

# Education & Parental Rights Bill

## Domestic Relations – parent & child // Education

Chapter 10 – Idaho State Legislature // Title 32-1010-1013 // Title 33-6001

<https://legislature.idaho.gov/statutesrules/idstat/Title32/T32CH10/>

### TITLE 32

#### DOMESTIC RELATIONS

CHAPTER 10

PARENT AND CHILD

**32-1010. INTENT OF THE LEGISLATURE – PARENTAL RIGHTS.** (1) The interests and role of parents in the care, custody and control of their children are both implicit in the concept of ordered liberty and deeply rooted in our nation's history and tradition. They are also among the unalienable rights retained by the people under the ninth amendment to the constitution of the United States.

(2) The interests of the parents includes the high duty and right to nurture and direct their children's destiny, including their upbringing and education.

(3) The state of Idaho has independent authority to protect its parents' fundamental right to nurture and direct their children's destiny, upbringing and education.

(4) The protections and rights recognized in sections 32-1011 through 32-1013, Idaho Code, are rooted in the due process of law guaranteed pursuant to section 13, article I, of the constitution of the state of Idaho.

(5) Governmental efforts that restrict or interfere with these fundamental rights are only permitted if that restriction or interference satisfies the strict scrutiny standard provided in section 32-1013, Idaho Code.

(6) Nothing in this act shall be construed as altering the established presumption in favor of the constitutionality of statutes and regulations.

History:

[32-1010, added 2015, ch. 219, sec. 1, p. 681.]

### TITLE 32

#### DOMESTIC RELATIONS

CHAPTER 10

PARENT AND CHILD

**32-1011. PARENTAL RIGHT TO THE CARE, CUSTODY AND CONTROL OF CHILDREN.** Parents who have legal custody of any minor child or children have the fundamental right to make decisions concerning their care, custody and control.

History:

[32-1011, added 2015, ch. 219, sec. 2, p. 681.]

## TITLE 33 EDUCATION

### Chapter 16

#### COURSES OF INSTRUCTION

**33-1608. FAMILY LIFE AND SEX EDUCATION — LEGISLATIVE POLICY.** The legislature of the state of Idaho believes that the primary responsibility for family life and sex education, including moral responsibility, rests upon the home and the church and the schools can only complement and supplement those standards which are established in the family. The decision as to whether or not any program in family life and sex education is to be introduced in the schools is a matter for determination at the local district level by the local school board of duly selected representatives of the people of the community. If such program is adopted, the legislature believes that:

a. Major emphasis in such a program should be to assist the home in giving them the knowledge and appreciation of the important place the family home holds in the social system of our culture, its place in the family and the responsibility which will be there much later when they establish their own families.

b. The program should supplement the work in the home and the church in giving youth the scientific, physiological information for understanding sex and its relation to the miracle of life, including knowledge of the power of the sex drive and the necessity of controlling that drive by self-discipline.

c. The program should focus upon helping youth acquire a background of ideals and standards and attitudes which will be of value to him now and later when he chooses a mate and establishes his own family.

History:

[33-1608, added 1970, ch. 119, sec. 1, p. 282.]

## TITLE 33 EDUCATION

### CHAPTER 16

#### COURSES OF INSTRUCTION

**33-1609. "SEX EDUCATION" DEFINED.** Sex education for the purpose of this act is defined as the study of the anatomy and the physiology of human reproduction.

History:

[33-1609, added 1970, ch. 119, sec. 2, p. 282.]

(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; and

(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.

History:

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

## TITLE 33 EDUCATION

### CHAPTER 60 PARENTAL RIGHTS IN EDUCATION

**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.

History:

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

