



August 20, 2025

Dear District and Charter School Administrators,

The Idaho Department of Education is committed to providing guidance to local education agencies when implementing the changes in education law made during the 2025 legislative session. The Department has received questions related to the instruction on (1) human growth and development required by [Idaho Senate Bill \(SB\) 1046](#), and (2) human sexuality discussed in [Idaho House Bill \(HB\) 239](#). Both laws became effective on July 1. The following is meant to assist LEAs to ensure compliance.

HUMAN GROWTH AND DEVELOPMENT

OVERVIEW

SB 1046 creates a new Section under Chapter 16, Title 33. Section 33-1637 requires that, beginning in the 2025-2026 school year, LEAs serving students in grades 5 through 12 include instruction on human growth and development. That instruction must include an ultrasound video that meets the following criteria:

1. A high-definition, high-quality, computer-generated rendering or animation;
2. At least three (3) minutes in duration;
3. Shows the development of the brain, heart, sex organs, and other vital organs in early fetal development; and
4. Shows the process of fertilization and every stage of human development inside the uterus, noting significant markers in cell growth and organ development for every week of pregnancy until birth.

This instruction must be included in every class that discusses or provides instruction concerning a) human biology, b) contraception, c) sexually transmitted diseases (STDs), or d) sexually transmitted infections (STIs).

Finally, the law states that the attorney general may bring a civil action to compel an LEA to comply with these requirements.

KEY PRINCIPALS

- There is not a specific ultrasound video required. LEAs have the discretion to select the specific video used as long as it meets the criteria outlined above. The sponsors of the bill played [the Baby Olivia video](#) as an example during a legislative committee meeting.
- An ultrasound video should be shown in each course where discussions or instruction concerning human biology, contraception, STDs, or STIs occur.
- If discussion or instruction concerning human biology, contraception, STDs, or STIs occurs in different grade levels, the ultrasound video may vary for age-appropriateness or class alignment.
- Viewing the ultrasound video may necessitate an “opt in” process (see the Human Sexuality section below).

HUMAN SEXUALITY

OVERVIEW

Idaho HB 239 amends section 33-1609 by adding a definition of “human sexuality.” It also creates a new section under Chapter 16, Title 33. Section 33-1611A requires that LEAs obtain permission to provide instruction addressing human sexuality.

Section 33-1609(2) defines human sexuality as, “sexual conduct, sexual pleasure, sexual intimacy, sexual abuse, sexual violence, eroticism, pornography, deviant sexual behavior, sexual attraction, sexual orientation, or any form of sexual identity, gender identity, gender ideology, or gender conversion.”

Section 33-1611A requires that an LEA providing instruction on “human sexuality” must:

1. Notify parents and legal guardians of the students receiving the instruction no less than two (2) weeks before the instruction begins.
2. Provide parents and legal guardians with a brief description of the content of the instruction and an opportunity to review any materials that will be used.
3. Obtain a signed permission form within one (1) week of when the instruction begins. The permission form should be submitted to the board of trustees.
4. Provide alternative instruction for any student whose parent or legal guardian does not submit a permission form. The alternative instruction must further the

completion of any grade level or graduation requirements and not address human sexuality.

Any sex education instruction should also include instruction on:

1. Available adoption resources in Idaho and current adoption practices in the United States as a means of providing for the well-being of a child; and
2. The [Idaho Safe Haven Act](#), chapter 82, title 39, Idaho Code.

If a parent/guardian believes their student has received instruction on one of these topics without the permission described above, the parent/guardian may provide written notice to the board of trustees. Any public school employee determined to have violated section 33-1611A may be subject to disciplinary action. If the board of trustees fails to provide adequate rectification, the parent/guardian who provided the notice shall have a cause of action against the board of trustees after exhausting all other available remedies.

KEY PRINCIPALS

- Idaho Code does not require parent/guardian permission to provide sex education, which is defined in section 33-1609(3) as “the study of the anatomy and the physiology of human reproduction.” However, given the broad definition of “human sexuality,” it may be difficult for LEAs to differentiate between these two types of instruction.
- Similarly, the human growth and development instruction required by section 33-1637 must show “the process of fertilization.” Because the definition of “human sexuality” includes “sexual conduct,” this instruction may necessitate an “opt in” process (see the Human Growth and Development section above).
- When in doubt, LEAs should follow the process outlined in Section 33-1611A.

RESOURCE SUGGESTIONS

As mentioned previously, Section 33-1367 does not provide for a specific ultrasound video. LEAs have the discretion to select the ultrasound video used if it meets the criteria outlined above and in statute. The following videos meet the criteria. While suggested grade levels are provided below, LEAs should choose videos that they feel are most age-appropriate for their communities when considering which curricular materials they adopt.

1. [Baby Olivia](#) (Live Action) – 3:13
 - a. This video provides a simple and direct presentation.

- b. Suggested for elementary, middle, and high school.
- 2. [Conception to Birth Visualized](#) (Alexander Tsiaras) – 9:37
 - a. This TED talk provides an overview with detailed medical visualization.
 - b. Suggested for middle and high school.
- 3. [Embryo Development Week by Week](#) (Imperial College London) – 3:34
 - a. This video provides a simple presentation but with more advanced terminology.
 - b. Suggested for high school.
- 4. [Pregnancy: A Month-By-Month Guide](#) (Dr. Paulien Moyaert) – 4:16
 - a. This video provides a broad overview.
 - b. Suggested for middle and high school.
 - c. This is a more detailed 3-part video series that could be used in conjunction with the broad overview video. If an LEA chooses to use the three videos below, they will need to be shown together to meet the criteria.
 - i. [First Trimester](#) (4:57)
 - ii. [Second Trimester](#) (4:56)
 - iii. [Third Trimester](#) (2:47)

FINAL THOUGHTS

The stated goal of SB 1046 is “to ensure students receive accurate and consistent education on human biology and development.” A stated purpose of HB 239 is to require “an affirmative action from parents or guardians to opt in to all sexually explicit material.” When implementing policies and procedures surrounding these laws, LEAs should be mindful of the broad scope of what constitutes human biology, sex education, and human sexuality. LEA policies should be vetted by local LEA staff and legal counsel.



Kristine Moriarty
Policy Director