

TITLE 33
EDUCATION

CHAPTER 60
PARENTAL RIGHTS IN EDUCATION

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

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

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

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

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

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

(e) The reinforcement of the fundamental rights and responsibilities of parents as primary stakeholders to make decisions regarding the upbringing and control of the parent's child; and

(f) A process for staff to encourage students to discuss issues related to the student's well-being with the student's parent or legal guardian and, if necessary, to facilitate discussion of the issues with the parent or legal guardian.

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

(4) A public school shall not adopt procedures, policies, or student support forms that prohibit public school personnel from notifying a parent or legal guardian about a student's mental, emotional, or physical health or well-being or a change in related services or monitoring or that encourage or have the effect of encouraging a student to withhold from a parent or

legal guardian such information. This subsection does not prohibit a public school from adopting procedures that permit public school personnel to withhold information from a parent or legal guardian if ordered by a court of competent jurisdiction.

(5) At the start of the school year, each public school shall notify parents and legal guardians of health services offered or made available through the school or by private organizations, including preventative health and wellness services, screenings, medication administration, first aid and emergency care, and appropriate management of all health conditions with parental consent. Parental consent to any health or wellness service does not waive parents' or legal guardians' right to access their children's educational or associated health records or to be notified about their children's health status or monitoring as provided in this section.

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

(7) Before any public school employee administers any noncurricular-related student survey, well-being questionnaire, or health screening to any student, the employee must first obtain consent from the school's superintendent or designee. If the content of any such survey, questionnaire, or screening regards an individual student's sexuality, sex, religion, personal political beliefs, mental or psychological problems, personal family information, or individual or family financial information, the public school shall provide the survey, questionnaire, or screening form to the student's parent or legal guardian in advance and obtain the permission of the parent or legal guardian.

(8) A parent or legal guardian of a child enrolled in an Idaho public school shall have reasonable access to observe all school activities during school hours in which the child is enrolled, except for those who are otherwise legally prohibited. Observations of individual classrooms during instructional time shall be permitted with the principal's and teacher's pre-approval. Visits shall not be permitted if their occurrence, duration, frequency, or conduct on campus interferes with the delivery of instruction or disrupts the normal school environment. Nothing in this section shall prevent a reasonable denial of entry due to emergency or safety drills, situations outlined in school safety plans, an emergency lockdown, periods of statewide testing, school officials' enforcement of the provisions of section [33-512](#), Idaho Code, or other specific situations enumerated by the school.

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

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

[(33-6001) 33-5601, added 2016, ch. 143, sec. 1, p. 410; am. and redesign. 2017, ch. 58, sec. 15, p. 109; am. 2023, ch. 107, sec. 1, p. 313.]

33-6002. ANNUAL NOTICE OF PARENTAL RIGHTS. School districts and the boards of directors of public charter schools shall annually notify a parent

or guardian of a student enrolled in the school district or public charter school of the parent's or guardian's rights as specified in this chapter.

[(33-6002) 33-5602, added 2016, ch. 143, sec. 1, p. 411; am. and re-desig. 2017, ch. 58, sec. 15, p. 110.]