

IN THE SENATE

SENATE BILL NO. 1099, As Amended

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO THE PROTECTION OF PUPIL AND PARENTAL RIGHTS ACT; AMENDING CHAP-
2 TER 3, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-359,
3 IDAHO CODE, TO PROVIDE THAT CERTAIN MATERIALS SHALL BE AVAILABLE FOR IN-
4 SPECTION BY THE PARENTS OR GUARDIANS OF STUDENTS, TO PROVIDE THAT STU-
5 DENTS SHALL NOT BE REQUIRED TO SUBMIT TO CERTAIN SURVEYS, ANALYSES, OR
6 EVALUATIONS WITHOUT CONSENT, TO PROVIDE FOR A PRIVATE RIGHT OF ACTION,
7 AND TO PROVIDE FOR CERTAIN INVESTIGATIONS; AND DECLARING AN EMERGENCY
8 AND PROVIDING AN EFFECTIVE DATE.
9

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

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

14 33-359. PROTECTION OF PUPIL AND PARENTAL RIGHTS ACT. (1) This section
15 shall be known and may be cited as the "Protection of Pupil and Parental
16 Rights Act."

17 (2) All instructional materials, including teacher's manuals, videos,
18 or other supplementary materials, that will be used in connection with any
19 survey, analysis, or evaluation shall be available for inspection by the
20 parents or guardians of students.

21 (3) No student shall, without the prior written consent of the student
22 and the student's parent or guardian, if the student is a minor, be required
23 to submit to a survey, an analysis, or an evaluation that reveals information
24 concerning:

25 (a) Political affiliations or beliefs of the student or the student's
26 parent or guardian;

27 (b) Mental or psychological problems of the student or the student's
28 family;

29 (c) Sex behavior or attitudes;

30 (d) Illegal or self-incriminating behavior;

31 (e) Critical appraisals of other individuals with whom respondents
32 have close family relationships;

33 (f) Legally recognized privileged or analogous relationships, such as
34 those with lawyers, physicians, or ministers;

35 (g) Religious practices, affiliations, or beliefs of the student or the
36 student's parent or guardian; or

37 (h) Income, unless required by law to determine eligibility for partic-
38 ipation in a program or for receiving financial assistance under such
39 program.

40 (4) It is the intent of the legislature to create a private right of ac-
41 tion for a person whose rights, as provided by this section, are violated by
42 any school district.

1 (5) Notwithstanding any other provision of law, this section shall not
2 be deemed to invalidate any lawful duty or authority of the school district
3 and its employees, law enforcement, or the department of health and welfare
4 to conduct investigations relating to allegations of child abuse, abandon-
5 ment, or neglect.

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