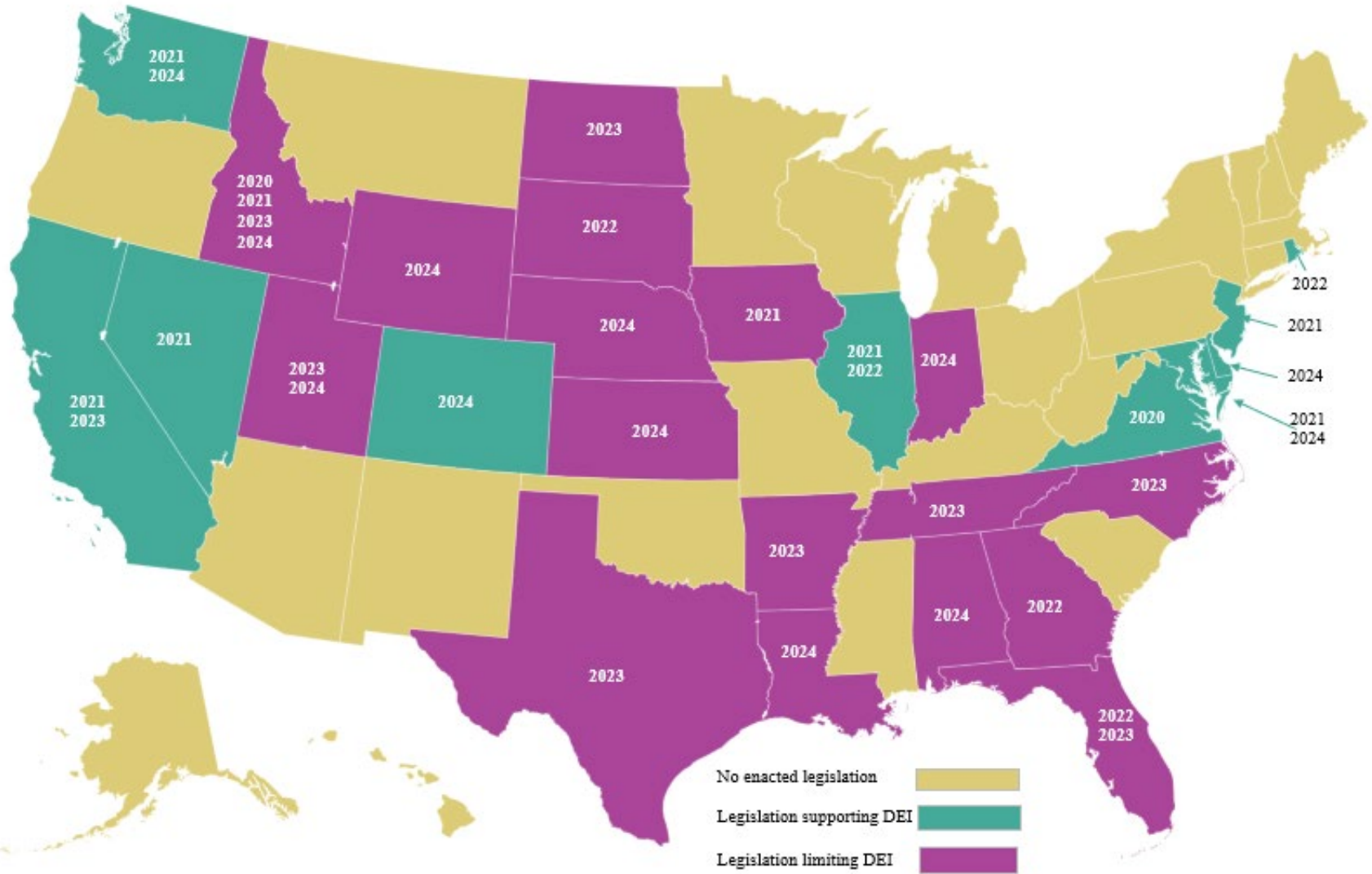


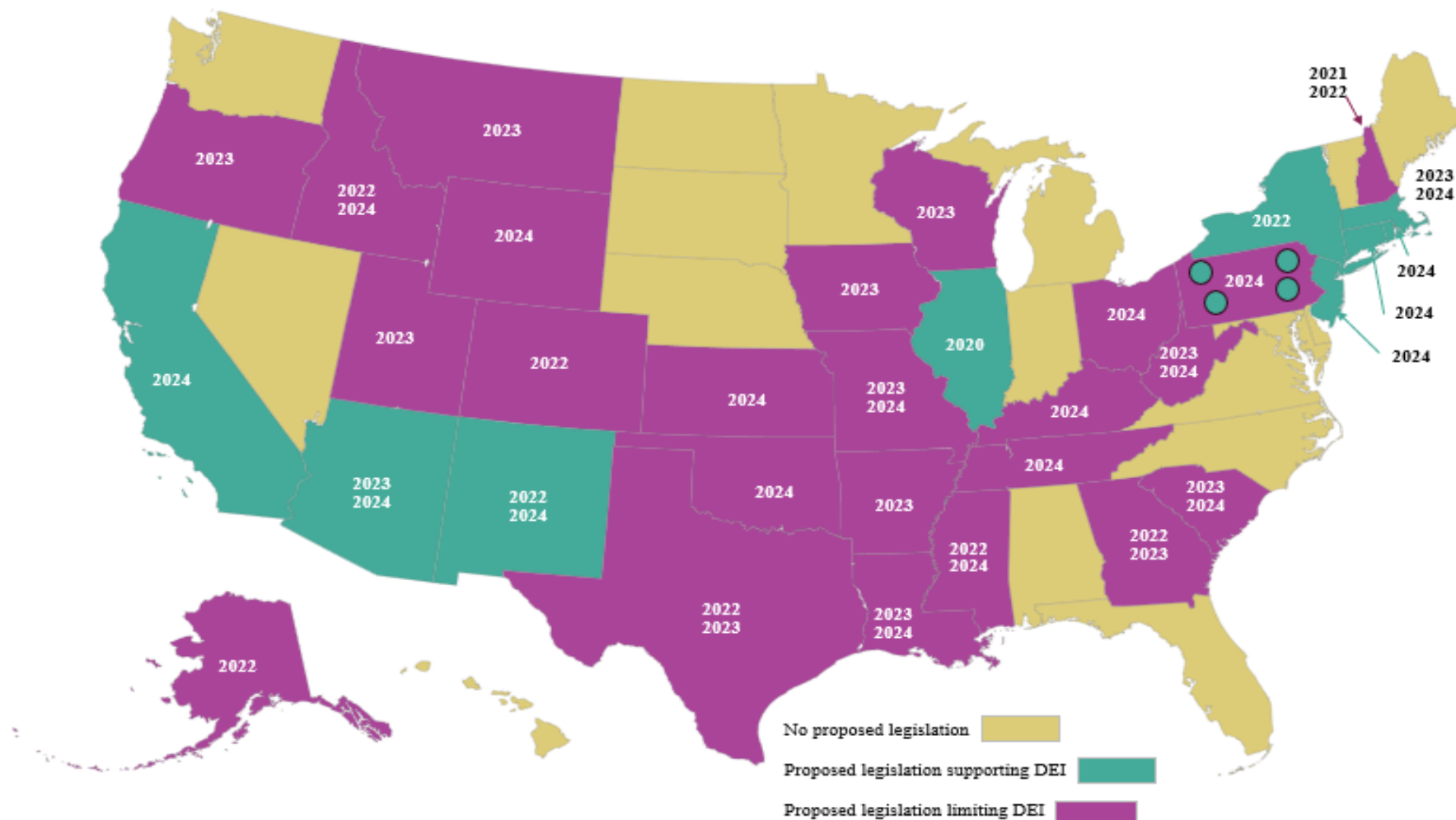


### DEI Legislation Enacted



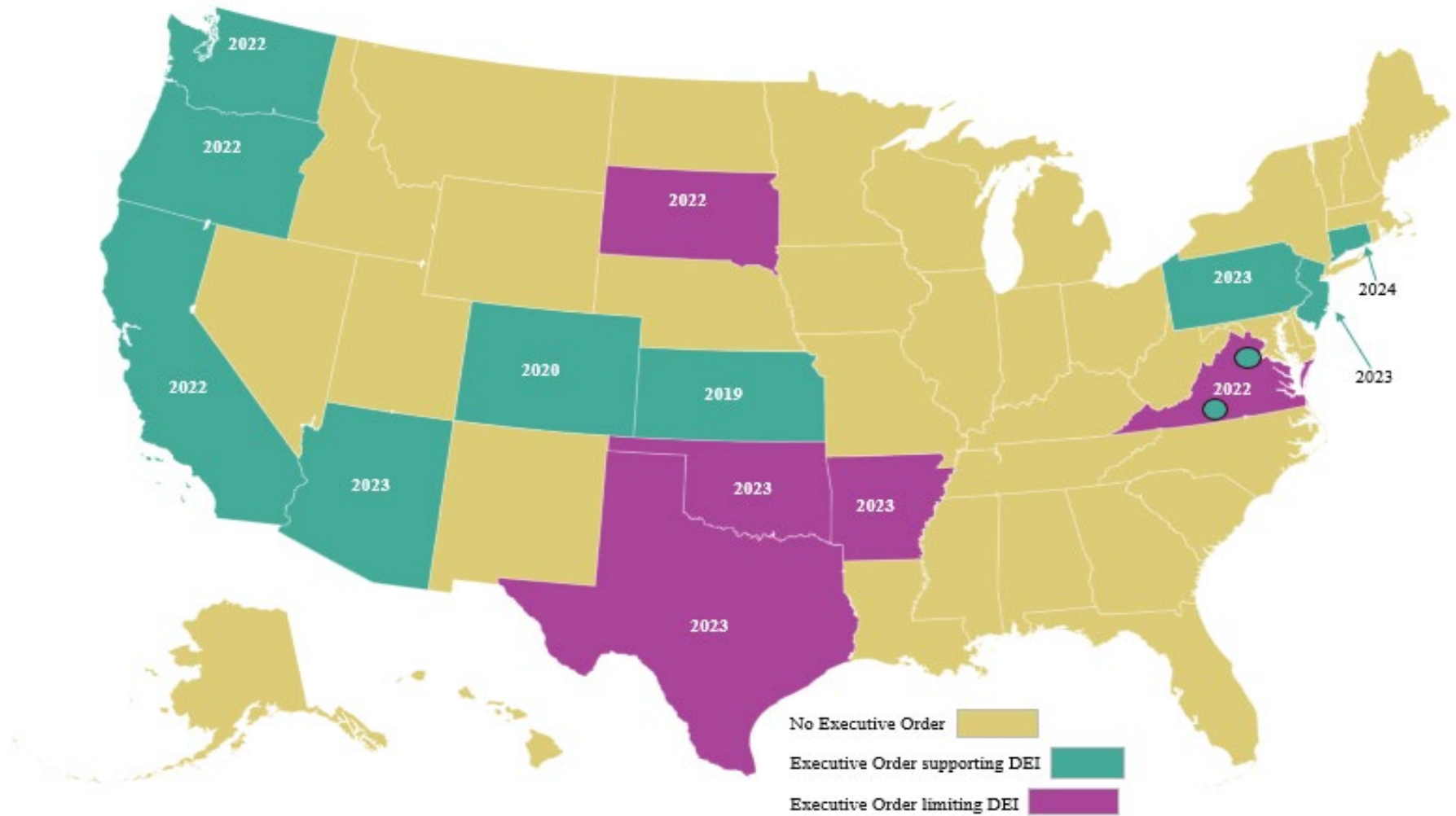


### Proposed/Not Passed DEI Legislation





### DEI Executive Orders





## DEI ACTIVITY IN THE UNITED STATES

Over the past several years, Diversity, Equity, and Inclusion (DEI) has been a focus of state governments. Since 2020, 45 states have taken action relating to DEI, whether through the legislative process or executive orders. Some states have also addressed DEI through board of education policies or requirements. DEI action is not limited to one perspective, as policies have been enacted that strengthen and limit DEI initiatives. Below is a sampling of state specific action.

The **purple text** represents DEI rollbacks or restrictions, the **green text** shows initiatives or policies strengthening DEI measures, and **gold text** shows no action taken.

### Enacted DEI Legislation

*To date, at least 26 states have passed legislation addressing DEI. Of those, 16 states have enacted legislation limiting DEI and 10 states have passed legislation that strengthens DEI.*

#### Idaho

Idaho has passed at least three laws limiting DEI initiatives in the state.

- [House Bill 440 \(2020\)](#). This legislation prohibits discrimination against or granting special treatment to any individual based on race, sex, color, ethnicity, or national origin in the operation of public employment, education, or contracting.
- [House Bill 377 \(2021\)](#). This legislation prohibits Idaho schools from teaching that any race, ethnicity, religion, or national origin is superior or inferior or that individuals are responsible for the actions committed in the past. This is in essence a ban on teaching critical race theory.
- [Senate Bill 1176 \(2023\)](#). This appropriation placed restrictions on the appropriated funds for universities that they cannot be used to support DEI or social justice ideology as part of any student activity, club, event, or organization on campus. A report was to be submitted to JFAC by each university detailing their DEI expenditures.
- [Senate Bill 1274 \(2024\)](#). This bill prohibits postsecondary employers from requiring candidates to provide diversity statements and requires that all hiring and admission decisions be made on merit.

#### California

California has enacted at least two laws strengthening DEI initiatives in the state.

- [Assembly Bill 979 \(2020\)](#). This act requires that corporations headquartered in California meet minimum diversity requirements for their board composition. Based on the total number of board members, each company is required to have a minimum number of women and a minimum number of persons from an underrepresented community (Black, Hispanic, Native American, Native Hawaiian, Native Alaskan Pacific Islander, or LGBTQ).
- [Senate Bill 54 \(2023\)](#). This bill requires that venture capital companies meet diversity requirements in its founding team.



### Colorado

Colorado has enacted at least one law designed to strengthen DEI initiatives.

- [SB24-200 \(2024\)](#). This bill created multiple ways to promote equity, diversity, and inclusion in the child welfare system.

### Iowa

Iowa has enacted at least three bills limiting the use of DEI in schools and included language in the 2024 appropriation bill restricting the establishment or maintenance of DEI offices.

- [House File 744 \(2021\)](#). This legislation restricts secondary education institutions from promoting certain beliefs and requires all schools to ensure intellectual freedom and not promote or restrict different opinions.
- [House File 802 \(2021\)](#). This bill allows agencies to continue training that fosters a respectful workplace but prohibits instruction that promotes stereotyping or prejudice and prohibits state entities from teaching ideas of cultural, racial, ethnic, or intellectual diversity or inclusiveness.
- [Senate File 2435 \(2024\)](#). The Fiscal Year 2024 education appropriation bill. This included two sections restricting the use of DEI and removing all funding from education entities that was used for DEI purposes. It restricted the use of state funds for any purpose connected to DEI.

### Kentucky

- No legislation has been passed addressing DEI.

### Oklahoma

- No legislation has been passed addressing DEI.

### Texas

Texas has enacted at least one piece of legislation limiting DEI activity and included language in the 2023 appropriation bill providing that appropriated funds cannot be used for DEI programs.

- [Senate Bill 17 \(2023\)](#). This legislation prohibits institutions of higher learning from establishing or maintaining a DEI office and prohibits requiring diversity statements as part of the hiring process. It also prohibits colleges and universities from spending state funds on DEI programs or activities.
- [House Bill 1 \(2023\)](#). Section 59 of the education appropriation bill (page 532) provides that funds appropriated may not be spent on the design, implementation, or administration of DEI programs.

### Utah

Utah has passed at least two bills limiting DEI and requiring state agencies to close DEI offices.



- [House Bill 261 \(2024\)](#). This legislation prohibits state agencies, including colleges and universities, from maintaining DEI offices, employing third parties to promote or implement DEI programs, request diversity statements in the hiring process, and engage in trainings or initiatives that discuss DEI topics. It also provides that agencies may lose funding if they are found to engage in any of the prohibited activities.
- [House Bill 0427 \(2023\)](#). This legislation is to ensure all instruction and curricular materials are consistent with the principles that no race is inherently superior to another, no person should be subject to discrimination based on identity, that individuals do not bear responsibility for the actions of the past or actions other members of the same race, and that individuals should not be made to feel discomfort or other form of psychological distress on account of the individuals race.

### *Washington*

Washington has enacted at least two pieces of legislation strengthening DEI in education settings.

- [Senate Bill 5227 \(2021\)](#). This bill requires that institutions of higher education provide professional development to staff and educational programs to students focused on DEI which is designed to eliminate structural racism. Institutions must also conduct a climate assessment to evaluate the current diversity, equity, and inclusion on campus.
- [Senate Bill 5462 \(2024\)](#). This legislation requires all schools to adopt policies and inclusive curricula that includes histories, contributions, and perspectives of historically marginalized and underrepresented groups. It also requires the Secretary of Education to review all education materials for inappropriate biases.

### *Wyoming*

- [House Bill 0001 \(2024\)](#). This appropriation bill included a statement that “no funds from this appropriation shall be expended on the office of DEI at the University of Wyoming or on any DEI program, activity, or function.”



## Proposed DEI Legislation

*To date, 33 states have introduced legislation addressing DEI that did not or has not yet become law. 24 states have introduced legislation intended to limit DEI, 10 states have introduced legislation that strengthens DEI, and one state has had legislation for both introduced.*

### Idaho

Idaho has introduced at least three bills limiting DEI initiatives in the state.

- [Senate Bill 1357 \(2024\)](#). Would add to existing law to establish the Higher Education Fairness Act to prohibit diversity, equity, and inclusion positions, diversity training, and political loyalty tests in higher education. The bill failed in committee.
- [Senate Bill 1242 \(2024\)](#). Would add to existing law to prohibit institutions of higher education from requiring diversity statements as a condition of employment or admissions. The bill failed in committee.
- [House Bill 0488 \(2022\)](#). Would amend existing law to provide for a private cause of action if the school fails to enforce Idaho Code prohibiting them from compelling students to affirm critical race theory or discrimination. The bill failed in committee.

### California

California has introduced at least one bill strengthening DEI initiatives in the state.

- [Assembly Bill 2925 \(2024\)](#). Would affirm that postsecondary educational institutions have an obligation to combat discrimination based on disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or similar characteristics. It further affirms the responsibility of educational institutions to provide equal educational opportunity and training to combat discrimination. The bill is on the second reading as of August 26<sup>th</sup>, 2024.

### Colorado

Colorado has introduced at least one bill limiting DEI initiatives in the state.

- [House Bill 22-1206 \(2022\)](#). Would prohibit teaching or materials at public schools that promotes discrimination based on race or ethnicity and creates a fine for violation. The bill failed in committee.

### Iowa

Iowa has introduced at least one bill aimed at limiting DEI initiatives in the state.

- [House File 616 \(2023\)](#). Would prohibit the state board of regents from spending money to fund DEI programs or hiring DEI officials. This would be enforced through a private cause of action. The bill failed in committee.





### *Kentucky*

Kentucky has introduced at least two bills limiting DEI initiatives in the state.

- [House Bill 9 \(2024\)](#). Would prohibit postsecondary education institutions from discriminating or providing preferential treatment based on religion, race, sex, color, or national origin. It would also prohibit institutions from expending resources on DEI programs and limiting the coursework related to DEI. The bill failed in committee.
- [Senate Bill 6 \(2024\)](#). Would provide that students in postsecondary education institutions would not be penalized for their failure to support divisive concepts or ideologies. It would create a cause of action against the institution. The bill failed in committee.

### *Oklahoma*

Oklahoma has introduced at least one bill limiting DEI initiatives in the state.

- [Senate Bill 13030 \(2024\)](#). Would prohibit higher education institutions from establishing DEI offices, requiring diversity statements, giving preferential consideration based on identity characteristics, and requiring DEI training. The bill adds requirements for reports, audits, and studies to certify compliance. The bill failed in committee.

### *Texas*

Texas has introduced at least two bills limiting DEI initiatives in the state.

- [House Bill 5127 \(2023\)](#). Companion bill to SB 17 described in Enacted DEI Legislation section. The bill failed in committee.
- [House Bill 1006 \(2023\)](#). Would require institutions of higher learning to adopt a policy regarding expressive activities. The policy must prohibit the funding, promotion, sponsorship or support of any DEI office or office that supports or provides DEI initiatives. The bill failed in committee.

### *Utah*

Utah has introduced at least two bills limiting DEI initiatives in the state.

- [Senate Bill 283 \(2023\)](#). Would require the Education Interim Committee to conduct a study of diversity, education, and inclusion in the system of higher education. The bill did not pass, and the legislative session ended.
- [House Bill 451 \(2023\)](#). Would prohibit submissions, statements, or documents in higher education that require a person disclose their beliefs or position on a policy or initiative that promotes differential treatment based on race, sex, age, or other demographic characteristics. The bill did not pass, and the legislative session ended.

### *Washington*

- No proposed legislation was found during our search.

### *Wyoming*

Wyoming has introduced at least two bills limiting DEI initiatives in the state.





- [House Bill 0061 \(2024\)](#). Would require school districts to provide itemized reports of DEI and other related programs. It further requires that copies of policies related to the programs be sent to the state department of education and that the information be accessible to the public through the department's website. The bill also requires parental permission for student participation and that districts ensure employees can opt out of DEI or related trainings or activities. The House did not consider the bill for introduction.
- [Senate File 0130 \(2024\)](#). The bill states, "no governmental entity shall engage in any diversity, equity or inclusion program, activity or policy." The House did not consider the bill for introduction.



## Executive Orders Relating to DEI

*Upon review, at least 15 state governors have issued executive orders relating to DEI. Five of those orders have been designed to strengthen DEI policies, and ten have limited DEI initiatives. For added context, Virginia governors have issued executive orders both supporting and limiting DEI activity.*

### Idaho

- No executive orders issued that relate to DEI.

### California

- In September 2022, Governor Newsom signed [Executive Order N-16-22](#). This order directed all agencies to develop or update strategic plans to include inclusive practices to more effectively advance equity; directed the Department of Human Resources to report and analyze state employee data to track demographic data; create a Racial Equity Commission; and directed the Civil Rights Department to review regulations implementing non-discrimination and initiate rulemaking actions to address any shortcomings.

### Colorado

- In August 2020, Governor Polis issued [Executive Order D 2020 175](#). This order directed the Department of Personnel and Administration to develop a DEI policy to guide state agencies in creating long-term strategic plans with the goal of inclusive and anti-discriminatory cultures; develop and lead DEI training for all employees; and directed all state agencies to participate in the development of state policy.

### Iowa

- No executive orders issued that relate to DEI.

### Kentucky

- No executive orders issued that relate to DEI.

### Oklahoma

- In December 2023, Governor Stitt issued [Executive Order 2023-31](#). This order mandated that state agencies shall not utilize state funds for DEI purposes, that agencies shall not require employees to attend DEI trainings, require employees to certify or agree with DEI statements, or require diversity statements in the employment process; directed agencies to review of DEI programs, and if necessary, eliminate or restructure those programs to comply with the order.

### Texas

- On February 4, 2023, the Chief of Staff to Governor Abbott issued a [Guidance Memo](#) that stated DEI initiatives are not increasing diversity and are being used to discriminate in the workplace. It further stated that DEI initiatives are inconsistent with the law and illegal.



### *Utah*

- No executive orders issued that relate to DEI.

### *Washington*

- In early 2022, Governor Inslee issued Executive Orders [22-01](#), [22-02](#), and [22-04](#). These orders were issued to strengthen DEI practices in Washington state. 22-01 was targeted at implementing measure for equity in public spending as it related to state contracting. Specifically, it required that prior to entering into contracts, agencies should search for women or minority owned businesses and each agency must designate a staff member to be active with the Office of Minority and Women Business Enterprises. 22-04 implemented Washington's Pro-Equity Anti-Racism Plan and Playbook law and charged all agencies with participating and engaging with the taskforce.

### *Wyoming*

- No executive orders issued that relate to DEI.



## Impact of DEI Action on Education Policy

Upon review, departments of education, universities, or other education policy making entities, have responded to DEI actions in at least 8 states.

### Idaho

- In 2020, the Idaho Legislature passed House Bill 440 prohibiting discrimination based on race or other characteristics in public education. In 2021, the Legislature passed House Bill 3770, essentially banning the teaching of critical race theory. Due to the legislation, the Idaho State Board of Education revised its policies in 2023. As of October 2023, the Board's *Governing Policies and Procedures* state that hiring decisions shall not be conditioned on a requirement that applicants submit a written diversity statement. Senate Bill 1274, passed in 2024, codified the ban on the requirement of diversity statements in hiring.

### California

- Legislation in California has generally supported DEI initiatives. As a response, the California Department of Education provides an extensive framework for quality schooling that includes guidance and resources directed towards ensuring equity. Moreover, the University of California System and the California Community Colleges System have policies strengthening DEI.

### Colorado

- Legislation in Colorado has generally supported DEI initiatives. As a response, the Colorado Department of Education provides an extensive Equity Toolkit on the department website. Moreover, the Department of Higher Education released a statement of support standing with Colorado College. In 2023, Colorado College created HAVEN, a program for transfer students coming from states that have enacted laws to rollback DEI measures.

### Iowa

- The Fiscal Year 2024 – 2025 removed all funding for DEI offices and programs and required colleges and universities to report on their DEI activities. In response, the University of Iowa assembled the DEI Forward Task Force. The task force issued its first [report](#) in April 2024. The report identified several areas of focus and recommended changes to diversity programs to make them comply with statutory requirements.

### Kentucky

- Kentucky has not seen legislation enacted or executive orders issued related to DEI, but two pieces of legislation were proposed in 2024. But, due to the proposed legislation, the University of Kentucky is dissolving the Office of Institutional Diversity. Staff in this office will be reassigned to other departments. Along with this, the university will end mandatory diversity training and diversity statements will not be required during the employment process.



### Oklahoma

- Executive Order 2023-31, issued in 2023, mandated that state agencies shall not utilize state funds for DEI purposes, require employees to attend DEI trainings, require DEI statements or diversity statements in the employment process, and directed agencies to review DEI programs. The University of Oklahoma has complied and provides guidance and resources on the University website.

### Texas

- In 2023, the Texas Legislature passed Senate Bill 17. The bill prohibits institutions of higher learning from establishing or maintaining a DEI office and prohibits requiring diversity statements as part of the hiring process. It also prohibits colleges and universities from spending state funds on DEI programs or activities. The Board of Regents of the Texas System developed Rule 10701 to clarify and comply with Senate Bill 17. The University of Texas Systemwide Policy UTS 197 was also created for compliance. Moreover, the University of Texas closed the Division of Campus and Community Engagement and terminated some employees.

### Utah

- In 2023, the Utah Legislature passed House Bill 0427, *Maintaining Constitutional Freedom in Public schools*. Among other items, the bill asserts that no individual is inherently racist or sexist solely by virtue of the individuals race or sex, and that no race is inherently superior to another. In response, the Board developed Administrative Rule R277-328 to comply. In 2024, the Utah Legislature passed House Bill 261 which, among other items, prohibits state agencies from maintaining DEI offices. The Board of Higher Education developed a policy, R131, *Review and Approval of Centers for Compliance with Equal Opportunity Initiatives*, to comply. Moreover, the University of Utah has complied with legislation, provided guidance online, and eliminated DEI centers.

### Washington

- In response to Executive Order 20-02, which directed all universities to update their diversity plans, state colleges and universities in Washington created or strengthened their DEI offices. Additionally, the Washington State Professional Educator Standards Board developed a model cultural competency, diversity, equity, and inclusion standard. To be certified, each educator, at all levels of teaching, must have completed the standard training course. The University of Washington requires all new employees to complete the anti-racism and DEI training course within 30 days of their hire date.

### Wyoming

- In response to the 2024 appropriation, the University of Wyoming is eliminating the Office of Diversity, Equity, and Inclusion. Diversity statements will no longer be required from job applicants and the university will no longer incorporate DEI in annual performance evaluations. A work group was assembled by the university president to evaluate all aspects of the university to ensure compliance with the appropriation language. The university president has said that many of the programs thought to be DEI were mislabeled and that the university will continue to make the campus a welcoming place for all students. Additionally, some programs are required to continue with DEI practices due to the nature of grants and other funding sources.