

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

Section 1. LEGISLATIVE INTENT. It is the intent of the Legislature to emphasize the rights of parents as those rights relate to their children's education. While the Legislature is charged with the task of establishing and maintaining a general, uniform and thorough system of public schools, the Legislature also acknowledges and confirms the right of parents as they relate to their children's education.

Section 2. That Chapter 2, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-213, Idaho Code, and to read as follows:

33-213. PUBLIC EDUCATION AND PARENTAL RIGHTS. (1) Under the Constitution, and as recognized by Idaho courts, parents have a right to participate in the supervision and control of the education of their children. A fundamentally fair process must be provided to parents if the state moves to challenge or interfere with parental rights relating to their children's education.

(2) The state recognizes that a parent has the right, obligation, responsibility and authority to participate in their children's education and the state's role is secondary and supportive to the role of a parent.

(3) It is the public policy of this state that parents retain the fundamental right and duty to exercise primary control over the care, supervision, upbringing, and education of their children.

(4) This state, any political subdivision of this state or any other governmental entity shall not infringe on these rights without demonstrating that the compelling governmental interest as applied to the child involved is the highest order, is narrowly tailored and is not otherwise served by a less restrictive means.

Section 3. That Chapter 2, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-213A, Idaho Code, and to read as follows"

33-213A. PARENTS BILL OF RIGHTS. (1) All parental rights are reserved to a parent of a minor child without obstruction or interference from this state, any political subdivision of this state, any other governmental entity or any other institution, including, but not limited to, the following rights:

- (a) The right to direct the education of the minor child, unless otherwise prohibited by law.
- (b) The right to access and review all records relating to the minor child.
- (c) The right to direct the upbringing of the minor child.
- (d) The right to direct the moral and religious training of the minor child.
- (e) The right to make health care decisions for the minor child, unless otherwise prohibited by law.
- (f) The right to consent in writing before a biometric scan of the minor child is made.
- (g) The right to obtain information about a child protective services investigation involving the parent.

(2) This section does not authorize or allow a parent to engage in conduct that is unlawful or to abuse or neglect a child in violation of the laws of this state. This section does not prohibit courts, law enforcement officers or employees of a government agency responsible for child welfare from acting in their official capacity within the scope of their authority. This section does not prohibit a court from issuing an order that is otherwise permitted by law.

(3) Any attempt to encourage or coerce a minor child to withhold information from the child's parent shall be grounds for discipline of an employee of this state, any political subdivision of this state or any other governmental entity, except for law enforcement personnel.

(4) For the purposes of this section, "parent" means the natural or adoptive parent or legal guardian of a minor child.