

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 179

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO EDUCATION; AMENDING SECTION 33-1609, IDAHO CODE, TO DEFINE A
2 TERM; AMENDING SECTION 33-1611, IDAHO CODE, TO REQUIRE PARENTAL PER-
3 MISSION FOR INSTRUCTION ADDRESSING HUMAN SEXUALITY, TO PROVIDE FOR A
4 CAUSE OF ACTION, 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 33-1609, 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 physi-
22 ology of human reproduction.

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

25 33-1611. EXCUSING CHILDREN FROM INSTRUCTION IN SEX EDUCATION -- RE-
26 QUIRING PERMISSION FOR INSTRUCTION IN HUMAN SEXUALITY. (1) Any parent or le-
27 gal guardian of a child who wishes to have ~~his~~ such child excused from any
28 planned instruction in sex education may do so ~~upon~~ by filing a written re-
29 quest to the school district board of trustees ~~and the~~. The board of trustees
30 shall make available the appropriate forms for such request. Alternative
31 educational endeavors shall be provided for ~~these~~ children who have been ex-
32 cused from such instruction.

33 (2) Prior to any child attending instruction that addresses human
34 sexuality as specifically and narrowly defined in section 33-1609, Idaho
35 Code, regardless of whether such instruction is offered by regular or guest
36 instructors, the school district offering such instruction shall notify
37 parents and legal guardians of children who are eligible to attend such in-
38 struction no less than two (2) weeks before the date that such instruction
39 will begin. The school district shall provide the parent or legal guardian
40 with a brief description of the content of the instruction in human sexuality

1 and such parent or legal guardian shall have the opportunity to review any
2 materials that will be used in the instruction. The school district shall
3 not permit any child to attend such instruction unless the parent or legal
4 guardian of such child submits a signed and written permission form, within
5 one (1) week of the commencement of the instruction, to the board of trustees
6 granting the school district permission to allow the child to attend the in-
7 struction. For any child whose parents do not provide the written permission
8 form provided for in this section, alternative educational instruction that
9 furthers the completion of any grade level or graduation requirements and
10 does not address human sexuality as defined in section 33-1609, Idaho Code,
11 shall be provided to such child.

12 (3) A parent or legal guardian of a child who was provided any instruc-
13 tion regarding human sexuality as defined in section 33-1609, Idaho Code,
14 without the required signed and written permission form shall provide writ-
15 ten notice to the board of trustees or its designee that the instruction oc-
16 curred. In such notice, a parent or legal guardian may:

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

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

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

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

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