

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 272

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-1611, IDAHO CODE, TO REQUIRE PARENTAL PERMISSION FOR SEX EDUCATION AND TO PROVIDE FOR A CIVIL ACTION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 33-1611, Idaho Code, be, and the same is hereby amended to read as follows:

33-1611. ~~EXCUSING CHILDREN FROM INSTRUCTION IN SEX EDUCATION. (1) Any A parent or legal guardian who wishes to have his child excused from participate in any planned instruction in sex education may do so upon filing a written request to written permission with the school district board of trustees and the board of trustees. The school district shall make available provide the appropriate forms for such request. Alternative educational endeavors shall be provided for those excused. A child may not participate in any instruction in sex education without written permission pursuant to this section. A school offering a planned instruction in sex education must provide alternative class education for students who have not been given written permission by their parent or legal guardian.~~

(2) Written permission for instruction in sex education shall be required in all grades K-12. The form pursuant to subsection(1) of this section may be made available online.

(3) If any third party or any person who is not a licensed teacher in the state of Idaho teaches sex education in a school, the school district shall provide the identification of and qualifications of the third party on the forms required pursuant to this section.

(4) Any classroom instruction by a school or third party on sex education shall be made available to all parents or legal guardians.

(5) A parent or legal guardian of a child may bring a civil action for injunctive relief in any state court of appropriate jurisdiction against any school employee or private entity for violation of any provision of this section. In any action brought under this section, the court, in its discretion, may award a prevailing plaintiff reasonable attorney's fees, expert witness fees, and other costs of litigation.

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