

**ALASKA STATE LEGISLATURE
HOUSE EDUCATION STANDING COMMITTEE**

May 1, 2024
8:10 a.m.

MEMBERS PRESENT

Representative Jamie Allard, Co-Chair
Representative Justin Ruffridge, Co-Chair
Representative Mike Prax
Representative CJ McCormick
Representative Tom McKay
Representative Rebecca Himschoot
Representative Andi Story

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE BILL NO. 400

"An Act relating to correspondence study programs; relating to allotments for correspondence study programs; and providing for an effective date."

- HEARD & HELD

HOUSE BILL NO. 382

"An Act relating to education; relating to the rights of the parents of public school students; relating to the rights of public school teachers; relating to the records of public school students; and providing for an effective date."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 400

SHORT TITLE: CORRESPONDENCE STUDY PROGRAMS; ALLOTMENTS

SPONSOR(S): EDUCATION

04/26/24	(H)	READ THE FIRST TIME - REFERRALS
04/26/24	(H)	EDC, FIN
05/01/24	(H)	EDC AT 8:00 AM DAVIS 106

BILL: HB 382

SHORT TITLE: EDUCATION; PARENT/TEACHER RIGHTS
SPONSOR(s): CARPENTER

02/20/24	(H)	READ THE FIRST TIME - REFERRALS
02/20/24	(H)	EDC, JUD
03/20/24	(H)	EDC AT 8:00 AM DAVIS 106
03/20/24	(H)	Heard & Held
03/20/24	(H)	MINUTE(EDC)
03/22/24	(H)	EDC AT 8:00 AM DAVIS 106
03/22/24	(H)	Heard & Held
03/22/24	(H)	MINUTE(EDC)
04/29/24	(H)	EDC AT 8:00 AM DAVIS 106
04/29/24	(H)	Heard & Held
04/29/24	(H)	MINUTE(EDC)
05/01/24	(H)	EDC AT 8:00 AM DAVIS 106

WITNESS REGISTER

BUD SEXTON, Staff
Representative Justin Ruffridge
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Provided a summary of changes on the committee substitute to HB 400.

REPRESENTATIVE BEN CARPENTER
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: As prime sponsor, presented HB 382.

DONNA ARDUIN, Staff
Representative Ben Carpenter
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 382 on behalf of Representative Carpenter, prime sponsor.

MARGARET BERGERUD, Legislative Counsel
Legislative Legal Services
Legislative Affairs Agency
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 382.

ACTION NARRATIVE

[8:10:09 AM](#)

CO-CHAIR JUSTIN RUFFRIDGE called the House Education Standing Committee meeting to order at 8:10 a.m. Representatives Prax, McCormick, McKay, Himschoot, Story, Allard, and Ruffridge were present at the call to order.

HB 400-CORRESPONDENCE STUDY PROGRAMS; ALLOTMENTS

[8:10:52 AM](#)

CO-CHAIR RUFFRIDGE announced that the first order of business would be HOUSE BILL NO. 400, "An Act relating to correspondence study programs; relating to allotments for correspondence study programs; and providing for an effective date."

[8:11:31 AM](#)

CO-CHAIR ALLARD moved to adopt the proposed committee substitute (CS) for HB 400, Version 33-LS1571\U, Bergerud, 4/30/24, as the working document.

[8:11:46 AM](#)

REPRESENTATIVE HIMSCHOOT objected. She inquired why there were changes from the original bill to the CS.

[8:12:31 AM](#)

BUD SEXTON, Staff, Representative Justin Ruffridge, Alaska State Legislature, on behalf of the House Education Standing Committee, sponsor of HB 400, on which Representative Ruffridge serves as co-chair, presented the summary of changes to the original bill version that would be made under Version U. He requested that the committee follow along with the written summary of changes, included in the committee packet, which read as follows [original punctuation provided]:

Title

Removed the effective date in the title.

Section 1

The original language under Section 1 of version B is deleted. Under version U, AS 14.03.300(a) is amended by deleting the current language in statute regarding requirements for individual learning plans.

Section 2

This section under version B is deleted and under version U, new subsections are added directing the board to adopt regulations establishing standards for individual learning plans.

Section 3

The language in version B is deleted and under version U, AS14.03.310 is repealed and reenacted with new language regarding student allotments consistent with art VII, sec 1 of the Constitution of the State of Alaska.

(c) Directs the Department to perform an audit of the use of allotments every five years, and regulations for random audits and number of audits to be conducted.

Section 4

Section 4 under version B is deleted and AS 14.03.300(b) is repealed under version U. Section 5-10 Sections 5-10 in version B are deleted in version U.

CO-CHAIR RUFFRIDGE noted that the CS was created in response to ongoing discussions with the intent to have the bill deal with correspondence programs to ensure those programs are intact and can move forward for the next school year. He explained that the original version of HB 400 took old regulation and proposed to put that into statute, and he said he "was not a fan of that." He briefly summarized additional section changes [included in the committee packet] in reference to individualized learning plans (ILPs).

[8:16:27 AM](#)

REPRESENTATIVE HIMSCHOOT brought attention to the effective date removal and inquired about the possibility of language to clarify home school programs for the coming school year. She said she wished to provide certainty to home school families.

CO-CHAIR RUFFRIDGE replied that there would be future hearings on the bill and that many questions would suit invited testimony.

[8:17:33 AM](#)

REPRESENTATIVE STORY said she supported [the original bill version] in that there was a framework that provided some

guidelines that came from statute when the correspondence programs were running smoothly, and people were comfortable in the parameters. She inquired about the reasoning behind the new direction from the older statutes.

CO-CHAIR RUFFRIDGE responded that the items in Version U are from the original statute in question by the court; the language was not in statute but came from previous Alaska State Board of Education regulation. He said putting regulation in statute and the time left in session seemed less than ideal, so Version U would provide the framework for those regulations to be adopted by the board.

REPRESENTATIVE STORY expressed that putting this in the board's hands without guardrails was a concern to her.

CO-CHAIR RUFFRIDGE pointed out that the best guardrail is on page 3, lines 1 and 2, in reference to the board adopting regulations according to the constitution. He added that the language is helpful, and that the section would guide the board to adopt regulations regardless of how that section reads in the future.

[8:21:56 AM](#)

REPRESENTATIVE HIMSCHOOT maintained her objection.

[8:22:00 AM](#)

A roll call vote was taken. Representatives Prax, McKay, Allard, and Ruffridge voted in favor of the motion to adopt the proposed committee substitute (CS) for HB 400, Version 33-LS1571\U, Bergerud, 4/30/24, as the working document. Representatives Story, McCormick, and Himschoot voted against it. Therefore, Version U was adopted as the working document by a vote of 4-3.

[8:23:10 AM](#)

REPRESENTATIVE STORY asked for clarity regarding future testimony.

CO-CHAIR RUFFRIDGE stated he would get back to the committee with details.

[HB 400 was held over.]

[8:23:34 AM](#)

The committee took an at-ease from 8:23 a.m. to 8:26 a.m.

HB 382-EDUCATION; PARENT/TEACHER RIGHTS

[8:26:32 AM](#)

CO-CHAIR RUFFRIDGE announced that the final order of business would be HOUSE BILL NO. 382, "An Act relating to education; relating to the rights of the parents of public school students; relating to the rights of public school teachers; relating to the records of public school students; and providing for an effective date."

CO-CHAIR RUFFRIDGE announced that the committee would continue its consideration of amendments [begun on 4/29/24 at which time Amendments 1-4 were moved but failed to be adopted].

[8:26:51 AM](#)

REPRESENTATIVE HIMSCHOOT moved to adopt Amendment 5 to HB 382, labeled 33-LS1056\U.11, Bergerud, 3/27/24, which read as follows:

Page 5, line 24, following "expectations":
Insert "; subject to appropriation, the department shall reimburse a school district for costs incurred under this paragraph"

CO-CHAIR RUFFRIDGE objected.

REPRESENTATIVE HIMSCHOOT expressed her belief that the bill contained many good things but that her intent was to take a good practice of mentorship and make it work. She read from page 5, line 20, and reiterated the language in Amendment 5.

[8:29:05 AM](#)

REPRESENTATIVE BEN CARPENTER, Alaska State Legislature, as prime sponsor of HB 382, stated that he opposed Amendment 5 because leadership training is something that should occur and be part of a budget; therefore, everything in the budget is subject to appropriation. He added that he did not see value in "separating this out" and identifying it as subject to appropriation versus all other things that go on to a school district's budget.

[8:30:17 AM](#)

REPRESENTATIVE MCCORMICK pointed out that Regional Education Attendance Areas (REAA) do not have municipalities or boroughs to allocate these funds for. He said he may support the amendment but would be interested to know how an REAA would pay.

REPRESENTATIVE CARPENTER replied that the line item on the budget for an REAA school comes from the legislature; therefore, the requirement for providing leadership training is budgeted under state law.

[8:32:22 AM](#)

REPRESENTATIVE PRAX commented that he would support the concept, but asked whether the amendment sponsor was contemplating a separate appropriation for this particular service or how it would be handled in the budgeting process.

REPRESENTATIVE HIMSCHOOT explained that the leadership training would be imbedded in whatever other professional development is offered by the district, and she offered her belief that it would work fine. She further explained that for some schools, there would be expenses. She added that a whole new level of professional development is being asked for.

[8:35:09 AM](#)

REPRESENTATIVE STORY said she hoped to hear from the department regarding a statewide mentoring program that used to be provided and was funded through the legislature.

[8:35:44 AM](#)

The committee took an at-ease from 8:35 a.m. to 8:36 a.m.

[8:36:27 AM](#)

CO-CHAIR RUFFRIDGE explained to those who were listening that an online system was not functioning and he could not see who may be waiting online. He confirmed there were no department representatives online available, but a department member was present in the room.

REPRESENTATIVE STORY commented on a cost to districts and stated that she hoped for a fiscal note.

8:38:01 AM

REPRESENTATIVE PRAX moved to table Amendment 5. There being no objection, Amendment 5 was tabled.

8:38:24 AM

REPRESENTATIVE HIMSCHOOT moved to adopt Amendment 6 to HB 382, labeled 33-LS1056\U.12, Bergerud, 3/27/24, which read as follows:

Page 4, line 26, through page 5, line 9:

Delete "(a) To provide an orderly and safe learning environment for students, a teacher may

(1) establish and enforce classroom rules, including consequences for an infraction of those rules, in accordance with policies adopted under AS 14.33.110 - 14.33.140;

(2) remove a student from a classroom in accordance with policies adopted under AS 14.33.120;

(3) direct a student whose actions are violent, abusive, uncontrollable, or disruptive to appropriate school personnel;

(4) assist in enforcing school rules while on school property, while using school-sponsored transportation, or while at a school-sponsored activity;

(5) use reasonable force to protect the teacher or another person from injury in accordance with AS 11.81.430(a)(2), AS 14.33.120, and 14.33.125; and

(6) communicate with and request participation from parents in making disciplinary decisions."

Reletter the following subsections accordingly.

CO-CHAIR RUFFRIDGE objected.

REPRESENTATIVE HIMSCHOOT explained that the amendment was in line with common practice in schools and everything spelled out in it is a "may".

8:40:25 AM

DONNA ARDUIN, Staff, Representative Ben Carpenter, Alaska State Legislature, answered questions during the hearing on HB 382 on behalf of Representative Carpenter, prime sponsor. She explained that statute has extensive district requirements for school safety programs but does not allow the teacher to have any discretion underneath that.

REPRESENTATIVE CARPENTER added that he had conversations with teachers and support staff that indicated that enforcing the rules was not uniformly done throughout schools. Giving teachers a state statute to point to for their authority to enforce rules is of the utmost importance, he said. He stated that he and his staff support the Amendment 6.

[8:42:06 AM](#)

REPRESENTATIVE PRAX asked the bill sponsor whether the expectation would be that the Department of Education would have to review the individual district policies and how guidelines would be set.

REPRESENTATIVE CARPENTER replied that the body that would produce ordinance or school rules would be the next governing body. With respect to school districts, the board would review the state law changes and have to modify the rules that had been promulgated.

[8:45:01 AM](#)

REPRESENTATIVE STORY asked for an elaboration of line 6.

REPRESENTATIVE CARPENTER offered a scenario to imagine if a teacher makes a request of a student to maintain good order in the classroom and the student does not adhere to the requests; if the administration does not force the student to adhere to the request, then the teacher is rendered powerless. It is in reference to who could have the authority to address the issue and it would include the teacher enforcing any type of discipline that must happen, but with a state law backing them up. He related hearing of bad behavior in schools and teachers feeling powerless.

REPRESENTATIVE STORY asked whether teachers are asking other parents to help discipline another child. She stated that it could be a delicate situation.

[8:47:50 AM](#)

CO-CHAIR RUFFRIDGE commented that he did not read line 6 that way but he would let the bill sponsor clarify.

REPRESENTATIVE CARPENTER clarified that the word "parents" is referring to parents of multiple students in the classroom, and the authority of the parent of the child does not extend to children not of that parent. He further clarified on page 4, line 22, "parent" is defined as a child's natural or adoptive parent or legal guardian.

[8:49:42 AM](#)

REPRESENTATIVE STORY sought clarity that the parents must cooperate with the teachers about their child's disciplinary behavior and "management" issues needing to be put into state law because of the perception that they are not being followed.

REPRESENTATIVE CARPENTER reiterated that the intent is that the teacher would have the ability - through state law - to request participation and can communicate to the parents directly to inform them that there is an issue. The teacher needs to have a good order of discipline in the school, he said.

[8:52:11 AM](#)

REPRESENTATIVE PRAX expressed his understanding that if the parent is not interested in supporting the school, then the teacher is at a "dead end." He added that he did not know how it could be enforced, but that he supported the amendment.

CO-CHAIR RUFFRIDGE commented that although the language may be in state law, it refers to the "right" of a teacher to do something. He stated that he would not support Amendment 6.

[8:55:24 AM](#)

REPRESENTATIVE HIMSCHOOT commented that the intent is to support teachers. She expressed her concern that there could be a lawsuit and a teacher could sue the district. She referred to line 9 and said she thought it was subjective.

[8:57:12 AM](#)

CO-CHAIR RUFFRIDGE maintained his objection.

A roll call vote was taken.

[Co-Chair Ruffridge did not announce results and voided the vote due to an interruption.]

[8:57:44 AM](#)

The committee took an at-ease from 8:57 a.m. to 8:58 a.m.

[8:58:49 AM](#)

[The following vote took the place of the voided vote.]

A roll call vote was taken. Representatives Himschoot, Story, and McCormick voted in favor of Amendment 6 to HB 382. Representatives Prax, McKay, Allard, and Ruffridge voted against it. Therefore, Amendment 6 to HB 382 failed by a vote of 3-4.

[8:59:44 AM](#)

REPRESENTATIVE HIMSCHOOT moved to adopt Amendment 7 to HB 382, labeled 33-LS1056\U.13, Bergerud, 3/27/24, which read as follows:

Page 3, line 10, following "parent;":
Insert "and"

Page 3, lines 13 - 15:

Delete "; and
(17) notify parents promptly after a medical examination or screening is performed on the child in the event of an emergency"

CO-CHAIR RUFFRIDGE objected.

[9:00:01 AM](#)

The committee took a brief at-ease at 9:00 a.m.

[9:00:35 AM](#)

REPRESENTATIVE HIMSCHOOT said that the amendment came from a concern she had on the section of the bill that was already in board policy, which is also spelled out under the definitions in the section. She spoke to the word "emergency" and what exactly that would encompass. She said she thought it was unclear and opined it was an unnecessary section.

[9:02:24 AM](#)

CO-CHAIR ALLARD shared that her child got hurt at school and she was called immediately. She emphasized that there is no reason a parent should not be called and notified of anything that happens to their child. She expressed her opinion that notifying parents should be in state statute and that she appreciated Representative Carpenter looking into protecting teachers.

[9:03:58 AM](#)

REPRESENTATIVE CARPENTER addressed Representative Himschoot and said he saw Sections 15 and 16 working together but the amendment would delete Section 17. On page 4, line 15, he restated the definition of a medical examination, and he shared his interpretation.

[9:06:26 AM](#)

REPRESENTATIVE MCCORMICK expressed curiosity whether the mental health screening falls under the provision or could create any barriers for mental health providers to have conversations.

REPRESENTATIVE CARPENTER replied that the definition found on page 4 addressed mental health. If the amendment were not adopted, and if there were a mental health-related emergency, then parents would be notified after the emergency. Eliminating the provision would mean that in an emergency situation where, for example, a student has suicidal ideation, by state law parents would not have to be notified.

[9:08:09 AM](#)

CO-CHAIR RUFFRIDGE interjected his understanding that with the elimination of the language, a parent would have to consent or be present even in the event of an emergency for a mental health emergency.

REPRESENTATIVE CARPENTER offered his belief that was correct and added that if there were not an emergency, any other screening would be covered under Section 16 being that is the only statute there.

[9:09:06 AM](#)

REPRESENTATIVE MCCORMICK requested that Legislative Legal Services be contacted for confirmation.

[9:09:26 AM](#)

The committee took an at-ease from 9:09 a.m. to 9:13 a.m.

[9:13:54 AM](#)

REPRESENTATIVE MCCORMICK restated his request for a legal opinion in reference to Representative Ruffridge's prior statement.

CO-CHAIR RUFFRIDGE questioned the removal of Section 17 on pages 14 and 15, whether the school would be required to gain consent prior to offering even emergency treatment.

[9:15:50 AM](#)

MARGARET BERGERUD, Legislative Counsel, Legislative Legal Services, stated that she believed that if Section 17 were deleted and in the event of a true emergency, a school would at least be able to provide the minimum amount of medical care necessary for the emergency.

[9:17:09 AM](#)

REPRESENTATIVE STORY requested that legal counsel remain online.

REPRESENTATIVE HIMSCHOOT opined that the word "emergency" is problematic in that there can be different perceptions of what it entails. A family may come back with a lawsuit against the district due to not being notified about something they deem an emergency that educators or administrators did not. She did not want to set families up for conflict, she said.

[9:18:05 AM](#)

A roll call vote was taken. Representative Himschoot voted in favor of Amendment 7 to HB 382. Representatives McCormick, McKay, Story, Prax, Allard, and Ruffridge voted against it. Therefore, Amendment 7 failed by a vote of 1-6.

[9:18:43 AM](#)

REPRESENTATIVE HIMSCHOOT moved to adopt Amendment 8 to HB 382, labeled 33-LS1056\U.14, Bergerud, 3/27/24, which read as follows:

Page 3, line 10, following "parent;":
Insert "and"

Page 3, lines 11 - 13:
Delete all material.

Renumber the following paragraph accordingly.

CO-CHAIR RUFFRIDGE objected.

REPRESENTATIVE HIMSCHOOT explained that Section 16 was already addressed in board policy and that she hesitated to put things in statute that could be handled more locally.

[9:19:33 AM](#)

REPRESENTATIVE CARPENTER responded that what was being proposed from being implemented into state law was the requirement that parents be notified before a medical examination happens with their child. He said he hoped that this statute would never be needed, but in the case that a medical examination was performed on a child prior to parents' notification and consent, that the parents could point to state law and not just local rules. He said he is opposed to the amendment.

[9:21:08 AM](#)

REPRESENTATIVE STORY requested Legislative Legal Services to confirm the accuracy of her understanding of Amendment 8.

MS. BERGERUD replied that she believed it was a requirement and part of school safety plans that schools need to adopt and are required to make available.

[9:23:10 AM](#)

REPRESENTATIVE MCCORMICK expressed concern toward potential abuse of the situation where a parent may be denying their child mental care because they want them to suffer.

MS. ARDUIN commented that there is a difference between saying the language is already in state law, and that state law

requires the districts to have to develop a school district safety plan.

[9:24:38 AM](#)

REPRESENTATIVE MCCORMICK asked for further understanding surrounding his previous comment about a possible abusive household.

REPRESENTATIVE CARPENTER responded that if the school, teacher, or nurse is presented with information that there is an abusive situation in the house and the child is in danger, there are mandatory reporters to deal with such a situation. The bill, he said, does not attempt to deal with that issue, but if the school is trying to act on behalf of the parent, they are not allowed to with regard to providing consent to a medical procedure. If it is an emergency, the school can act, but if not, they must get consent from the parent.

[9:28:00 AM](#)

REPRESENTATIVE PRAX referred to a recent similar conversation regarding an educator suspecting that a parent was abusing the child, and they are afraid to call the parent because of the potential abuse, then the next call would be to child services from the mandatory reporter. He sought confirmation whether a teacher failing to make the call would be liable.

MS. BERGERUD confirmed that was correct and the teacher would be in violation of state law.

[9:31:02 AM](#)

REPRESENTATIVE HIMSCHOOT reiterated that it was covered in board policy at the local level and that she felt it was covered in multiple places. She stated that she did not want to add to statute what is not needed.

CO-CHAIR RUFFRIDGE maintained his objection.

[9:31:37 AM](#)

A roll call vote was taken. Representatives McCormick, Himschoot, and Story voted in favor of Amendment 8 to HB 382. Representatives Prax, McKay, Allard, and Ruffridge voted against it. Therefore, Amendment 8 failed by a vote of 3-4.

[9:32:07 AM](#)

REPRESENTATIVE HIMSCHOOT moved to adopt Amendment 9 to HB 382, labeled 33-LS1056\U.15, Bergerud, 3/27/24, which read as follows:

Page 2, lines 3 - 4:
Delete all material.

Renumber the following paragraphs accordingly.

CO-CHAIR RUFFRIDGE objected.

REPRESENTATIVE HIMSCHOOT explained that the amendment would delete the verbiage that stated, "allow parents to review the budget including all revenue and expenditures of the child's school", which she described as redundant. The budgets of every school district are online, and anyone can ask for the information, she remarked.

[9:32:56 AM](#)

REPRESENTATIVE CARPENTER reinforced that the amendment, if adopted, would remove what is currently in statute.

REPRESENTATIVE HIMSCHOOT [moved to withdraw] Amendment 9. [There being no objection, Amendment 9 was withdrawn.]

[9:33:59 AM](#)

The committee took an at-ease from 9:33 a.m. to 9:37 a.m.

[9:37:48 AM](#)

REPRESENTATIVE HIMSCHOOT stated that she would not offer Amendments 11, 12, 13, 14, and 15 at this time.

[9:38:11 AM](#)

REPRESENTATIVE STORY moved to adopt Amendment 16 to HB 382, labeled 33-LS1056\U.1, Bergerud, 3/20/24, which read as follows:

Page 12, line 27, through page 13, line 30:
Delete all material.

Renumber the following bill sections accordingly.

CO-CHAIR RUFFRIDGE objected.

REPRESENTATIVE STORY moved to adopt Amendment 1 to Amendment 16, [a handwritten amendment included in the committee packet that read as follows, original punctuation provided]:

1. Page 13, line 28 through 30
2. Delete all material.
- 3.
4. Renumber the following bill Sections accordingly.

CO-CHAIR RUFFRIDGE objected.

REPRESENTATIVE STORY explained that it had to do with addressing the physical safety and privacy rights of students on page 13, lines 28 through 30. She requested opinions from Legislative Legal Services since there may be a legal challenge based on students' privacy rights.

[9:39:32 AM](#)

MS. BERGERUD responded that she believed the provision would leave the bill vulnerable to challenge under state and federal rights of privacy.

[9:40:22 AM](#)

CO-CHAIR ALLARD asked whether it violated the rights of biological males and biological girls as well.

MS. BERGERUD replied that the Ninth Circuit recently ruled that one does not have a right to privacy from members of the opposite biological sex if the school otherwise makes single use facilities available to everyone. In the context of locker room facilities, she said, a school may not exclude certain individuals based on their gender identity that are designated by sex, so the ruling is that all would have access to a single occupancy facility.

CO-CHAIR ALLARD commented that the word "transgender" is not a term used in state statute and she asked Ms. Bergerud to refrain from using it as a term. She asked, if an 18-year-old boy were to enter a female locker room or bathroom and exposes himself, whether it was a correct assumption that he would be breaking the law.

MS. BERGERUD responded that that would be fact specific, but it could be violative of other students' rights to privacy.

[9:43:46 AM](#)

CO-CHAIR RUFFRIDGE asked for any further comments on Amendment 1 to Amendment 16.

REPRESENTATIVE CARPENTER stated that if it would be deleting lines 28 through 30 and modifying the underlying amendment, then he would be in opposition to the amendment but willing to allow it to be challenged in court.

CO-CHAIR RUFFRIDGE commented that he would not be opposed to Amendment 1 to Amendment 16 since Amendment 16 was initially drafted incorrectly; therefore, he asked the committee to adopt the amendment so that discussions could be had on the underlying amendment.

CO-CHAIR RUFFRIDGE removed his objection. There being no further objection, Amendment 1 to Amendment 16 was adopted.

[9:46:34 AM](#)

REPRESENTATIVE CARPENTER commented that he was confused over whose privacy rights are at risk of being violated. He said that as it currently stood, he would expect that if his children were to attend a school and use a bathroom assigned to their gender, then they would have a right to privacy. If that is not happening, then their rights are being violated, he opined. He said he found it ambiguous as to which students have privacy rights and which do not in relation to the Ninth Circuit.

CO-CHAIR RUFFRIDGE commented that there may be added clarity by Ms. Bergerud.

[9:49:58 AM](#)

MS. BERGERUD replied that Representative Carpenter put his finger on the pulse of the issue, and the court is trying to strike a balance in terms of privacy rights of students to not have their gender identity status disclosed to the public. She said it would be subject to challenge but did not know firmly how a court would actually rule.

[9:52:45 AM](#)

REPRESENTATIVE HIMSCHOOT moved to adopt Conceptual Amendment 2 to Amendment 16, [as amended]. She referred to page 13, line 29, and to strike "by requiring a student to use only facilities designated to the student's biological sex."

CO-CHAIR RUFFRIDGE objected.

[9:54:10 AM](#)

The committee took an at-ease from 9:54 a.m. to 9:56 a.m.

[9:56:08 AM](#)

REPRESENTATIVE HIMSCHOOT credited Representative Prax with the concept for the amendment she was offering to Representative Story's amendment.

[9:56:30 AM](#)

The committee took a brief at-ease at 9:56 a.m.

[9:56:32 AM](#)

REPRESENTATIVE PRAX stated that he was in favor of conceptual Amendment 2 but that he foresaw a lawsuit no matter what the committee did. He opined that it would give schools options in how to meet the objectives of procedures to address physical safety and privacy of students in locker rooms and restrooms, as well as give them the flexibility that is probably needed.

[9:57:45 AM](#)

REPRESENTATIVE CARPENTER shared his thoughts that it is an issue that the nation grapples with, and if adopted, the result would be that the state law may solve "our political problem" in the committee but "kicks the can" to the local jurisdiction to pay for some kind of a challenge to the policies that they develop. If the amendment is not adopted and the language is kept, the legal challenge would be with the state and not the local jurisdiction, he said.

[9:59:58 AM](#)

The committee took an at-ease from 9:59 a.m. to 10:02 a.m.

[10:02:16 AM](#)

REPRESENTATIVE HIMSCHOOT [moved to] withdraw Conceptual Amendment 2 to Amendment 16, as amended. [There being no objection, it was so ordered.]

REPRESENTATIVE MCCORMICK said he was curious as to what the genesis was of having the language in the bill to begin with.

REPRESENTATIVE CARPENTER replied that he has heard from parents that say they will not let their children attend a school that allows the opposite biological sex in their bathrooms and locker rooms; therefore, they removed their child from the school. He added it is a national issue, and he drafted the bill into a parents' bill of rights.

[10:05:24 AM](#)

REPRESENTATIVE MCCORMICK said whether or not the amendment passed, he opined it would be useful to get information, if available, on how many parents choose to remove their children from school due to a bathroom policy. He expressed his frustration and that the issue, compared to the many other issues facing the educational system, felt frivolous to him. He pointed out the minority of students in this situation and that there is evidence that when students use a restroom that does not coincide with their gender, they are at a higher likelihood to be subject to violence. He noted that the language included in the bill could actually defy parents' rights. He conveyed that it felt departed from reality and from the future.

[10:07:41 AM](#)

CO-CHAIR ALLARD said she wished to protect her daughters and stressed that first and foremost, she is a parent, and if one is not, she opined that they may not share the values of what it takes to be a parent. She shared a story of a boy in a male restroom and a female walked in while he was using it, and it caused him to be traumatized. She noted there would have to be four locker rooms in each school and that marginalizing girls and boys must stop.

[10:09:42 AM](#)

REPRESENTATIVE MCCORMICK pointed out that there was an option to provide single occupancy restrooms and he opined it may be a good compromise to the situation. He added that he had buried friends because people do not want to accept people for who they are, and that he experienced the suicide crisis not being

addressed; therefore, the issue may have unintended consequences of putting more kids in graves.

[10:11:02 AM](#)

REPRESENTATIVE STORY supported the amendment and its importance to recognize that students have privacy rights.

[10:12:15 AM](#)

REPRESENTATIVE CARPENTER noted that he did not see this provision as being prohibitive of local jurisdictions to have single occupancy rooms; it just says the locker rooms and restrooms that are identified for biological sexes are for biological sexes.

CO-CHAIR RUFFRIDGE maintained his objection.

[10:13:00 AM](#)

A roll call vote was taken. Representatives McCormick, Himschoot, and Story voted in favor of Amendment 16, as amended, to HB 382. Representatives Prax, McKay, Allard, and Ruffridge voted against it. Therefore, Amendment 16, as amended, failed by a vote of 3-4.

[10:13:32 AM](#)

CO-CHAIR RUFFRIDGE noted that the remainder of the amendments would be taken up at a later date and announced that HB 382 was held over.

[10:14:02 AM](#)

ADJOURNMENT

There being no further business before the committee, the House Education Standing Committee meeting was adjourned at 10:14 a.m.