

MINUTES  
**SENATE EDUCATION COMMITTEE**

**DATE:** Wednesday, February 07, 2024

**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 3:02 p.m.

**H 422** **CHARTER SCHOOLS - Amends, repeals, and adds to existing law to establish the Accelerating Public Charter Schools Act to provide for public charter schools that operate independently from traditional schools. Senator Den Hartog** explained that **H 422** was a repeal and rewrite of previous charter school legislation. She walked the Committee through the changes in code line by line. She emphasized the importance of the changes made to the Legislative Intent section which clarified the role of the Charter School Commission.

**Senator Den Hartog** spoke about other changes in the legislation including an addition to allow a charter school to operate a day care or after school program. Another important change allowed charter holders with multiple schools to enroll as a single local education agency (LEA) which reduced duplicative audit requirements and allowed charter schools to cross-collateralize loans. The charter school application and reapplication processes were streamlined and standardized which ensured that all charter schools were considered equally in these processes.

**Senator Den Hartog** described the creation of a special category for pilot charters which promoted innovative school models. She explained about performance certificates and a change to the renewal period from five years to six years. High performing schools were eligible for a 12 year renewal. She highlighted the establishment of an Office of Administrative Hearings that was a neutral arbiter to address contested situations. She shared another change to the legislation that allowed for school funding or financial assistance from private organizations or entities.

**DISCUSSION:** **Senators Ward-Engelking** and **Semmelroth** had questions about the definition of a high-performing school. **Senator Den Hartog** explained that the definition of a high-performing school was one that consistently met various targets including academic proficiency, student academic growth, and college and career readiness. Furthermore, high-performing schools must consistently maintain financial accountability. She explained that a school was eligible for designation as a high-performing school after a proven track record of success in all metrics.

**TESTIMONY:** **Andrew (Andy) Johnson** of Sage International Network of Schools, **Keith Donahue** of Bluum, Inc., **Kelly Trudeau** of Compass Public Charter School, **Tom LeClaire** of the Coalition of Idaho Charter School Families, and **Blake Youde**, of the Idaho Charter School Network, testified in favor of **H 422**. The common themes of their testimonies were increased accountability, flexibility, transparency, clarity in the statute, the advantage of one LEA to strengthen schools financially, and more parent involvement in the charter school renewal process. They liked the streamlined renewal process and appreciated that successful schools were trusted to do what is best for students and were rewarded with a longer renewal timeline. They commended the improved hearing process and liked that there were defined steps to contest or appeal a charter commission decision and stakeholder involvement.

**DISCUSSION:** **Senator Herndon** asked Tom LeClaire, President of the Coalition of Idaho Charter School Families, to comment on the differences between the appeal process in the current legislation and in **H 422**. **Mr. LeClaire** shared that he viewed the updated process as a significant improvement. His assessment of the current process was that it focused on the process of the appeal and not on the underlying merits of the original decision. **H 422** included public hearings and stakeholder participation which he anticipated to be more transparent and equitable. **Senator Herndon** asked Blake Youde of the Idaho Charter School Network to comment on the issue of accountability in the legislation. **Mr. Youde** walked through the performance-based accountability criteria in **H 422** which included student growth, proficiency, college readiness, economically disadvantaged student make up, and board performance. He continued that there was also an onus placed on a charter school board to self-report in addition to visits by the charter school commission to ensure the school is meeting its accountability requirements over the course of its performance certificate.

**TESTIMONY:** **Dr. Jean Henscheid** of the League of Women Voters of Idaho, **Shaila Tate**, and **Vickie Fadness** testified in opposition to **H 422**. Some themes of their testimonies were concern that the State Board of Education was removed from the charter school application process and that input from local school boards and communities was eliminated. There was concern that the state board, state department, and state superintendent of public instruction were no longer involved in application denial appeals or in appeals of charter revocations. They were worried about a lowering of standards for charter schools and that the testing of unproven instructional methods by pilot charters could lead to failed experiments on children. They did not like that private organizations were allowed to fund charter schools as this invited the influence of outside companies and entities to enter the state.

**Branden Durst** testified that elements in **H 422** were unconstitutional. He was concerned that only non-sectarian organizations were permitted to be authorizers. He stated that it prohibited a religious organization from applying for and running a charter school. He was also concerned that Idaho charter schools were referred to as governmental entities.

**DISCUSSION:** **Senator Herndon** asked Mr. Durst to clarify the governmental entity status of charter schools. **Mr. Durst** explained that Idaho is the only state in the country that referred to charter schools as government entities. He had been told it was because charter school employees participated in the Public Employees Retirement System of Idaho (PERSI). **Senator Ward-Engelking** commented that Idaho charter schools were considered public schools and thus government entities. She clarified that the status of charter school employees as public school employees and thus eligible for PERSI was determined when charter schools were originally established.

**Senator Den Hartog** asserted that **H 422** did not lower standards. She clarified that it recognized successful schools and allowed for a more hands off approach regarding their supervision. The sectarian and non-sectarian issue that had been raised was not addressed in this legislation. She explained this issue was too big for the purpose of this legislation and would need to be addressed separately. She reminded the Committee that the final decision on accountability was made by the families and students who choose charter schools. If a charter school did not meet the needs of its students, it would not fill its seats.

**Senator Herndon** asked about the history of the provision of sectarian and non-sectarian authorizer in the legislation. **Senator Den Hartog** shared her recollections of its origins. She invited Jeremy Chou of Givens Pursley Law Firm to comment. **Mr. Chou** commented on the Supreme Court's Espinoza Ruling and explained that it did not pertain to **H 422**.

**Senator Semmelroth** asked what efforts are being made to foster collaboration between charter schools and public schools. **Senator Den Hartog** commented that there had not been as much collaboration as was originally envisioned when charter schools were formed and agreed that this was an area where improvements could be made.

**Senator Nichols** asked whether non-sectarian, private organizations had ever applied for a charter and if none had, would they theoretically be allowed to open a charter school. **Senator Den Hartog** replied that to her knowledge no non-sectarian, private organizations had applied to date. She said that whether they would be approved would depend on the charter that the organization submitted.

**MOTION:** **Senator Herndon** moved to send **H 422** to the floor with a **do pass** recommendation. **Vice Chairman Toews** seconded the motion. The motion carried by **voice vote**.

**PASSED THE GAVEL:** **Chairman Lent** passed the gavel to Vice Chairman Toews. **Vice Chairman Toews** advised the Committee they would be voting on the Rules which were presented on three dates in January.

**DOCKET NO. 08-0113-2302** **Rules Governing the Opportunity Scholarship Program - Proposed Rule.** **Vice Chairman Toews** introduced **Docket No. 08-0113-2302** and asked for testimony.

**DISCUSSION:** There were some questions regarding the wording and the effects of the rule change in **Docket No. 08-0113-2302**. **Jenn Thompson**, Chief Policy and Government Affairs Officer, Idaho State Board of Education, clarified.

**MOTION:** **Senator Herndon** made a motion to table **Docket No. 08-0113-2302** for more research and discussion. **Senator Lent** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO. 08-0203-2301** **Rules Governing Thoroughness - Proposed Rule.** **Vice Chairman Toews** introduced **Docket No. 08-0203-2301** and asked for testimony.

**MOTION:** **Senator Ward-Engelking** moved to approve **Docket No. 08-0203-2301**. **Senator Semmelroth** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO. 08-0401-2301** **Rules Governing the Idaho Digital Learning Academy - Proposed Rule.** **Vice Chairman Toews** introduced **Docket No. 08-0401-2301** and asked for testimony.

**MOTION:** **Senator Lenney** moved to approve **Docket No. 08-0401-2301**. **Senator Den Hartog** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO. 55-0103-2301** **Rules of Career Technical Schools - Proposed Rule.** **Vice Chairman Toews** introduced **Docket No. 55-0103-2301** and asked for testimony.

**MOTION:** **Senator Carlson** moved to approve **Docket No. 55-0103-2301**. **Senator Den Hartog** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.  
55-0104-2301**

**Rules Governing Idaho Quality Program Standards Incentive Grants and Agricultural Education Program Start-up Grants - Proposed Rule. Vice Chairman Toews** introduced **Docket No. 55-0104-2301** and asked for testimony.

**MOTION:**

**Senator Herndon** moved to approve **Docket No. 55-0104-2301**. **Senator Nichols** seconded the motion. The motion carried by **voice vote**.

**ADJOURNED:**

There being no further business at this time, **Vice Chairman Toews** adjourned the meeting at 4:29 p.m.

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Senator Lent  
Chair

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Lisa Stein  
Secretary