

MINUTES
SENATE EDUCATION COMMITTEE

DATE: Tuesday, February 28, 2023

TIME: 3:00 P.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Lent, Vice Chairman Toews, Senators Den Hartog, Nichols, Carlson, Herndon, Lenney, Ward-Engelking, and Semmelroth

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 Lent** called the meeting of the Senate Education Committee (Committee) to order at 3:00 p.m.

GUBERNATORIAL REAPPOINTMENT VOTE: **David Hill** to the State Board of Education, of Boise, Idaho, for a term commencing July 1, 2022 and expiring July 1, 2027.

DISCUSSION: **Senator Ward-Engelking** said she had worked with Mr. Hill on numerous committees and found him to be excellent, and his talents would greatly benefit students in Idaho. **Senator Herndon** said he was impressed by Mr. Hill as well, but he was concerned that he did not intend to serve his full term and that he was supportive of mask mandates and school closures during the COVID era.

MOTION: **Senator Ward-Engelking** moved to send the Gubernatorial Reappointment of **David Hill** to the State Board of Education to the floor with the recommendation that he be confirmed by the Senate. **Senator Semmelroth** seconded the motion.

SUBSTITUTE MOTION: **Senator Herndon** moved to send the Gubernatorial Reappointment of **David Hill** to the floor with no recommendation. **Senator Nichols** seconded the motion.

AMENDED SUBSTITUTE MOTION: **Senator Lenney** moved to send the Gubernatorial Reappointment of **David Hill** to the State Board of Education to the floor with the recommendation he not be confirmed. The motion failed due to the lack of a second.

SUBSTITUTE MOTION VOTE: The motion to send the Gubernatorial Reappointment of David Hill to the floor with no recommendation carried by **voice vote**. **Senators Ward-Engelking and Semmelroth** asked to be recorded as voting nay.

GUBERNATORIAL APPOINTMENT VOTE: **Karen Echeverria** to the Public Charter School Commission, of Garden City, Idaho, for a term commencing August 1, 2022 and expiring May 12, 2026.

DISCUSSION: **Senator Den Hartog** said she had no qualms with Ms. Echeverria's credentials, knowledge, or competency, but thought she was more of a regulator than advocate, and that approach to charter schools was not preferable.

Senator Ward-Engelking said she had worked with Ms. Echeverria for a long time, and, while they did not always agree, she had a great deal of respect for her due to her honesty and ability to listen, which were skills that were needed on the Commission.

MOTION: **Senator Den Hartog** moved to send the Gubernatorial Appointment of **Karen Echeverria** to the floor with the recommendation that she not be confirmed by the Senate. **Vice Chairman Toews** seconded the motion.

SUBSTITUTE MOTION: **Senator Ward-Engelking** moved to send the Gubernatorial Appointment of **Karen Echeverria** to the floor with the recommendation she be confirmed by the Senate. **Senator Semmelroth** seconded the motion.

ROLL CALL VOTE: **Vice Chairman Toews** asked for a roll call vote on the substitute motion. **Senators Ward-Engelking, Semmelroth, and Chairman Lent** voted aye. **Senators Den Hartog, Nichols, Carlson, Herndon, Lenney and Vice Chairman Toews** voted nay. The motion failed.

ROLL CALL VOTE: **Senator Herndon** asked for a roll call vote on the original motion. **Senators Den Hartog, Nichols, Carlson, Herndon, Lenney, and Vice Chairman Toews** voted aye. **Senators Ward-Engelking, Semmelroth, and Chairman Lent** voted nay. The motion carried.

PRESENTATION: **Update on the Program and New Developments. Marilyn Whitney**, Executive Director, IDeal - Idaho College Savings Program (Program), said the Program was established by the Idaho Legislature in 2000 to administer 529 plans, college savings accounts for families to store funds in a tax-advantaged manner for later use to pay for college tuition. She said IDeal was an independent entity with a small staff that received no General Fund dollars and was governed by the State College Savings Program Board, on which Treasurer Julie Ellsworth and Superintendent of Public Instruction Debbie Critchfield sat. Some Program highlights she listed from the last calendar year were: an increase in the number of funded beneficiary accounts from the previous year and gifts from family and friends continued to be very strong. Education savings plans, called 529 plans, allowed benefits to be transferred to another beneficiary or into another 529 plan, but the tax-deferred growth came if the funds were used for qualified education expenses. Program participants qualified for tax deductions on state taxes up to \$6,000 for individual filings or \$12,000 if filed jointly. A Washington University in St. Louis study showed that students with a college savings account were seven times more likely to complete a degree. In 2020, the Legislature created the employer tax credit for employers that contributed to the 529 accounts of employees. They could receive a tax credit of 20 percent of the total contributions they made, with a maximum of \$500 per employee per year. In addition to the savings program, IDeal also operated several community scholarships, which included Idaho Codes, Governor's Cup, Idaho Housing and Finance Association, and the Idaho Press Sports Stars scholarships.

DISCUSSION: **Chairman Lent** asked if the 529 program supported tuition expenses at private or religious schools. **Ms. Whitney** confirmed that was true. **Chairman Lent** asked if employers had to match what their employees put into their 529 accounts under this program. **Ms. Whitney** said the employer would get 20 percent of the total contributions they made to an account that year, up to a maximum of \$500 per employee. **Chairman Lent** asked how the program would work for homeschooled kids. **Ms. Whitney** said, generally speaking, the program would not work for them, as the program's funds were restricted to tuition payments.

Senator Den Hartog clarified that the use of those funds for homeschool children was only for K-12 education, as the funds were eligible for use for college tuition.

S 1099

PROTECTION OF PUPIL AND PARENTAL RIGHTS ACT - Adds to existing law to enact the Protection of Pupil and Parental Rights Act. Vice Chairman Toews said **S 1099** was created to protect the privacy of students and increase transparency in education. The bill's language included the requirement that parent permission was required if school faculty gave a survey to or performed an evaluation on students. Any questioning of a student's political affiliation, mental/psychological state, sex behavior, attitude, illegal activity, religious affiliation, family financial status were among the topics that required parent approval before being asked of a student.

DISCUSSION:

Senator Ward-Engelking asked for further clarification on what kind of surveys the legislation was aimed at making more transparent. **Vice Chairman Toews** said an example was the Idaho Youth Mental Health Survey that included questions about family income, drug/alcohol use at home, sexuality, and more. **Senator Ward-Engelking** said, during her time as an educator, any surveys conducted were accepted by parents, and the legislation was tailored to fix a problem that did not exist.

Senator Semmelroth noted the bill said assessments had to be made available for inspection, and asked what that process looked like. **Vice Chairman Toews** said there were many ways that could have been done, but his intent was for children to take physical copies of them home for their parents to look at before it was filled out. **Senator Semmelroth** said parents always had access to education materials and were welcome to enter the classroom and participate in their child's education, so she was concerned by the specific use of the word inspection and thought the bill looked for problems. **Vice Chairman Toews** said there was no ill intent in the bill by the inclusion of that word, and it meant parents had the ability to review any materials meant to assess their child.

Senator Lenney asked Vice Chairman Toews if he received any input from the Superintendent of Public Instruction on **S 1099**. **Vice Chairman Toews** said he had run the legislation by her, and she was in full support because she had similar concerns.

Senator Nichols commended the legislation and said it had the ability to advance parental rights and was important for parents to know what information schools attempted to gather from their children.

Senator Den Hartog expressed concern the language appeared broad, and asked if the scope of its intent included instructional materials or videos. **Vice Chairman Toews** confirmed it was broad, and indicated the intent was to add transparency to assessments like the Idaho Youth Mental Health Survey he mentioned during his presentation.

Senator Ward-Engelking expressed concern over the legislation's broad application because teachers distributed surveys all the time on matters like recess activities and parents already had access to materials like the class syllabus, teaching manuals, and more. **Vice Chairman Toews** concurred that many of those materials were already available. He emphasized the intent was to make any extra assessments that, for some reason, were not available accessible to parents.

TESTIMONY: **Heather Pruett** testified in support of the bill. She cited instances where her children were administered intrusive assessments after she had already declined consent. She confirmed there were inappropriate surveys that were circulating in schools, and she thought **S 1099** was a step in the right direction to protect the privacy of children and families in Idaho.

Katherine Harley, Pacific Justice Institute, testified in support of the legislation. She listed three reasons why she believed **S 1099** was a good for Idaho: increased collaboration between families and school district personnel, greater confidence for parents that they were involved in their child's education, and increased protection for schools from the loss of federal support.

MOTION: **Senator Carlson** moved that **S 1099** be sent to the floor with a **do pass** recommendation. **Senator Lenney** seconded the motion. The motion carried by **voice vote**. **Senators Ward-Engelking** and **Semmelroth** asked to be recorded as voting nay.

ADJOURNED: There being no further business at this time, **Chairman Lent** adjourned the meeting at 4:00 p.m.

Senator Lent
Chair

Linette Grantham
Secretary

Kieran Sprague
Assistant Secretary