

IN THE SENATE

SENATE BILL NO. 1123

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO EDUCATION; PROVIDING LEGISLATIVE INTENT; AMENDING CHAPTER 59,
2 TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5909D, IDAHO
3 CODE, TO ESTABLISH PROVISIONS REGARDING PROHIBITED ACTS IN HIGHER EDU-
4 CATION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
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6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. LEGISLATIVE INTENT. It is the intent of the Legislature that
8 this act prohibit institutions of higher education from taking certain ac-
9 tions and from engaging in discriminatory practices.

10 SECTION 2. That Chapter 59, Title 67, Idaho Code, be, and the same is
11 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
12 ignated as Section 67-5909D, Idaho Code, and to read as follows:

13 67-5909D. ACTS PROHIBITED -- INSTITUTIONS OF HIGHER EDUCATION. (1)
14 For purposes of this section:

15 (a) "Diversity, equity, and inclusion ideology" or "DEI ideology"
16 means any approach that prioritizes personal identity characteristics,
17 including race, color, national origin, religion, sex, sexual orienta-
18 tion, or gender identity over individual merit.

19 (b) "Institution of higher education" means any public postsecondary
20 institution, including but not limited to universities, colleges, and
21 community colleges operating within the state of Idaho.

22 (2) Institutions of higher education:

23 (a) Shall establish and maintain equality of opportunity so all stu-
24 dents may succeed regardless of personal identity characteristics;

25 (b) Shall not use personal identity characteristics in making de-
26 cisions affecting the employment of any employee or education of any
27 student;

28 (c) Shall not establish or maintain a central office, policy, proce-
29 dure, or initiative that promotes DEI ideology;

30 (d) Shall ensure that no student resource center or student success
31 center serves students based on DEI ideology;

32 (e) Shall not require employees or students to declare gender identity
33 or preferred gender pronouns in any form of communication;

34 (f) Shall have a publicly posted process for faculty, staff, and stu-
35 dents to report violations of this section; and

36 (g) Shall discipline any employee who knowingly and intentionally vio-
37 lates the provisions of this section, up to and including termination of
38 employment.

39 (3) Verified violations of this section and sections 67-5909B and
40 67-5909C, Idaho Code, shall be reported by an institution of higher educa-
41 tion to the state board of education along with a corrective action plan for

1 the institution of higher education. Except where prohibited by law, the
2 state board of education has the authority and discretion to recover funds
3 used in violation of this section and of sections 67-5909B and 67-5909C,
4 Idaho Code, up to five percent (5%) of the budget of the program or depart-
5 ment that violated the provisions of this section, for redesignation toward
6 merit-based student scholarships or programs serving in-demand careers at
7 the violating institution of higher education.

8 (4) (a) Additionally, the institution of higher education shall pay to
9 the state board of education:

10 (i) Ten thousand dollars (\$10,000) for the first violation of
11 this section;

12 (ii) Twenty-five thousand dollars (\$25,000) for the second viola-
13 tion of this section; and

14 (iii) Fifty thousand dollars (\$50,000) for the third violation of
15 this subsection and for each subsequent violation.

16 (b) Such moneys shall be returned to the legislature to reallocate as
17 it chooses. Any individual, program, or department at an institution of
18 higher education that commits more than three (3) violations pursuant
19 to this section shall be subject to an audit by the state board of edu-
20 cation and such individual, program, or department shall be considered
21 for termination or elimination.

22 (c) Matters that are attributable directly or indirectly to one (1)
23 cause or to one (1) series of related causes shall be treated as one (1)
24 violation for purposes of this section, irrespective of the period of
25 time over which such matters occur.

26 (5) A detailed report of any verified violations of the provisions of
27 this section shall be submitted by the institution of higher education to the
28 house education committee and the senate education committee.

29 (6) Nothing in this section shall prevent institutions of higher edu-
30 cation from complying with any federal and state laws, regulatory require-
31 ments, or from following other specific guidance provided by the state board
32 of education related to this section.

33 (7) Nothing in this section shall affect the ability of an institu-
34 tion of higher education to work within the exemptions provided in sections
35 67-5909B and 67-5909C, Idaho Code, or any state board of education resolu-
36 tions or policies regarding DEI ideology.

37 (8) Nothing in this section shall be construed to prohibit an insti-
38 tution of higher education from supporting members of federally recognized
39 American Indian tribes by:

40 (a) Establishing and maintaining designated centers for American In-
41 dian students;

42 (b) Supporting American Indian cultural events; or

43 (c) Offering or facilitating scholarships for American Indian stu-
44 dents.

45 SECTION 3. An emergency existing therefor, which emergency is hereby
46 declared to exist, this act shall be in full force and effect on and after
47 July 1, 2025.