

MINUTES  
**HOUSE EDUCATION COMMITTEE**

**DATE:** Wednesday, April 14, 2021

**TIME:** 8:30 A.M.

**PLACE:** Room EW41

**MEMBERS:** Chairman Clow, Vice Chairman Kerby, Representatives Boyle, Mendive, DeMordaunt, Moon, Ehardt, Marshall, Wisniewski, Galloway, Shepherd, Yamamoto, McCrostie, Berch, Toone

**ABSENT/  
EXCUSED:** None

**GUESTS:** President Critchfield, State Board of Education (SBOE); Kathy Dawes, citizen  
**Chairman Clow** called the meeting to order at 8:30 a.m.

**H 364:** **Rep. Ehardt** presented legislation written to protect the free speech of students in public higher education institutions. She stated institutions have created speech zones and codes which infringe upon students' freedom of speech and expression. Students using threatening or disruptive speech still fall within the disciplinary guidelines of the institution. The legislation is designed to protect critical thinking, expression and communication, adding to the existing law to implement the Protecting Critical Thinking in Higher Education Act. Rep. Ehardt cited U.S. Supreme Court findings which support and protect the constitutional rights of students. She stated we cannot unite by dividing.  
**Kathy Dawes** spoke in opposition to **H 364**.  
In response to concerns regarding institutional fines, **Rep. Ehardt** confirmed institutions will still have due process. As requested, Rep. Ehardt listed the seventeen other states which have enacted legislation to protect the freedom of speech on campuses.

**ORIGINAL MOTION:** **Rep. DeMordaunt** made a motion to send **H 364** to the floor with a **DO PASS** recommendation.

**SUBSTITUTE MOTION:** **Rep. Berch** made a substitute motion to **HOLD H 364** in Committee.  
In answer to committee questions regarding whether the report would require additional staff, **President Critchfield**, SBOE, stated conversations need to happen with institution leaders in order to determine optimal implementation. She stated the reports should only include pertinent information to avoid additional bureaucracy.  
Committee members expressed concerns in opposition of **H 364** regarding the timing of its introduction, how it will impact institutions, and that the one-year limit for students to file a complaint may be too short.  
Committee members spoke in support of **H 364** and expressed confidence the accountability within the legislation will reduce the suppression of students' freedom of speech.

**ROLL CALL VOTE ON SUBSTITUTE MOTION:** Roll call vote was requested. **Substitute motioned failed by a vote of 4 AYE and 11 NAY. Voting in favor** of the motion: **Chairman Clow, Reps. Berch, Toone, McCrostie. Voting in opposition** to the motion: **Reps. Boyle, Mendive, DeMordaunt, Moon, Ehardt, Marshall, Wisniewski, Galloway, Shepherd, Yamamoto, Vice Chairman Kerby.**

**ROLL CALL  
VOTE ON  
ORIGINAL  
MOTION:**

Roll call vote was requested. **Original motion passed by a vote of 12 AYE and 3 NAY. Voting in favor** of the motion: **Reps. Boyle, Mendive, DeMordaunt, Moon, Ehardt, Marshall, Wisniewski, Galloway, Shepherd, Yamamoto, Vice Chairman Kerby, Chairman Clow. Voting in opposition** to the motion: **Reps. Berch, Toone, McCrostie. Rep. Ehardt** will sponsor the bill on the floor.

**ADJOURN:**

There being no further business to come before the Committee, the meeting adjourned at 10:01 a.m.

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Representative Clow  
Chair

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Christine Reynolds  
Secretary