

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 239

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO EDUCATION; AMENDING SECTION 33-1609, IDAHO CODE, TO DEFINE A
2 TERM; AMENDING CHAPTER 16, TITLE 33, IDAHO CODE, BY THE ADDITION OF A
3 NEW SECTION 33-1611A, IDAHO CODE, TO ESTABLISH PROVISIONS REQUIRING
4 PERMISSION FOR INSTRUCTION ADDRESSING HUMAN SEXUALITY; AND DECLARING
5 AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
6

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

8 SECTION 1. That Section 33-1609, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 33-1609. DEFINITIONS. For the purposes of this chapter:
11 (1) "Abstinence" means the absence of any sexual activity prior to mar-
12 riage, which activity includes physical contact between individuals involv-
13 ing intimate or private areas of the body that can potentially:
14 (a) Result in pregnancy;
15 (b) Transmit sexually transmitted diseases and infections; or
16 (c) Present emotional risks.
17 (2) "Human sexuality" means sexual conduct, sexual pleasure, sexual
18 intimacy, sexual abuse, sexual violence, eroticism, pornography, deviant
19 sexual behavior, sexual attraction, sexual orientation, or any form of sex-
20 ual identity, gender identity, gender ideology, or gender conversion.
21 ~~(2) (3)~~ "Sex education" means the study of the anatomy and the physiol-
22 ogy of human reproduction.

23 SECTION 2. That Chapter 16, Title 33, Idaho Code, be, and the same is
24 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
25 ignated as Section 33-1611A, Idaho Code, and to read as follows:

26 33-1611A. REQUIRING PERMISSION FOR INSTRUCTION ADDRESSING HUMAN SEX-
27 UALITY. (1) Prior to any child attending instruction that addresses human
28 sexuality as it is specifically and narrowly defined in section 33-1609,
29 Idaho Code, regardless of whether such instruction is offered by regular or
30 guest instructors, the school district offering such instruction shall no-
31 tify parents and legal guardians of children who are eligible to attend such
32 instruction no less than two (2) weeks before the date that such instruction
33 will begin. The school district shall provide the parent or legal guardian
34 with a brief description of the content of the instruction in human sexuality
35 and such parent or legal guardian shall have the opportunity to review any
36 materials that will be used in the instruction. The school district shall
37 not permit any child to attend such instruction unless the parent or legal
38 guardian of such child submits a signed and written permission form to the
39 board of trustees within one (1) week of the commencement of the instruction
40 granting the school district permission to allow the child to attend the in-

1 instruction. For any child whose parents do not provide the written permission
2 form provided for in this section, alternative educational instruction that
3 furthers the completion of any grade level or graduation requirements and
4 does not address human sexuality as specifically and narrowly defined in
5 section 33-1609, Idaho Code, shall be provided to such child.

6 (2) A parent or legal guardian of a child who was provided any instruc-
7 tion addressing human sexuality as specifically and narrowly defined in sec-
8 tion 33-1609, Idaho Code, without the required signed and written permission
9 form shall provide written notice to the board of trustees or its designee
10 that the instruction occurred. In such notice, a parent or legal guardian
11 may:

12 (a) Provide retroactive permission for the child to receive such in-
13 struction; or

14 (b) Ask the board of trustees for rectification.

15 (3) Upon receipt of the notice pursuant to subsection (2) of this sec-
16 tion, a board of trustees shall file any retroactive permission granted or
17 provide rectification to a parent or legal guardian within thirty (30) days
18 of receipt of such notice. If the board fails to provide adequate rectifica-
19 tion, the parent or legal guardian who provided the notice pursuant to sub-
20 section (2) of this section shall have a cause of action against the board of
21 trustees.

22 (4) Any parent or legal guardian of a child who prevails in an action
23 brought under this section may recover two hundred fifty dollars (\$250) in
24 statutory damages as well as actual damages and any other relief available
25 by law, including but not limited to injunctive relief sufficient to prevent
26 the defendant school district board of trustees from violating the require-
27 ments of this section.

28 SECTION 3. An emergency existing therefor, which emergency is hereby
29 declared to exist, this act shall be in full force and effect on and after
30 July 1, 2025.