

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 163

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO PARENTAL RIGHTS; AMENDING SECTION 33-6001, IDAHO CODE, TO
2 REQUIRE CERTAIN INFORMATION RELATED TO A STUDENT TO BE DISCLOSED TO
3 PARENTS, TO ESTABLISH PROVISIONS REGARDING SCHOOL DISTRICT AND CHARTER
4 SCHOOL POLICIES, AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN
5 EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
6

7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Section 33-6001, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 33-6001. PARENTAL RIGHTS. (1) A student's parent or guardian has the
11 right to reasonable academic accommodation from the child's public school.
12 "Reasonable accommodation" means the school shall make its best effort to
13 enable a parents or guardians to exercise their rights without substan-
14 tial impact to staff and resources, including employee working conditions,
15 safety and supervision on school premises for school activities and the ef-
16 ficient allocation of expenditures, while balancing the parental rights of
17 parents and guardians, the educational needs of other students, the academic
18 and behavioral impacts to a classroom, a teacher's workload and the assur-
19 ance of the safe and efficient operations of the school.

20 (2) School districts and the boards of directors of public char-
21 ter schools, in consultation with parents, teachers and administrators,
22 shall develop and adopt a policy to promote the involvement of parents and
23 guardians of children enrolled in the schools within the school district or
24 the charter school, including:

25 (a) A plan for parent participation in the schools that is designed to
26 improve parent and teacher cooperation in such areas as homework, at-
27 tendance and discipline;

28 (b) A process by which parents may learn about the course of study for
29 their children and review learning materials, including the source of
30 any supplemental educational materials; ~~and~~

31 (c) A process by which parents who object to any learning material or
32 activity on the basis that it harms the child or impairs the parents'
33 firmly held beliefs, values or principles may withdraw their child from
34 the activity, class or program in which the material is used;

35 (d) The public school's responsibility for notifying a student's par-
36 ent or legal guardian regarding known changes in the student's mental,
37 emotional, or physical health or well-being;

38 (e) The reinforcement of the fundamental rights and responsibilities
39 of parents as primary stakeholders to make decisions regarding the up-
40 bringing and control of the parent's child; and

41 (f) A process for staff to encourage students to discuss issues related
42 to the student's well-being with the student's parent or legal guardian

1 and, if necessary, to facilitate discussion of the issues with the par-
2 ent or legal guardian.

3 (3) A policy shall not prohibit parents or legal guardians from ac-
4 cessing any of their children's education and health records created,
5 maintained, or used by the public school unless such documentation relates
6 to physical abuse, abandonment, or neglect by the parent or legal guardian.
7 Unless a timeline is otherwise delineated in a specific applicable state or
8 federal law, records shall be provided to the parent or legal guardian within
9 five (5) school days after a request to access such records is made.

10 (4) A public school shall not adopt procedures, policies, or student
11 support forms that prohibit public school personnel from notifying a parent
12 or legal guardian about a student's mental, emotional, or physical health or
13 well-being or a change in related services or monitoring or that encourage
14 or have the effect of encouraging a student to withhold from a parent or le-
15 gal guardian such information. This subsection does not prohibit a public
16 school from adopting procedures that permit public school personnel to with-
17 hold information from a parent or legal guardian if ordered by a court of com-
18 petent jurisdiction.

19 (5) At the start of the school year, each public school shall notify
20 parents and legal guardians of health services offered or made available
21 through the school or by private organizations, including preventative
22 health and wellness services, screenings, medication administration, first
23 aid and emergency care, and appropriate management of all health conditions
24 with parental consent. Parental consent to any health or wellness service
25 does not waive parents' or legal guardians' right to access their children's
26 educational or associated health records or to be notified about their chil-
27 dren's health status or monitoring as provided in this section.

28 (6) A public school shall notify a student's parent or legal guardian if
29 a student has been or may be questioned by a school resource officer or other
30 law enforcement official, unless the child is a victim or suspected victim
31 of physical child abuse. School districts and public charter schools shall
32 develop and adopt policies to ensure compliance with this subsection.

33 (7) Before any public school employee administers any noncurricu-
34 lar-related student survey, well-being questionnaire, or health screening
35 to any student, the employee must first obtain consent from the school's su-
36 perintendent or designee. If the content of any such survey, questionnaire,
37 or screening regards an individual student's sexuality, sex, religion,
38 personal political beliefs, mental or psychological problems, personal fam-
39 ily information, or individual or family financial information, the public
40 school shall provide the survey, questionnaire, or screening form to the
41 student's parent or legal guardian in advance and obtain the permission of
42 the parent or legal guardian.

43 (8) A parent or legal guardian of a child enrolled in an Idaho public
44 school shall have reasonable access to observe all school activities during
45 school hours in which the child is enrolled, except for those who are oth-
46 erwise legally prohibited. Observations of individual classrooms during
47 instructional time shall be permitted with the principal's and teacher's
48 pre-approval. Visits shall not be permitted if their occurrence, duration,
49 frequency, or conduct on campus interferes with the delivery of instruction
50 or disrupts the normal school environment. Nothing in this section shall

1 prevent a reasonable denial of entry due to emergency or safety drills,
2 situations outlined in school safety plans, an emergency lockdown, periods
3 of statewide testing, school officials' enforcement of the provisions of
4 section 33-512, Idaho Code, or other specific situations enumerated by the
5 school.

6 (9) A parent or legal guardian whose rights, as provided by this sec-
7 tion, are violated by a public school may file a complaint with the school.
8 Public schools shall implement policies and procedures to accept, evaluate,
9 and remedy complaints.

10 (10) If a complaint is not satisfactorily remedied by the public school,
11 a parent shall have a private cause of action for injunctive relief, damages,
12 and any other relief available under law against the school.

13 SECTION 2. An emergency existing therefor, which emergency is hereby
14 declared to exist, this act shall be in full force and effect on and after
15 July 1, 2023.