

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 539

BY EDUCATION COMMITTEE

AN ACT

1  
2 RELATING TO EDUCATION; AMENDING SECTION 33-1609, IDAHO CODE, TO DEFINE A  
3 TERM; AND AMENDING SECTION 33-1611, IDAHO CODE, TO PROVIDE FOR PERMIS-  
4 SION TO PARTICIPATE IN INSTRUCTION REGARDING HUMAN SEXUALITY AND TO  
5 MAKE A TECHNICAL CORRECTION.

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

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

9 33-1609. "SEX EDUCATION" AND "INSTRUCTION REGARDING HUMAN SEXUAL-  
10 ITY" DEFINED. (1) Sex education for the purpose of this act is defined as the  
11 study of the anatomy and the physiology of human reproduction.

12 (2) For purposes of section 33-1611, Idaho Code, "instruction regard-  
13 ing human sexuality" means any presentation, story time, discussion, or  
14 reading assignment, other than sex education as specifically and narrowly  
15 defined in subsection (1) of this section, that is focused primarily or  
16 substantially on human sexuality, encompassing the topics of sex, gender  
17 identity, sexual orientation, eroticism, sexual pleasure, or sexual inti-  
18 macy. "Instruction regarding human sexuality" shall include instruction by  
19 either a regular or a guest instructor.

20 SECTION 2. That Section 33-1611, Idaho Code, be, and the same is hereby  
21 amended to read as follows:

22 33-1611. EXCUSING CHILDREN FROM INSTRUCTION IN SEX EDUCATION -- PER-  
23 MITTING PARTICIPATION IN INSTRUCTION REGARDING HUMAN SEXUALITY. (1) Any  
24 parent or legal guardian who wishes to have his child excused from any  
25 planned instruction in sex education may do so upon filing a written request  
26 to the school district board of trustees, and the board of trustees shall  
27 make available the appropriate forms for such request. Alternative educa-  
28 tional endeavors shall be provided for those excused.

29 (2) Parents or legal guardians who wish to have their children partic-  
30 ipate in any instruction regarding human sexuality shall file written per-  
31 mission with the school district board of trustees. The board of trustees  
32 shall make available the appropriate forms for such permission within two  
33 (2) weeks preceding the instruction. Prior to granting permission, a parent  
34 or guardian shall be given a brief description of the content of the instruc-  
35 tion and shall, at the parent's or guardian's option, be afforded the oppor-  
36 tunity to review any materials that will be used in the instruction. Alter-  
37 native educational endeavors shall be provided to students who do not par-  
38 ticipate in or attend the instruction regarding human sexuality.