LEGISLATURE OF THE STATE OF IDAHO
Sixty-sixth Legislature First Regular Session - 2021

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 377

BY WAYS AND MEANS COMMITTEE

AN ACT
RELATING TO DIGNITY AND NONDISCRIMINATION IN PUBLIC EDUCATION; AMENDING CHAPTER 1, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-138, IDAHO CODE, TO PROVIDE LEGISLATIVE INTENT, TO PROVIDE LEGISLATIVE FINDINGS, TO ESTABLISH PROHIBITIONS REGARDING CERTAIN TENETS, DISTINCTIONS OR CLASSIFICATIONS, OR COURSES OF INSTRUCTION OR UNITS OF STUDY, AND TO PROVIDE FOR STATUTORY CONSTRUCTION; AMENDING CHAPTER 1, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-139, IDAHO CODE, TO PROHIBIT THE EXPENDITURE OF MONEYS FOR CERTAIN PURPOSES; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY.

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

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

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

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

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

(a) No public institution of higher education, school district, or public school, including a public charter school, shall direct or otherwise compel students to personally affirm, adopt, or adhere to any of the following tenets:

(i) That any sex, race, ethnicity, religion, color, or national origin is inherently superior or inferior;
(ii) That individuals should be adversely treated on the basis of their sex, race, ethnicity, religion, color, or national origin; or
(iii) That individuals, by virtue of sex, race, ethnicity, religion, color, or national origin, are inherently responsible for actions committed in the past by other members of the same sex, race, ethnicity, religion, color, or national origin.
(b) No distinction or classification of students shall be made on account of race or color.

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

(4) Nothing in this section should be construed to prohibit the required collection or reporting of demographic data by public schools or public institutions of higher education.

SECTION 2. That Chapter 1, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-139, Idaho Code, and to read as follows:

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

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

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