

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 499

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO EDUCATION; PROVIDING LEGISLATIVE INTENT; AMENDING CHAPTER 2,
2 TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-213, IDAHO
3 CODE, TO ESTABLISH PROVISIONS RELATING TO PUBLIC EDUCATION AND PARENTAL
4 RIGHTS, TO PROVIDE FOR PUBLIC POLICY AND TO ESTABLISH PROVISIONS RE-
5 LATING TO A COMPELLING GOVERNMENTAL INTEREST; AND AMENDING CHAPTER 2,
6 TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-213A, IDAHO
7 CODE, TO ESTABLISH PROVISIONS RELATING TO A PARENT'S BILL OF RIGHTS,
8 TO ESTABLISH PROVISIONS RELATING TO EDUCATION OF A MINOR CHILD, ACCESS
9 AND REVIEW OF RECORDS, UPBRINGING OF A MINOR CHILD, DIRECTING THE MORAL
10 AND RELIGIOUS TRAINING OF A MINOR CHILD, TO MAKE HEALTH CARE DECISIONS,
11 TO OBTAIN CERTAIN INFORMATION, TO PROVIDE FOR APPLICATION OF LAW, TO
12 ESTABLISH PROVISIONS RELATING TO ENCOURAGING OR COERCING A MINOR AND TO
13 DEFINE A TERM.
14

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

16 SECTION 1. LEGISLATIVE INTENT. It is the intent of the Legislature to
17 emphasize the rights of parents as those rights relate to their children's
18 education. While the Legislature is charged with the task of establishing
19 and maintaining a general, uniform and thorough system of public schools,
20 the Legislature also acknowledges and confirms the rights of parents as they
21 relate to their children's education.

22 SECTION 2. That Chapter 2, Title 33, Idaho Code, be, and the same is
23 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
24 ignated as Section 33-213, Idaho Code, and to read as follows:

25 33-213. PUBLIC EDUCATION AND PARENTAL RIGHTS. (1) Under the constitu-
26 tion and as recognized by Idaho courts, parents have a right to participate
27 in the supervision and control of the education of their children. A funda-
28 mentally fair process must be provided to parents if the state moves to chal-
29 lenge or interfere with parental rights relating to their children's educa-
30 tion.

31 (2) The state recognizes that parents have the right, obligation, re-
32 sponsibility and authority to participate in their children's education and
33 that the state's role is secondary and supportive to the role of a parent.

34 (3) It is the public policy of this state that parents retain the fun-
35 damental right and duty to exercise primary control over the care, supervi-
36 sion, upbringing and education of their children.

37 (4) This state, any political subdivision of this state or any other
38 governmental entity shall not infringe on these rights in any manner without
39 demonstrating that the compelling governmental interest as applied to the
40 child involved is of the highest order, is narrowly tailored and is not oth-
41 erwise served by less restrictive means.

1 SECTION 3. That Chapter 2, Title 33, Idaho Code, be, and the same is
2 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
3 ignated as Section 33-213A, Idaho Code, and to read as follows:

4 33-213A. PARENT'S BILL OF RIGHTS. (1) All parental rights are re-
5 served to a parent of a minor child without obstruction or interference from
6 this state, any political subdivision of this state, any other governmental
7 entity or any other institution including, but not limited to, the following
8 rights:

9 (a) The right to direct the education of the minor child, unless other-
10 wise prohibited by law.

11 (b) The right to access and review all records relating to the minor
12 child.

13 (c) The right to direct the upbringing of the minor child.

14 (d) The right to direct the moral or religious training of the minor
15 child.

16 (e) The right to make health care decisions for the minor child, unless
17 otherwise prohibited by law.

18 (f) The right to consent in writing before a biometric scan of the minor
19 child is made.

20 (g) The right to obtain information about a child protective services
21 investigation involving the parent.

22 (2) This section does not authorize or allow a parent to engage in con-
23 duct that is unlawful or to abuse or neglect a child in violation of the laws
24 of this state. This section does not prohibit courts, law enforcement offi-
25 cers or employees of a government agency responsible for child welfare from
26 acting in their official capacity within the scope of their authority. This
27 section does not prohibit a court from issuing an order that is otherwise
28 permitted by law.

29 (3) Any attempt to encourage or coerce a minor child to withhold infor-
30 mation from the child's parent shall be grounds for discipline of an employee
31 of this state, any political subdivision of this state or any other govern-
32 mental entity.

33 (4) For the purposes of this section, "parent" means the natural or
34 adoptive parent or legal guardian of a minor child.