

MINUTES
HOUSE EDUCATION COMMITTEE

DATE: Thursday, February 24, 2022

TIME: 8:00 A.M.

PLACE: Room EW41

MEMBERS: Chairman Clow, Vice Chairman Kerby, Representatives Boyle, Mendive, DeMordaunt, Moon, Ehardt, Marshall, Wisniewski, Galloway (Hancock), Yamamoto, McCann, McCrostie, Berch, Toone

**ABSENT/
EXCUSED:** None

GUESTS: The sign-in sheet will be retained in the committee secretary's office; following the end of the session the sign-in sheet will be filed in the Legislative Library.

Chairman Clow called the meeting to order at 8:03 a.m.

RS 29629: **Rep. Mendive** introduced **RS 29629** which would allow parents to teach their child drivers education.

MOTION: **Rep. DeMordaunt** made a motion to introduce **RS 29629**. **Motion carried by voice vote.**

RS 29621: **Tracie Bent**, Chief Planning and Policy Officer, State Board of Education, introduced **RS 29621** and explained this is a postsecondary credit scholarship. She reported the addition of language to ensure that a relative may not award a scholarship to the student to meet the matching requirement.

MOTION: **Rep. McCann** made a motion to introduce **RS 29621** and recommends it be sent directly to the Second Reading Calendar. **Motion carried by voice vote.** **Rep. McCrostie** will sponsor the bill on the floor.

RS 29622: **Rep. McCrostie** introduced **RS 29622** and emphasized how both he and **Rep. Ehardt** have worked together in a bipartisan manner.

In response to Committee questions, **Rep. McCrostie** clarified that this proposed legislation includes journalism on campus.

MOTION: **Rep. Toone** made a motion to introduce **RS 29622**. **Motion carried by voice vote.**

H 651: **Rep Boyle** presented **H 651** and shared how it would amend section 33-512 Idaho Code. She indicated it would require drug testing for substitute teachers.

In response to Committee questions, **Lt. Col. Sheldon Kelley**, Deputy Director, Idaho State Police, discussed the different drugs and impact this legislation would have. He discussed the increase of drug use among teens. He described the increase of drugs coming across the border starting several years ago, most especially after Oregon decriminalized some drugs. Lt. Col. Kelley, clarified that the NIK test cost has stabilized. He indicated there is basic rapid testing which can be done.

In response to Committee questions, **Rep. Boyle** explained that districts can choose to not call different substitutes. Rep. Boyle shared some schools drug test everyone. She stated there are quick, effective ways which substitutes can be tested. It would be up to the district to determine who would pay for the test. In response to Committee questions, she indicated when she discussed the legality of this with police there were no concerns brought up. Rep. Boyle pointed out that students who participate in extra curricular activities are drug tested. In answer to questions she described how substitutes aren't always required to have a certain amount of education. She explained that if a test was positive a second test could be performed.

Chris Goetz, Sheriff, Clearwater County Sheriff, spoke **in support** for **H 651** and described how it would keep students safe. He emphasized schools do not know what a substitute does during the rest of the day or week. He remarked that lax drug laws are impacting Idaho. In response to Committee questions, Sheriff Goetz specified which drugs they are seeing. He did clarify he is not aware of substitutes being arrested for drugs.

Misty Swanson, Idaho School Boards Association, spoke **in opposition** to **H 651**. She shared how it creates a barrier to hiring needs. She indicated that many districts already have drug testing policies. In response to Committee questions, Ms. Swanson responded how a substitute can be anyone over 18. She did note that she is not aware of a substitute teacher testing positive for drugs.

Quinn Perry, Policy Director, Idaho School Boards Association confirmed for the committee that a substitute is included in the employment policies for a school.

Dave Roberts, Human Resource Officer, West Ada School District, spoke **in opposition** to **H 651**. He shared how the school district believes in local control and how every school board has the opportunity to drug test teachers and new hires. He noted that hiring substitutes is already difficult and background checks and training are already required for all teachers. He noted districts do not have the capacity to do drug testing.

In response to Committee questions, he shared how prior to 2020 they had a roughly 85% fill rate. He emphasized that it's dropped to a 65% rate fill rate. The school district is even providing incentives to encourage substitute teachers to come teach. He described West Ada School District's drug policy and shared how when they have concerns someone is under the influence they are immediately dealt with. He also reported on the current pay rate of substitute teachers.

Karen Pyron, Trustee, Butte County School District, spoke **in opposition** to **H 651**. She explained how it is hard to get substitute teachers prior to this legislation. She pointed out how Butte County School District currently has a drug policy and described the cost and a inconvenience it would be to local districts if this legislation passes.

Rep. Boyle made clear that 72-1701 Idaho Code promotes drug and alcohol free workplaces. She shared how this would require people to get drug tested. In response to Committee questions, she noted 72-1701 Idaho Code only made drug testing voluntary.

MOTION:

Rep. Kerby made a motion to send **H 651** to the floor with a **DO PASS** recommendation.

Reps. Kerby, Ehardt, Moon, DeMordaunt, and Wisniewski spoke in favor of **H 651**. Committee members recognized that there is a drug problem in the schools and appreciated legislation that helps the schools and the students. It was pointed out that the main stakeholder in this scenario are parents and students. Committee members emphasized that due diligence to provide a safe environment for students is paramount. It was noted one of the most important aspects of this bill is changing the background check from 5 years to 2 years.

SUBSTITUTE MOTION:

Rep. Marshall made a substitute motion to **HOLD H 651** in Committee.

ROLL CALL VOTE ON SUBSTITUTE MOTION:

Roll call vote was requested. **Substitute motion failed by a vote of 7 AYE and 8 NAY. Voting in favor** of the motion: **Reps. Marshall, Hancock, Yamamoto, McCann, McCrostie, Berch, and Toone. Voting in opposition** to the motion: **Reps. Kerby, Boyle, Mendive, DeMordaunt, Moon, Ehardt, Wisniewski, and Chairman Clow.**

ROLL CALL VOTE ON ORIGINAL MOTION:

Roll call vote was requested. **Motion carried by a vote of 8 AYE and 7 NAY. Voting in favor** of the motion: **Reps. Kerby, Boyle, Mendive, DeMordaunt, Moon, Ehardt, Wisniewski, and Chairman Clow. Voting in opposition** to the motion: **Reps. Marshall, Hancock, Yamamoto, McCann, McCrostie, Berch, and Toone. Rep. Boyle** will sponsor the bill on the floor.

ADJOURN:

There being no further business to come before the Committee, the meeting adjourned at 9:49 am.

Representative Clow
Chair

Elbia Christensen
Secretary