



LEGISLATURE OF THE STATE OF IDAHO



Sixty-sixth Legislature

First Regular Session - 2021

IN THE _____

BILL NO. _____

BY _____

AN ACT

1 RELATING TO DIGNITY AND NONDISCRIMINATION IN PUBLIC EDUCATION; AMENDING
 2 CHAPTER 1, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-138,
 3 IDAHO CODE, TO PROVIDE LEGISLATIVE INTENT, TO PROVIDE LEGISLATIVE FIND-
 4 INGS, TO ESTABLISH PROHIBITIONS REGARDING CERTAIN TENETS, DISTINCTIONS
 5 OR CLASSIFICATIONS, OR COURSES OF INSTRUCTION OR UNITS OF STUDY, AND TO
 6 PROVIDE FOR STATUTORY CONSTRUCTION; AMENDING CHAPTER 1, TITLE 33, IDAHO
 7 CODE, BY THE ADDITION OF A NEW SECTION 33-139, IDAHO CODE, TO PROHIBIT
 8 THE EXPENDITURE OF MONEYS FOR CERTAIN PURPOSES; PROVIDING SEVERABIL-
 9 ITY; AND DECLARING AN EMERGENCY.
 10

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

12 SECTION 1. That Chapter 1, Title 33, Idaho Code, be, and the same is
 13 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 14 ignated as Section 33-138, Idaho Code, and to read as follows:

15 33-138. DIGNITY AND NONDISCRIMINATION IN PUBLIC EDUCATION. (1) It is
 16 the intent of the legislature that administrators, faculty members, other
 17 employees, and students at public schools, including public charter schools
 18 and institutions of higher education, respect the dignity of others, ac-
 19 knowledge the right of others to express differing opinions, and foster and
 20 defend intellectual honesty, freedom of inquiry and instruction, and free-
 21 dom of speech and association.

22 (2) The Idaho legislature finds that tenets outlined in subsection
 23 (3) (a) of this section, often found in "critical race theory," undermine the
 24 objectives outlined in subsection (1) of this section and exacerbate and
 25 inflame divisions on the basis of sex, race, ethnicity, religion, color, na-
 26 tional origin, or other criteria in ways contrary to the unity of the nation
 27 and the well-being of the state of Idaho and its citizens.

28 (3) In accordance with section 6, article IX of the constitution of the
 29 state of Idaho and section 67-5909, Idaho Code:

30 (a) No public institution of higher education, school district, or pub-
 31 lic school, including a public charter school, shall direct or other-
 32 wise compel students to personally affirm, adopt, or adhere to any of
 33 the following tenets:

34 (i) That any sex, race, ethnicity, religion, color, or national
 35 origin is inherently superior or inferior;

36 (ii) That individuals should be adversely treated on the basis of
 37 their sex, race, ethnicity, religion, color, or national origin;
 38 or

39 (iii) That individuals, by virtue of sex, race, ethnicity, reli-
 40 gion, color, or national origin, are inherently responsible for
 41 actions committed in the past by other members of the same sex,
 42 race, ethnicity, religion, color, or national origin.

1 (b) No distinction or classification of students shall be made on ac-
2 count of race or color.

3 (c) No course of instruction or unit of study directing or otherwise
4 compelling students to personally affirm, adopt, or adhere to any of the
5 tenets identified in paragraph (a) of this subsection shall be used or
6 introduced in any institution of higher education, any school district,
7 or any public school, including a public charter school.

8 (4) Nothing in this section should be construed to prohibit the re-
9 quired collection or reporting of demographic data by public schools or
10 public institutions of higher education.

11 SECTION 2. That Chapter 1, 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 33-139, Idaho Code, and to read as follows:

14 33-139. PROHIBITION ON THE EXPENDITURE OF MONEYS FOR CERTAIN PUR-
15 POSES. No moneys shall be expended by the state board of education, any
16 entity under the state board of education's jurisdiction, or any school dis-
17 trict, public charter school, or public institution of higher education for
18 any purpose prohibited in section 33-138, Idaho Code.

19 SECTION 3. SEVERABILITY. The provisions of this act are hereby declared
20 to be severable and if any provision of this act or the application of such
21 provision to any person or circumstance is declared invalid for any reason,
22 such declaration shall not affect the validity of the remaining portions of
23 this act.

24 SECTION 4. An emergency existing therefor, which emergency is hereby
25 declared to exist, this act shall be in full force and effect on and after its
26 passage and approval.