculum for school districts. **Chairman Thayn** said school districts are responsible for creating curriculum based on State standards, and parents need to make up 25 percent of the school district committee. **Senator Johnson** said isn't defining human sexuality into statute outside the scope of this Committee. **Senator Thayn** said not everything taught in public schools is based on State standards. Local school districts can therefore teach topics not approved by the district or parents. **H 249** would allow parents to be notified before material on human sexuality is presented to students. **Representative Barbara Ehardt**, cosponsor of **H 249**, took the podium to answer questions and then drew the Committee's attention to several supporting documents she provided in their meeting folders (see Attachments 1, 2, 3). **Representative Ehardt** informed the Committee that not all school curriculums are reviewed every year. She also said sex education curriculum is being reviewed at the federal level that could remove parental rights to opt-out from objectionable material being presented to students concerning human sexuality.

Representative Ehardt said one of the main points of **H 249** is line 14, which references the specifically and narrowly defined language of **H 249**, and line 15-16, which explain that the topic being taught needs to concern human sexuality. **H 249** would not, however, prevent an art teacher from showing students the Statue of David, for example. She also warned that the National Health Education standard includes a program from Sex Ed for Social Change (SIECUS) which calls for social change via sex education classes.

Senator Den Hartog said her understanding of **H 249** is that it seeks to prevent human sexuality being taught in classes such as math or science. **Representative Ehardt** said that claim was correct. **Vice Chairman Crabtree** asked what is in **H 249** that a school district cannot already do. **Representative Ehardt** said parents currently do not have a voice to opt out from having their children see material concerning human sexuality that they might deem inappropriate. **Senator Johnson** voiced concern about **H 294** restricting local school districts ability to teach approved curriculum. **Representative Ehardt** said **H 294** gives parents the right to opt in to a topic they approve for their students to hear. Currently parents are not informed and many learn of the material presented after the lesson is finished.

Senator Woodward said he reviewed his children's sex education course work and did not find any of the issues being raised in **H 249**, and wondered how large an issue this might be in Idaho. **Representative Ehardt** said the abstinence-based programs Senator Woodward mentioned are not curriculum-based. She also mentioned that in Idaho Falls, students were subjected to role-playing, including sexual situations with the same gender. She said that parents from 17 high schools in the state raised a concern about this behavior happening in their schools.

Senator Ward-Engelking said curriculum is available to parents for review before material is presented to students in a classroom. **Representative Ehardt** referenced line 18-19 that would ensure that anyone teaching students concerning human sexuality was a qualified teacher and not a guest instructor. **Representative Ehardt** said, in Idaho Falls, a guest instructor was brought in to teach students about human sexuality, however, it was found that the material they shared with students was not part of the established curriculum, and the material made the students uncomfortable. She said none of this information was allegedly shared with parents before the guest instructor was brought in.

TESTIMONY:

Sonya Harris, Blackfoot; **Stephanie Hughes**, Boise; and **Stephanie Gifford**, Idaho Falls; testified in support of **H 249**. They said they felt leaving the school districts to develop human sexuality curriculum does not guarantee that teachers are only using approved curriculum. Parents have the right to be informed and to give consent prior to their children being exposed to certain topics.

Elaine King, parent from Madison County, Idaho, sent in written testimony in support of **H 249** (see Attachment 4). She wrote that using the opt-in clause of **H 249** would potentially open an avenue for parents and students to discuss topics they might not otherwise broach.

Dominick Sparling, student from Boise, Idaho; **Annie Hightower**, Idaho Coalition Against Sexual and Domestic Violence; and **Mone Miller**, social worker, Boise; testified in opposition to **H 249**. They said they felt not allowing students to hear all aspects of human sexuality might prohibit students from knowing when they are in danger of abusive behavior.

Sarae Simpson, Meridian, Idaho; **Beau Seegmiller**, Boise, Idaho; **Mistie Tolman**, Idaho State Director, Planned Parenthood Alliance Advocates; **Lauren Bramwell**, ACLU of Idaho; **Christine Pisani**, Executive Director, Idaho Council on Developmental Disabilities; and **Dr. Jessie Duvall**, Boise; sent in written testimony opposing **H 249** (see Attachment 5). They felt that the opt-in language of **H 249** would deny Idaho students access to school curriculum that teaches human development, relationships, personal skills, sexual behavior, and health. **Ms. Pisani** expressed concerns that students with disabilities are at a higher risk of sexual abuse and exploitation, unwanted pregnancies, and sexually transmitted diseases. **H 249** would restrict these students rights to protect themselves.

DISCUSSION: **Senator Cook** said teaching about human sexuality does not teach about healthy relationships. **H 249** does not change sex education, but it does give more rights to parents in determining what portions of human sexuality they want their students to hear, he said.

MOTION: **Senator Lent** moved to send **H 249** to the floor with a **do pass** recommendation. **Senator Den Hartog** seconded the motion.

SUBSTITUTE MOTION: **Senator Nelson** moved to hold **H 249** in Committee to the call of the chair. **Senator Ward-Engelking** seconded the motion.

DISCUSSION: **Senator Nelson** said he had several concerns about this legislation and wanted further clarification in a few areas before moving forward. Explaining why he made the substitute motion, he said he feels current statute is adequate and gives parents a voice. **Senator Den Hartog** said **H 249** does not limit what is taught in a classroom, but parents should have the right to decide what is being taught to their children, thus she will not support the substitute motion. **Senator Johnson** said not allowing students to participate in certain human sexuality classes will not prevent them from learning about such sensitive topics from their peers. He said he will therefore support the substitute motion.

ROLL CALL VOTE: **Chairman Thayn** requested a roll call vote on the substitute motion. **Senators Woodward, Johnson, Ward-Engelking, Nelson,** and **Vice Chairman Crabtree** voted aye. **Senators Den Hartog, Lent, Cook,** and **Chairman Thayn** voted nay. The motion carried.

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

ADJOURNED: There being no further business at this time, **Chairman Thayn** adjourned the meeting at 2:43 p.m.

Senator Thayn
Chair

Florence Lince
Secretary