

IN THE SENATE

SENATE BILL NO. 1102

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO PARENTAL RIGHTS; AMENDING SECTION 33-6001, IDAHO CODE, TO  
2 REQUIRE CERTAIN INFORMATION RELATED TO A STUDENT TO BE DISCLOSED TO  
3 PARENTS, TO ESTABLISH PROVISIONS REGARDING SCHOOL DISTRICT AND CHARTER  
4 SCHOOL POLICIES, AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN  
5 EMERGENCY AND PROVIDING AN EFFECTIVE DATE.  
6

7 Be It Enacted by the Legislature of the State of Idaho:

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

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

20 (2) School districts and the boards of directors of public char-  
21 ter schools, in consultation with parents, teachers and administrators,  
22 shall develop and adopt a policy to promote the involvement of parents and  
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 areas as homework, at-  
27 tendance 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; ~~and~~

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 from  
34 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 change 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 to encourage students to discuss issues related to the  
42 student's well-being with the student's parent or legal guardian and to

1 facilitate discussion of the issues with the parent or legal guardian if  
2 necessary.

3 (3) A policy shall not prohibit parents or legal guardians from access-  
4 ing any of their student's education and health records created, maintained,  
5 or used by the public school unless such documentation relates to abuse,  
6 abandonment, or neglect by the parent or legal guardian. Unless a time-  
7 line is otherwise delineated in a specific applicable state or federal law,  
8 records shall be provided to the parent or legal guardian within five (5)  
9 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,  
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 if ordered by a court of competent jurisdic-  
18 tion.

19 (5) At the start of the school year, each public school shall notify  
20 parents and legal guardians of health services offered or made available  
21 through the school or by private organizations, including preventative  
22 health and wellness, screenings, medication administration, first aid and  
23 emergency care, and appropriate management of all health conditions with  
24 parental consent. Parental consent to any health or wellness services does  
25 not waive the parent's right to access a student's educational or associated  
26 health records or to be notified about a student's health status or monitor-  
27 ing as provided in this section.

28 (6) Before any public school employee administers any noncurricu-  
29 lar-related student survey, well-being questionnaire, or health screening  
30 to any student, the employee must first obtain consent from the school's su-  
31 perintendent or designee. If the content of any such survey, questionnaire,  
32 or screening is regarding an individual student's sexuality, sex, religion,  
33 personal political beliefs, mental or psychological problems, personal fam-  
34 ily information, or individual or family financial information, the public  
35 school shall provide the survey, questionnaire, or screening form to the  
36 student's parent or legal guardian in advance and obtain the permission of  
37 the parent or legal guardian.

38 (7) A parent or legal guardian of a child enrolled in an Idaho public  
39 school shall have reasonable access to observe the school building during  
40 school hours in which the child is enrolled, except for those who are other-  
41 wise legally prohibited. Observations of individual classrooms during in-  
42 structional time shall be permitted with the principal's and teacher's pre-  
43 approval. Visits shall not be permitted if their occurrence, duration, fre-  
44 quency, or conduct on campus interferes with the delivery of instruction or  
45 disrupts the normal school environment. Nothing in this section shall pre-  
46 vent a reasonable denial of entry due to emergency or safety drills, situ-  
47 ations outlined in the school safety plans, an emergency lockdown, periods  
48 of statewide testing, school officials enforcing the provisions of 33-512,  
49 Idaho Code, or other specific situations enumerated by the school.

1       (8) A parent or legal guardian whose rights, as provided by this sec-  
2 tion, are violated by a public school may file a complaint with the school.  
3 Public schools shall implement policies and procedures to accept, evaluate,  
4 and remedy complaints.

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

8       SECTION 2. An emergency existing therefor, which emergency is hereby  
9 declared to exist, this act shall be in full force and effect on and after  
10 July 1, 2023.