

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 239, As Amended in the Senate

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) It is not the intent of the legislature that instruction regard-  
28 ing human sexuality as defined in section 33-1609, Idaho Code, shall be in-  
29 cluded or required in Idaho public schools. Prior to any child attending in-  
30 struction that addresses human sexuality as it is specifically and narrowly  
31 defined in section 33-1609, Idaho Code, regardless of whether such instruc-  
32 tion is offered by regular or guest instructors, the school district offer-  
33 ing such instruction shall notify parents and legal guardians of children  
34 who are eligible to attend such instruction no less than two (2) weeks before  
35 the date that such instruction will begin. The school district shall provide  
36 the parent or legal guardian with a brief description of the content of the  
37 instruction in human sexuality and such parent or legal guardian shall have  
38 the opportunity to review any materials that will be used in the instruction.  
39 The school district shall not permit any child to attend such instruction un-  
40 less the parent or legal guardian of such child submits a signed and written

1 permission form to the board of trustees within one (1) week of the commence-  
2 ment of the instruction granting the school district permission to allow the  
3 child to attend the instruction. For any child whose parents do not provide  
4 the written permission form provided for in this section, alternative educa-  
5 tional instruction that furthers the completion of any grade level or gradu-  
6 ation requirements and does not address human sexuality as specifically and  
7 narrowly defined in section 33-1609, Idaho Code, shall be provided to such  
8 child.

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

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

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

18 (3) Upon receipt of the notice pursuant to subsection (2) of this sec-  
19 tion, a board of trustees shall file any retroactive permission granted or  
20 provide rectification to a parent or legal guardian within thirty (30) days  
21 of receipt of such notice. Each board of trustees shall adopt policies and  
22 procedures to investigate alleged violations of the provisions of subsec-  
23 tion (1) of this section that are reported by a parent or legal guardian to  
24 the board of trustees pursuant to the provisions of subsection (2) of this  
25 section. Any public school employee that is determined to have violated the  
26 provisions of subsection (1) of this section after such investigation may be  
27 subject to disciplinary action. If the board fails to provide adequate rec-  
28 tification, the parent or legal guardian who provided the notice pursuant to  
29 subsection (2) of this section shall have a cause of action against the board  
30 of trustees but only after exhausting all other available remedies.

31 (4) Any parent or legal guardian of a child who prevails in an action  
32 brought under this section may recover actual damages and any other relief  
33 available by law, including but not limited to injunctive relief sufficient  
34 to prevent the defendant school district board of trustees from violating  
35 the requirements of this section.

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