

STATEMENT OF PURPOSE

RS32826 / HJR009

This constitutional amendment accomplishes two changes to Idaho's constitution. First, it strikes the current language in section 9 of Article IX which concerns the legislature's ability to compel Idaho's children to physically attend the public schools of the state. The current language also grants the legislature to determine the means that are the exception to public school attendance. In 1925 (*Pierce v. Society of Sisters*) and 1972 (*Wisconsin v. Yoder*), the US Supreme Court issued opinions that states cannot compel public school attendance because of protections in the US constitution. This amendment also inserts language into section 9 of Article IX concerning the right to educate children outside of the public schools without burdensome regulation. This mirrors Idaho's current statutes. The right recognized in this amendment concerns a right to educate – it is not a right to NOT educate. Neither California, Oregon, Washington nor Montana have compulsory school attendance in their constitutions, yet all of those states still possess the power to require children to be educated. Even with this amendment, Idaho may still require children to be educated.

FISCAL NOTE

There is no estimated fiscal impact to the general fund. However, there's a rough estimate of cost of \$200,000 for the Secretary of State to public proposed constitutional amendments and arguments as required by law. This cost is shared by other constitutional amendments proposed in a given ballot time frame.

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DISCLAIMER: This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).