

IN THE HOUSE OF REPRESENTATIVES

HOUSE CONCURRENT RESOLUTION NO. 16

BY EDUCATION COMMITTEE

A CONCURRENT RESOLUTION

1 STATING FINDINGS OF THE LEGISLATURE AND REQUESTING THAT THE IDAHO HIGH
2 SCHOOL ACTIVITIES ASSOCIATION AMEND A RULE SO THAT IT DOES NOT APPLY TO
3 PARENTS WHO COACH SPORTS.
4

5 Be It Resolved by the Legislature of the State of Idaho:

6 WHEREAS, Section 32-1010, Idaho Code, states that:

7 (1) The interests and role of parents in the care, custody and
8 control of their children are both implicit in the concept of or-
9 dered liberty and deeply rooted in our nation's history and tradi-
10 tion. They are also among the unalienable rights retained by the
11 people under the ninth amendment of the constitution of the United
12 States.

13 (2) The interests of the parents includes the high duty and right
14 to nurture and direct their children's destiny, including their up-
15 bringing and education.

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

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

23 (5) Governmental efforts that restrict or interfere with these
24 fundamental rights are only permitted if that restriction or inter-
25 ference satisfies the strict scrutiny standard provided in section
26 32-1013, Idaho Code.

27 (6) Nothing in this act shall be construed as altering the estab-
28 lished presumption in favor of the constitutionality of statutes
29 and regulations.; and

30 WHEREAS, the Idaho High School Activities Association (IHSAA), a pri-
31 vate nonprofit corporation that regulates activities and athletic competi-
32 tion for Idaho public and private schools, acts as a governing agent for its
33 member schools, which are primarily funded by the public through the public
34 education budget; and

35 WHEREAS, the IHSAA has created a bylaw restricting parents' rights to be
36 involved in the extracurricular activities of their children through the im-
37 plementation of Rule 17-2-3, which states that "no more than two students may
38 be coached at one time by a member of their high school (grades 9-12) staff of
39 that sport during the school year"; and

40 WHEREAS, this rule unintentionally restricts the constitutional rights
41 of parents who volunteer at their children's school, are walk-on coaches
42 at their children's school, or are paid employees of the school district
43 and also desire to coach their children outside of scholastic competition

1 and thereby express their constitutional right to "nurture and direct their
2 children's destiny," as codified in Idaho statute.

3 NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Ses-
4 sion of the Sixty-sixth Idaho Legislature, the House of Representatives and
5 the Senate concurring therein, that the Idaho Legislature does hereby call
6 on the IHSAA to amend its bylaws and rules and modify Rule 17-2-3 to exclude
7 parents from this rule.

8 BE IT FURTHER RESOLVED that the Legislature calls on the IHSAA to cease
9 creating additional rules that restrict parents' constitutional rights to
10 "nurture and direct their children's destiny."

11 BE IT FURTHER RESOLVED that parents who are actively involved in the
12 nurturing, development, and growth of their children should be commended
13 and applauded for their participation and active role in their children's
14 scholastic and non-scholastic activities.

15 BE IT FURTHER RESOLVED that a copy of this resolution shall be forwarded
16 to the IHSAA for distribution to all member schools under the governance of
17 the IHSAA.