2027 ISBA RESOLUTION NO. 1

AMENDING IDAHO CODE SECTIONS 33-1609, 33-1611, 33-1611A, AND 33-1637 TO ALIGN DEFINITIONS, PARENT PERMISSION REQUIREMENTS, AND TIMELINES FOR HUMAN GROWTH AND DEVELOPMENT, SEX EDUCATION, AND HUMAN SEXUALITY INSTRUCTION

WHEREAS, Idaho Code section 33-1637 requires, beginning with the 2025-2026 school year, public schools serving students in grades 5 through 12 to include instruction on human growth and development, including specified video content related to fertilization and fetal development;

WHEREAS, Idaho Code section 33-1637 further requires the instruction to be included in every class that discusses or provides instruction concerning human biology, contraception, sexually transmitted diseases, or sexually transmitted infections;

WHEREAS, the term human biology is not clearly defined in statute and can be interpreted broadly enough to include courses where the mandated video content is not aligned to the course objectives, grade level, or instructional context;

WHEREAS, Idaho Code section 33-1609 defines sex education as the study of the anatomy and physiology of human reproduction, while also defining human sexuality in a broad manner that may overlap with health, biology, human development, family life, safety, abuse prevention, and other required or locally approved instruction;

WHEREAS, Idaho Code section 33-1611 allows parents to excuse children from planned instruction in sex education, while Idaho Code section 33-1611A requires signed written permission before a student attends instruction addressing human sexuality;

WHEREAS, the overlap between the statutory definitions and the required instruction in section 33-1637 creates uncertainty for parents, teachers, administrators, and school boards regarding when instruction is opt-out, when it is opt-in, and when a required state instructional mandate itself triggers a separate permission process;

WHEREAS, the current notice and permission timelines in Idaho Code section 33-1611A are difficult to implement in schools with semester schedules, trimester schedules, rotating schedules, course transfers, late-enrolling students, substitute or guest instruction, and adjustments to pacing caused by weather, testing, absences, or other school operations;

WHEREAS, requiring repeated presentation of the same video content in multiple unrelated or minimally related courses can reduce instructional time, create unnecessary administrative burden, and undermine parent confidence by generating multiple notices for similar content;

WHEREAS, local school boards should retain the ability to adopt age-appropriate, medically accurate, locally reviewed instructional materials and procedures that respect parental rights while maintaining manageable school operations and coherent instruction;

NOW, THEREFORE BE IT RESOLVED, that the Idaho School Boards Association work with the Idaho Legislature, State Board of Education, State Department of Education, local school boards, and education stakeholders to amend Idaho Code sections 33-1609, 33-1611, 33-1611A, and 33-1637, and any related provisions, to align definitions, parent permission requirements, implementation timelines, and local board responsibilities;

BE IT FURTHER RESOLVED, that such amendments should clearly define human biology for purposes of section 33-1637 so that the required instruction applies to planned, age-appropriate instruction in health, human development, family life, anatomy, physiology, or reproduction, and does not apply to incidental, student-initiated, or tangential references in unrelated courses;

BE IT FURTHER RESOLVED, that Idaho Code section 33-1637 should be amended to allow the required human growth and development video instruction to be provided once per locally determined grade band or once in a locally designated course or unit, rather than requiring repeated presentation in every course where a broad interpretation of human biology may arise;

BE IT FURTHER RESOLVED, that Idaho Code should be amended to clarify that state-required human growth and development instruction under section 33-1637 and sex education under section 33-1611 are governed by a clear parent notice and opt-out process unless the planned primary purpose of the instruction is to address human sexuality as specifically defined in section 33-1609;

BE IT FURTHER RESOLVED, that Idaho Code section 33-1611A should be amended to establish a practical parent notice and permission process, including an annual or course-level notice option, a reasonable response window before the relevant unit begins, procedures for late-enrolling or transferring students, and submission of permission forms to a district or school designee rather than directly to the board of trustees;

BE IT FURTHER RESOLVED, that Idaho Code should provide a good-faith compliance safe harbor for school districts, public charter schools, boards, administrators, and employees who follow locally adopted policies and procedures, including circumstances involving incidental references, student questions, medically accurate clarifications, or required curriculum not intended to provide instruction in human sexuality;

BE IT FURTHER RESOLVED, that any amendment should preserve parental rights to review instructional materials, receive meaningful notice, request alternative instruction, and participate through local board policy processes while ensuring that state requirements can be implemented consistently and effectively in Idaho schools.

Statement of Purpose

The purpose of this resolution is to clean up conflicting and impractical statutory language related to human growth and development, sex education, and human sexuality instruction. Current law requires video-based human growth and development instruction in grades 5 through 12 and in every class discussing human biology, contraception, STDs, or STIs. At the same time, Idaho Code uses different parent permission structures for sex education and human sexuality, and the broad definitions can overlap with the very instruction the state now requires. This creates confusion for parents and schools, repeated notices, repeated video presentations in courses where the content is not instructionally relevant, and timelines that do not fit school scheduling. The resolution seeks clarity, local flexibility, practical timelines, and consistent parent rights so districts and charter schools can comply with state law without unnecessary disruption to instruction.

Submitted by Boise School District No. 1

Buhl School District No. 412

ISBA Executive Board Recommendation: DO PASS

Janelle Hill, Region 9 Vice Chair, will address the Executive Board Recommendation at the ISBA Business Session.

PASSED
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