

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 352

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO EDUCATION; AMENDING SECTION 33-6001, IDAHO CODE, TO REVISE PRO-
2 VISIONS REGARDING PARENTAL RIGHTS IN EDUCATION AND TO MAKE TECHNICAL
3 CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE
4 DATE.
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6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Section 33-6001, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 33-6001. PARENTAL RIGHTS. (1) A student's parent or legal guardian
10 has the right to reasonable academic accommodation from the child's public
11 school. "Reasonable academic accommodation" means the school shall make
12 its best effort to enable ~~parents~~ parents and legal guardians to exercise their
13 rights without substantial impact to staff and resources, including em-
14 ployee working conditions, safety and supervision on school premises for
15 school activities, and the efficient allocation of expenditures, while bal-
16 ancing the parental rights of parents and legal guardians, the educational
17 needs of other students, the academic and behavioral impacts to a classroom,
18 a teacher's workload, and the assurance of the safe and efficient operations
19 of the school.

20 (2) School districts and the boards of directors of public charter
21 schools, in consultation with parents, teachers, and administrators, shall
22 develop and adopt a policy to promote the involvement of parents and legal
23 guardians of children enrolled in the schools within the school district or
24 the charter school, including:

25 (a) A plan for parent participation in the schools that is designed to
26 improve parent and teacher cooperation in ~~such~~ such areas such as homework,
27 attendance, and discipline;

28 (b) A process by which parents may learn about the course of study for
29 their children and review learning materials, including the source of
30 any supplemental educational materials;

31 (c) A process by which parents who object to any learning material or
32 activity on the basis that it harms the child or impairs the parents'
33 firmly held beliefs, values, or principles may withdraw their child
34 from the activity, class, or program in which the material is used;

35 (d) The public school's responsibility for notifying a student's par-
36 ent or legal guardian regarding known changes in the student's mental,
37 emotional, or physical health or well-being;

38 (e) The reinforcement of the fundamental rights and responsibilities
39 of parents as primary stakeholders to make decisions regarding the up-
40 bringing and control of the parent's child; and

41 (f) A process for staff to encourage students to discuss issues related
42 to the student's well-being with the student's parent or legal guardian

1 and, if necessary, to facilitate discussion of the issues with the par-
2 ent or legal guardian.

3 (3) A policy shall not prohibit parents or legal guardians from ac-
4 cessing any of their children's education and health records created,
5 maintained, or used by the public school unless such documentation relates
6 to physical abuse, abandonment, or neglect by the parent or legal guardian.
7 Unless a timeline is otherwise delineated in a specific applicable state or
8 federal law, records shall be provided to the parent or legal guardian within
9 five (5) school days after a request to access such records is made.

10 (4) A public school shall not adopt procedures, policies, or student
11 support forms that prohibit public school personnel from notifying a parent
12 or legal guardian about a student's mental, emotional, or physical health or
13 well-being or a change in related services or monitoring or that encourage
14 or have the effect of encouraging a student to withhold from a parent or le-
15 gal guardian such information. This subsection does not prohibit a public
16 school from adopting procedures that permit public school personnel to with-
17 hold information from a parent or legal guardian if ordered by a court of com-
18 petent jurisdiction.

19 (5) A public school shall be required to adopt procedures and policies
20 that prohibit classroom instruction by public school personnel on sexual
21 orientation or gender identity from kindergarten through grade 12 or in a
22 manner that is not age-appropriate or developmentally appropriate for stu-
23 dents in accordance with state standards.

24 ~~(5)~~ (6) At the start of the school year, each public school shall no-
25 tify parents and legal guardians of health services offered or made avail-
26 able through the school or by private organizations, including preventative
27 health and wellness services, screenings, medication administration, first
28 aid and emergency care, and appropriate management of all health conditions
29 with parental consent. Parental consent to any health or wellness service
30 does not waive parents' or legal guardians' right to access their children's
31 educational or associated health records or to be notified about their chil-
32 dren's health status or monitoring as provided in this section.

33 ~~(6)~~ (7) A public school shall notify a student's parent or legal
34 guardian if a student has been or may be questioned by a school resource
35 officer or other law enforcement official, unless the child is a victim or
36 suspected victim of physical child abuse. School districts and public char-
37 ter schools shall develop and adopt policies to ensure compliance with this
38 subsection.

39 ~~(7)~~ (8) Before any public school employee administers any noncurricu-
40 lar-related student survey, well-being questionnaire, or health screening
41 to any student, the employee must first obtain consent from the school's su-
42 perintendent or designee. If the content of any such survey, questionnaire,
43 or screening regards an individual student's sexuality, sex, religion,
44 personal political beliefs, mental or psychological problems, personal fam-
45 ily information, or individual or family financial information, the public
46 school shall provide the survey, questionnaire, or screening form to the
47 student's parent or legal guardian in advance and obtain the permission of
48 the parent or legal guardian.

49 ~~(8)~~ (9) A parent or legal guardian of a child enrolled in an Idaho public
50 school shall have reasonable access to observe all school activities during

1 school hours in which the child is enrolled, except for those who are oth-
2 erwise legally prohibited. Observations of individual classrooms during
3 instructional time shall be permitted with the principal's and teacher's
4 pre-approval. Visits shall not be permitted if their occurrence, duration,
5 frequency, or conduct on campus interferes with the delivery of instruction
6 or disrupts the normal school environment. Nothing in this section shall
7 prevent a reasonable denial of entry due to emergency or safety drills,
8 situations outlined in school safety plans, an emergency lockdown, periods
9 of statewide testing, school officials' enforcement of the provisions of
10 section 33-512, Idaho Code, or other specific situations enumerated by the
11 school.

12 ~~(9)~~ (10) A parent or legal guardian whose rights, as provided by this
13 section, are violated by a public school may file a complaint with the
14 school. Public schools shall implement policies and procedures to accept,
15 evaluate, and remedy complaints.

16 ~~(10)~~ (11) If a complaint is not satisfactorily remedied by the public
17 school, a parent shall have a private cause of action for injunctive relief,
18 damages, and any other relief available under law against the school.

19 SECTION 2. An emergency existing therefor, which emergency is hereby
20 declared to exist, this act shall be in full force and effect on and after
21 July 1, 2025.