

MINUTES
Approved by the Committee
DEI
Thursday, January 09, 2025
3:30 P.M.
Room EW41
Boise, Idaho

Members in attendance: Cochairs Representative Judy Boyle and Senator Todd Lakey; Representatives Barbara Ehardt and Elaine Price; Senators Julie VanOrden, Ben Toews, and Melissa Wintrow; absent/excused: Representative Dale Hawkins. Legislative Services Office (LSO) staff Peter Cook, Jennifer Kish, and Kevin Campbell.

Others in attendance: Kristi Spalding; Miranda Soelberg; Lisaun Whitingham; and Anthony Bertelsen — Risch Pisca.

NOTE: Presentations and handouts provided by the presenters/speakers are posted to the Idaho Legislature's website <https://legislature.idaho.gov/sessioninfo/2024/interim/> and copies of those items are on file at the Legislative Services Office in the State Capitol. Recordings of the meeting may be available under the committee's listing on the website.

OPENING REMARKS AND APPROVAL OF MINUTES

At 3:30 p.m., Cochair Boyle called the meeting to order and requested a silent roll call be taken. She asked for a motion on the December 2, 2024, minutes. **Sen. VanOrden made a motion to approve the minutes, seconded by Rep. Ehardt; motion approved by voice vote.**

SBOE RESOLUTION ON DEI IDEOLOGY

Cochair Boyle called upon **Josh Whitworth**, Executive Director, Idaho State Board of Education, for his comments to the members regarding the recently adopted resolutions: [DEI Ideology in Higher Education](#), [Governance in Higher Education](#), and [Freedom of Expression in Higher Education](#). Mr. Whitworth noted that the resolutions would be in effect June 30, 2025, and that institutions were already taking steps to meet the requirements of the resolutions. He briefly reviewed each resolution's bullet points and explained why those points were included. He noted that while this may be a big change for current students, over the years, future generations will embrace the wholistic approach and it will be the normal way of life. Mr. Whitworth reported that the board had received ~700 replies with 80% against the resolutions prior to the adoption, and post-approval it had received ~ 900 emails in support of the resolutions.

- Rep. Ehardt noted that the board's recent response/action was the opposite of its reaction to her 2019 letter, which pointed out the problem, and she inquired what had changed since then. Mr. Whitworth noted that he was aware of that letter even though he had only been in his position with the board for the past six months. He also noted that over time, really since 2016, the perception of this issue had begun to change. Additionally, the board had different leadership and was taking a more involved position. Rep. Ehardt commented that meritocracy should have always been rewarded and that she was appreciative of the current direction.
- Sen. Wintrow asked for clarification of the term "individual merit." Mr. Whitworth responded that it meant recognition based on one's personal accomplishment(s) no matter one's physical attributes or gender. He added that merit was controlled by one's actions to achieve.
- Cochair Lakey asked how the resolutions would be applied within the operations of institutions. Mr. Whitworth noted that the implementation would be witnessed in how the institutions

provided services to ALL students rather than serving students with unique identifiers; wholistic rather than segregated.

- Cochair Lakey inquired about the enforcement of the policy. Mr. Whitworth responded that the governance resolution held the institutional presidents accountable and ultimately the board would hold institutional leaders accountable.
- Rep. Price asked about the assistance that students would need to adjust. Mr. Whitworth commented that students would need to be redirected to current resources to understand that the resources still existed but in a different capacity.

IDAHO DEI PROPOSED LEGISLATION

At 4:02 p.m., **Ben Toews**, Idaho State Senator, presented his [draft legislation](#), a listing of the [resources](#) used in creating the draft legislation, and a document of [proposed definitions](#) regarding DEI issues. Sen. Toews noted that the draft legislation excluded tribal centers on campuses. He also noted that the legislation was based on best practices and a multitude of other current legislation and not solely on the previously reviewed Utah legislation.

- Rep. Price asked whether the language on page 4, line 5, meant that the legislation would be restricted to institutions that received funds from the Legislature. Sen. Toews responded in the affirmative. Rep. Price asked whether the language on page 5, line 34, should better clarify as to whom and as to when the law was in effect. Sen. Toews responded that it was intended to apply to those who had attended or are attending the institution once the law was in effect.
- Rep. Ehardt inquired whether the language on page 2, line 4, was not merely prohibiting those terms but rather was meant to prohibit the ideology that taught those terms. Sen. Toews agreed; additionally, he referenced the list of terminology that he provided. Rep. Ehardt suggested that the list of terminology should be included in the legislation.
- Sen. Wintrow expressed concern about the "private cause of action" and that it was to be addressed by the attorney general rather than any other means of redress.

COMMITTEE DISCUSSION / OTHER BUSINESS

Cochair Boyle recommended that the members review the senator's proposed legislation and supportive documents and take the time to meet with him. Cochair Lakey suggested that the working group meet within the next few weeks to review the proposed legislation one more time after Sen. Toews had feedback.

With no further business, the meeting was adjourned at 4:30 p.m.