



Threats to Student Privacy, Forced Student Health Data Reporting: House Bill 163 (2023)

Overview

In 2023, Idaho lawmakers passed a law that requires public schools to disclose changes in a students' mental health to parents or guardians. It also bans school policies that protect student health or educational information. Finally, the law requires schools to disclose all in-school health services and that any non-academic questionnaires are pre-approved by parents.

Some of the components of this new law are relatively standard – and many districts already have similar policies in place. Still, there are some reasons to be mindful of the law, particularly if you or your child are queer, trans, or nonbinary:

- For one, the 2023 student privacy law requires school officials to disclose changes in students' mental health to parents/guardians. However, the law does not give guidance or details about what *kinds* of changes must be reported. That could mean that a school official may report, for instance, a student that discloses they are experiencing changes in how they understand their gender or sexuality.
- Second, the law does not explicitly protect information about students' sexuality or gender identity. What's more, the law says schools cannot create policies meant to protect student data, whether about their health, sexuality, problems at home, or whatever.

Navigating Student Data Disclosures

The two components of the law (mandatory student health reporting and an absence of student privacy protections) could result in school staff feeling pressure to out LGBTQIA+ students – including to unsupportive parents or guardians.

It is important to remember, however, that the law does not require school staff to out LGBTQIA+ students. Teachers and other school officials will likely continue to have a fair amount of discretion about what kinds of information they report to parents. All school faculty and staff should review district policy on student disclosures and should familiarize themselves with any updates in district confidentiality policy and procedures.

Decades of research shows students do best when they have trusting relationships with supportive adults in their lives – whether school staff, coaches, teachers, etc. It is important for



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school officials to familiarize themselves on their district and school policies, particularly regarding student privacy. Similarly, parents and students should review school policies.

Remember you have a right to ask your building principal or superintendent for its student privacy policy. You also have a right to ask for clarification about any areas of the policy that are unclear. If you or your child is facing difficulty because of your school's policy, or if feel your school's policy has been violated, contact us.