

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 375

BY WAYS AND MEANS COMMITTEE

AN ACT

1 RELATING TO EDUCATION AND THE STATE BUDGET; AMENDING CHAPTER 1, TITLE 33,
2 IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-138, IDAHO CODE, TO
3 PROVIDE LEGISLATIVE INTENT REGARDING DIGNITY AND NONDISCRIMINATION IN
4 PUBLIC SCHOOLS, TO PROVIDE LEGISLATIVE FINDINGS, TO PROHIBIT CERTAIN
5 ADVOCACY, ENDORSEMENT, INSTRUCTION, DISTINCTIONS OR CLASSIFICATIONS,
6 AND EDUCATIONAL MATERIALS, AND TO DEFINE A TERM; AMENDING CHAPTER 35,
7 TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-3533, IDAHO
8 CODE, TO PROHIBIT THE EXPENDITURE OF MONEYS FOR CERTAIN PURPOSES AND TO
9 DEFINE A TERM; AND PROVIDING SEVERABILITY.
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 belief, and freedom of
21 speech and association.

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

28 (3) In accordance with sections 5 and 6, article IX of the constitution
29 of the state of Idaho, and section 67-5909(7), Idaho Code:

30 (a) The following tenets of sectarianism may not be advocated for or en-
31 dorsed in any public institution of higher education, any school dis-
32 trict, or any public school, including a public charter school:

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

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

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

42 (b) Sectarian tenets shall not be taught in public schools;

1 (c) No distinction or classification of students shall be made on ac-
2 count of race or color; and

3 (d) No educational materials advocating sectarianism shall be used or
4 introduced in any institution of higher education, any school district,
5 or any public school, including a public charter school.

6 (4) For purposes of this section, "sectarianism" means a form of preju-
7 dice, discrimination, or hatred arising from attaching relations of inferi-
8 ority and superiority to differences between subdivisions within a group.

9 SECTION 2. That Chapter 35, Title 67, Idaho Code, be, and the same is
10 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
11 ignated as Section 67-3533, Idaho Code, and to read as follows:

12 67-3533. PUBLIC EDUCATION -- SECTARIANISM. (1) No moneys shall be ex-
13 pended by any school district, public charter school, or public institution
14 of higher education for any education or program advocating sectarianism.

15 (2) For purposes of this section, "sectarianism" means a form of preju-
16 dice, discrimination, or hatred arising from attaching relations of inferi-
17 ority and superiority to differences between subdivisions within a group.

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