

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 733

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO PUBLIC SCHOOLS; AMENDING CHAPTER 3, TITLE 33, IDAHO CODE, BY
2 THE ADDITION OF A NEW SECTION 33-359, IDAHO CODE, TO PROHIBIT CERTAIN
3 EVALUATIONS, QUESTIONNAIRES, SURVEYS, AND DATA COLLECTION WITHOUT THE
4 APPROVAL OF A SCHOOL DISTRICT BOARD OF TRUSTEES AND A STUDENT'S PARENT
5 OR GUARDIAN AND TO PROVIDE FOR A CERTAIN DISPLAY ON A SCHOOL WEBSITE;
6 AMENDING CHAPTER 52, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW
7 SECTION 33-5219, IDAHO CODE, TO PROHIBIT CERTAIN EVALUATIONS, QUES-
8 TIONNAIRES, SURVEYS, AND DATA COLLECTION WITHOUT THE APPROVAL OF A
9 PUBLIC CHARTER SCHOOL'S BOARD OF DIRECTORS AND A STUDENT'S PARENT OR
10 GUARDIAN AND TO PROVIDE FOR A CERTAIN DISPLAY ON A SCHOOL WEBSITE; AND
11 DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
12

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

14 SECTION 1. That Chapter 3, Title 33, Idaho Code, be, and the same is
15 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
16 ignated as Section 33-359, Idaho Code, and to read as follows:

17 33-359. NONACADEMIC DATA COLLECTION -- DISPLAY OF CERTAIN CURRICU-
18 LAR MATERIALS. (1) Except with the approval of the school district board of
19 trustees and a student's parent or guardian, no public school shall conduct
20 or permit an evaluation of a student or the issuance of a questionnaire or
21 survey to a student, which evaluation, questionnaire, or survey concerns the
22 student's behavior, psychological status, trauma, attitude, or social and
23 emotional status.

24 (2) A public school shall not collect data on the behavior, psycholog-
25 ical status, trauma, attitude, or social and emotional status of a student
26 unless such data collection is approved by the school district board of
27 trustees and the student's parent or guardian.

28 (3) The school district board of trustees shall ensure that all learn-
29 ing or curricular materials or activities used for student instruction on
30 matters of social and emotional learning and mental and behavioral well-be-
31 ing are displayed on the school website in an easily accessible location.
32 Such display of materials or activities shall identify, at a minimum:

33 (a) The title, author, organization, and any website associated with
34 each material and activity;

35 (b) A link to the learning material, if available for free to the public
36 on the internet or, if not available, a brief description of the learn-
37 ing material and information on how to request a review of a copy of the
38 learning material; and

39 (c) If the learning material was created for nonpublic use, the iden-
40 tity of the teacher, staff member, school official, or outside presen-
41 ter who created it. Such identification may be indicated by a personal

1 title and last initial if referring to a teacher, staff member, or
2 school official.

3 SECTION 2. That Chapter 52, Title 33, Idaho Code, be, and the same is
4 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
5 ignated as Section 33-5219, Idaho Code, and to read as follows:

6 33-5219. NONACADEMIC DATA COLLECTION -- DISPLAY OF CERTAIN CURRICULAR
7 MATERIALS. (1) Except with the approval of the board of directors and a stu-
8 dent's parent or guardian, no public charter school shall conduct or permit
9 an evaluation of a student or the issuance of a questionnaire or survey to a
10 student, which evaluation, questionnaire, or survey concerns the student's
11 behavior, psychological status, trauma, attitude, or social and emotional
12 status.

13 (2) A public charter school shall not collect data on the behavior,
14 psychological status, trauma, attitude, or social and emotional status of a
15 student unless such data collection is approved by the board of directors and
16 the student's parent or guardian.

17 (3) The board of directors of a public charter school shall ensure that
18 all learning or curricular materials or activities used for student instruc-
19 tion on matters of social and emotional learning and mental and behavioral
20 well-being are displayed on the school website in an easily accessible loca-
21 tion. Such display of materials or activities shall identify, at a minimum:

22 (a) The title, author, organization, and any website associated with
23 each material and activity;

24 (b) A link to the learning material, if available for free to the public
25 on the internet or, if not available, a brief description of the learn-
26 ing material and information on how to request a review of a copy of the
27 learning material; and

28 (c) If the learning material was created for nonpublic use, the iden-
29 tity of the teacher, staff member, school official, or outside presen-
30 ter who created it. Such identification may be indicated by a personal
31 title and last initial if referring to a teacher, staff member, or
32 school official.

33 SECTION 3. An emergency existing therefor, which emergency is hereby
34 declared to exist, this act shall be in full force and effect on and after
35 July 1, 2022.