

MINUTES
HOUSE EDUCATION COMMITTEE

DATE: Thursday, April 22, 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 Debbie Critchfield, State Board of Education (SBOE); Lane McInelley, Idaho Education Association (IEA); Kathy Dawes; Heather Stout; Lauren Bramwell, Policy Strategist, American Civil Liberties Union (ACLU); Nick Kolarik; JennaVieve Keim; Tess Baxter; Dele Ogunrinola; Abby Gnojewski; Joshua Titmus; Anna Miller, Idaho Freedom Foundation (IFF); Christopher Lueker-Ritler; Jamie Faselt; Helina Alvarez; John Bassetti; Richard Eppink; Sharon Cates, State Department of Education (SDE)

Chairman Clow called the meeting to order at 8:31 a.m.

MOTION: **Rep. Toone** made a motion to approve the minutes of the April 20, 2021, meeting. **Motion passed by voice vote.**

H 377: **Rep. Wendy Horman** introduced legislation created to ensure respect and nondiscrimination in public school and higher education curriculum. She stated the legislation does not prohibit any instruction and allows students the opportunity to explore information from diverse sources and form their own ideas through academic freedom. Rep. Horman said no student should be compelled to exercise racial prejudice, a main tenet of critical race theory is that the races are not equal, which is contrary to the foundational belief that all are created equal. Critical race ideology undermines current curricular objectives of nondiscrimination on the basis of sex, race, ethnicity, religion, skin color, national origin and other criteria which create division. The legislation contains protection for the collection of demographic data.

Rep. Julianne Young presented the legislative intent to prevent critical race theory from being part of the curriculum due to its instruction to judge others based on sex, race, ethnicity, religion, skin color, or national origin, in contradiction to the Idaho Constitution. Critical race theory is an intellectual movement teaching students skin color is not a biologically-derived trait but a social construct invented to divide people into two groups, the oppressed and the oppressors. She stated this legislation will protect against encouraged discrimination and that no institution of public instruction shall teach students that some are superior or inferior, or that others should be treated adversely based on their appearance. The legislation will also protect against the instruction that one can genetically inherit responsibility for past crimes committed by others of the same sex, race, ethnicity, religion, skin color, national origin. She referenced **Dr. Martin Luther King Jr.** in that no people should be prejudged based on external features. This legislation is a proactive step to protect students before federal curriculum is mandated.

President Critchfield, SBOE, testified that she assisted in the refinement of the legislation with the college and university presidents with whom she recently visited. Although the SBOE has no official position on critical race theory, every student is allowed freedom of expression and thought. She stated students and parents need to be aware of what is being taught and the SBOE is against indoctrination in any form. In answer to committee questions, President Critchfield responded the legislation would not have an impact on the SBOE or create any additional supervisory work.

Lane McInelley, IEA, Kathy Dawes, Heather Stout, Lauren Bramwell, ACLU, Nick Kolarik, JennaVieve Keim, Tess Baxter, Dele Ogunrinola, Abby Gnojewski, Joshua Titmus, Christopher Lueker-Ritler, Jamie Faselt, and Helina Alvarez testified in opposition to H 377.

Anna Miller, IFF, testified regarding H 377 stating it should contain stronger language.

John Bassetti testified in support of H 377.

In answer to committee questions, **Rep. Young** stated the bill does not define critical race theory because it includes all discrimination, not just what is classified as critical race ideology. She said the bill presents the tenets in 3(a) which are characteristics of Critical Race Theory and that it does not provide direct penalties.

Rep. Horman answered committee questions regarding the goal of a common understanding of model policy against discrimination, which will be implemented by supervisory agencies and school boards.

Chairman Clow asked the sponsors to clarify if academic debate classes and preparation asking students to prepare opposing positions and debate the issue would violate H 377. The bill sponsor, **Rep. Horman**, stated traditional debate is allowed and encouraged. Chairman Clow specifically indicated he would like this recorded in the minutes.

ORIGINAL MOTION:

Vice Chairman Kerby made a motion to send H 377 to the floor with a **DO PASS** recommendation. He spoke in support of the legislation, stating students shouldn't be compelled to take a position or be ashamed of the way they were born. The legislation intentionally does not have penalties with the expectation that supervisory boards will decide.

Committee members expressed concern that the legislation is unnecessary because discrimination is already illegal in the State Constitution and the language of the bill is ambiguous which could potentially lead to withheld funds.

SUBSTITUTE MOTION:

Rep. McCrostie made a substitute motion to **HOLD H 377** in committee. He stated there needs to be more discussion and that critical race theory is a lens with which to explore race.

Committee members spoke against the substitute motion because the legislation is being proactive and there is nothing in the bill preventing the instruction of any topics or ideas, tax dollars cannot be used to teach our kids to hate each other and our country, and the President issued Executive Order 13985 for advancing racial equity tied to federal funds.

VOTE ON SUBSTITUTE MOTION:

Motion failed by voice vote.

VOTE ON ORIGINAL MOTION:

Motion carried by voice vote. Reps. Berch, Toone, and McCrostie requested they be recorded as voting **NAY**. **Rep. Horman** will sponsor the bill on the floor.

Chairman Clow presented a draft of the standards letter to be sent to the State Board of Education, State Department of Education and the Governor's Office.

There being no new business to come before the committee, the meeting adjourned at 10:25 a.m.

Representative Clow
Chair

Christine Reynolds
Secretary