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 LEGISLATURE OF THE STATE OF IDAHO  
 Sixty-eighth Legislature First Regular Session - 2025  
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1 AN ACT  
 2 RELATING TO HIGHER EDUCATION; PROVIDING LEGISLATIVE FINDINGS AND INTENT;  
 3 AMENDING CHAPTER 59, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW  
 4 SECTION 67-5909D, IDAHO CODE, TO DEFINE TERMS, TO PROHIBIT DIVERSITY,  
 5 EQUITY, AND INCLUSION OFFICES AND OFFICERS AT INSTITUTIONS OF HIGHER  
 6 EDUCATION, TO PROVIDE AN ALTERNATIVE USE FOR CERTAIN FUNDS, TO PROHIBIT  
 7 MANDATORY DIVERSITY TRAININGS, TO PROHIBIT BIAS REPORTING SYSTEMS, TO  
 8 PROHIBIT CERTAIN GENERAL EDUCATION COURSES, TO PROVIDE FOR EXEMPTIONS  
 9 FROM CERTAIN REQUIREMENTS, TO REQUIRE CERTAIN REPORTS, TO PROVIDE THE  
 10 ATTORNEY GENERAL WITH CERTAIN ENFORCEMENT AUTHORITY, TO PROVIDE FOR A  
 11 PRIVATE CAUSE OF ACTION, AND TO PROVIDE LIMITATIONS; PROVIDING SEVER-  
 12 ABILITY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

14 SECTION 1. LEGISLATIVE FINDINGS AND INTENT. The Legislature finds that  
 15 this state was founded upon the fundamental truth that all men are created  
 16 equal and endowed with inalienable rights. Among these rights is the freedom  
 17 of inquiry, which along with the principle of liberal toleration is essen-  
 18 tial to the advancement and diffusion of knowledge. The constitution of this  
 19 state also declares that the stability of a republican form of government de-  
 20 pends mainly upon the intelligence of the people. In contravention of these  
 21 principles, a subversive ideology derived from the tenets of critical the-  
 22 ory has infected the administration of this state's system of higher educa-  
 23 tion, promoting a culture of division, ignorance, bigotry, and intolerance.  
 24 Therefore, it is the intent of the legislature to eliminate all programs and  
 25 initiatives within all public institutions of higher education predicated  
 26 on the tenets of critical theory, or more commonly known under the title of  
 27 "diversity, equity, and inclusion."

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

31 67-5909D. FREEDOM OF INQUIRY IN HIGHER EDUCATION. (1) For the purpose  
 32 of this section:

- 33 (a) "Bias reporting system" means any office, department, position, or  
 34 system whose function is to:
  - 35 (i) Investigate, threaten disciplinary action, or otherwise pun-  
 36 ish enrolled students for expressions of speech protected by state  
 37 or federal law, including but not limited to speech pertaining to  
 38 disagreements of opinion, political beliefs or affiliations, or  
 39 perceived bias, prejudice, stereotypes, or intolerance; or
  - 40 (ii) Solicit the reporting of incidents of student speech pro-  
 41 tected by state or federal law, including but not limited to speech

1           pertaining to disagreements of opinion, political beliefs or af-  
2           filiations, or perceived bias, prejudice, stereotypes, or intol-  
3           erance.

4           (b) "Diversity, equity, and inclusion" or "DEI" means any trainings,  
5           programs, activities, or instruction designed or implemented in ac-  
6           cordance with the tenets or concepts of critical theory, including but  
7           not limited to the concepts of unconscious or implicit bias, microag-  
8           gressions, internalized racism, cultural appropriation, structural  
9           equity, settler colonialism, group marginalization, antiracism, sys-  
10          temic oppression, social justice, institutional or systemic racism,  
11          white fragility, racial privilege, disparate impact, intersectional-  
12          ity, sexual privilege, patriarchy, gender theory, queer theory, neo-  
13          pronouns, transgender ideology, misgendering, othering, deadnaming,  
14          heteronormativity, allyship, or any other related formulation of these  
15          tenets or concepts. This definition shall also include any program,  
16          decision-making process, or initiative established for the purpose of:

17           (i) Influencing hiring or employment practices at the institu-  
18           tion of higher education with respect to race, color, ethnicity,  
19           sex, disability, or religion, other than through the use of color-  
20           blind and sex-neutral hiring processes in accordance with any ap-  
21           plicable state and federal anti-discrimination laws;

22           (ii) Promoting differential treatment of, or providing special  
23           benefit to, individuals on the basis of race, color, ethnicity,  
24           sex, disability, or religion;

25           (iii) Promoting policies or procedures designed or implemented to  
26           provide preferential treatment with respect to race, color, eth-  
27           nicity, sex, disability or religion other than policies or proce-  
28           dures approved in writing by the institution of higher education's  
29           legal counsel and the attorney general of the state of Idaho for  
30           the sole purpose of ensuring compliance with any applicable court  
31           order or state or federal law; or

32           (iv) This excludes trainings, programs, or activities developed  
33           by an attorney and approved in writing by the institution of higher  
34           education's general counsel and the attorney general of the state  
35           of Idaho for the sole purpose of ensuring compliance with any ap-  
36           plicable court order or state or federal law;

37           (c) (i) "Diversity, equity, or inclusion office" means any divi-  
38           sion, office, center, or other unit of an institution of higher  
39           education that is responsible for creating, developing, design-  
40           ing, implementing, organizing, planning, or promoting policies,  
41           programming, training, practices, activities, services, or pro-  
42           cedures relating to diversity, equity, and inclusion.

43           (ii) A "diversity, equity, and inclusion office" shall not in-  
44           clude:

45           1. An office certified by the attorney general of the state  
46           of Idaho as operating with the sole and exclusive mission of  
47           ensuring legal compliance with the institution of higher ed-  
48           ucation's obligations under title IX of the education amend-  
49           ments of 1972, as amended; the federal Americans with dis-  
50           abilities act, as amended; the federal age discrimination

1 in employment act, as amended; title VI of the federal civil  
2 rights act of 1964; an applicable court order; or other ap-  
3 plicable state or federal law;

4 2. An academic department defined as a unit of an institu-  
5 tion of higher education that exists primarily for the pur-  
6 pose of offering courses for degree credit and that does not  
7 establish policy or procedures to which other units of the  
8 institution of higher education are subject; or

9 3. A student organization that is registered with the insti-  
10 tution of higher education.

11 (d) (i) "Diversity, equity and inclusion officer" means an in-  
12 dividual whose duties for the institution include coordinating,  
13 creating, developing, designing, implementing, organizing, plan-  
14 ning, or promoting policies, programming, training, practices,  
15 activities, or procedures relating to diversity, equity, and  
16 inclusion and who is a full-time or part-time employee of an in-  
17 stitution of higher education or subdivision or affiliated entity  
18 thereof or an independent contractor of an institution of higher  
19 education.

20 (ii) A "diversity, equity, and inclusion officer" shall not in-  
21 clude:

22 1. Any full-time or part-time employee who is a licensed at-  
23 torney and whose sole job duties related to diversity, eq-  
24 uity, and inclusion are to ensure compliance with the insti-  
25 tution of higher education's obligations under title IX of  
26 the education amendments of 1972, as amended, the federal  
27 Americans with disabilities act, as amended, the federal age  
28 discrimination in employment act, as amended, title VI of  
29 the federal civil rights act of 1964, applicable court or-  
30 ders, or other applicable state and federal law;

31 2. Any faculty member while such faculty member is teaching,  
32 engaged in research, engaged in the production of creative  
33 works, engaged in the dissemination of research or creative  
34 works, or advising a registered student organization; or

35 3. Guest speakers or performers who do not receive any form  
36 of compensation in exchange for their presentation, perfor-  
37 mance, or appearance.

38 (e) (i) "Diversity training" means a training, seminar, discus-  
39 sion group, workshop, or other instructional program, whether  
40 provided in-person, online or by any other means, with a purpose of  
41 advising, counseling, demonstrating, explaining, instructing, or  
42 teaching participants about diversity, equity, and inclusion.

43 (ii) "Diversity training" shall not include an academic course  
44 offered for credit and not otherwise subject to subsection (2) (d)  
45 or (2) (e) of this section, nor shall it include activities of a  
46 student organization registered with an institution of higher ed-  
47 ucation that only effects the members of such organization.

48 (iii) "Diversity training" does not limit or prohibit an institu-  
49 tion of higher education's authority to establish policies that

1           are necessary to comply with state or federal law, including laws  
2           relating to prohibited discrimination or harassment.

3           (f) "DEI related course" means a course of instruction taken for credit  
4           whose subject matter or pedagogical methodology is based on or other-  
5           wise utilizes any of the concepts of critical theory or DEI outlined in  
6           this section.

7           (g) "Institution of higher education" means the following entities  
8           that are accredited by the northwest commission on colleges and uni-  
9           versities or another accrediting body recognized by the state board of  
10          education:

11          (i) Any public institution of higher education or subdivision or  
12          affiliated entity thereof that receives funding appropriated by  
13          the Idaho legislature; or

14          (ii) Any subdivision or affiliated entity of a private univer-  
15          sity, college, or community college in Idaho that receives funding  
16          appropriated by the Idaho legislature.

17          (h) "Public institution of higher education" means any public univer-  
18          sity, public college, public career technical school, or public junior  
19          college located in the state of Idaho.

20          (2) No institution of higher education in the state of Idaho, or any em-  
21          ployee, appointee, or committee acting on behalf of an institution of higher  
22          education shall:

23          (a) Discriminate against or provide preferential treatment to a  
24          prospective student on account of such prospective student's race, sex,  
25          color, ethnicity, or national origin during the admissions process to  
26          determine such prospective student's acceptance into the institution  
27          or a program of study;

28          (b) Discriminate against or provide preferential treatment to a  
29          prospective employee on account of such prospective employee's race,  
30          sex, color, ethnicity, or national origin during the hiring process;

31          (c) Establish, sustain, support, or staff a diversity, equity, and in-  
32          clusion office or department; hire an individual to serve as a diver-  
33          sity, equity, and inclusion officer; or contract, employ, engage, or  
34          hire an individual to serve as a diversity, equity, and inclusion offi-  
35          cer or consultant. Any funds that would otherwise have been expended on  
36          diversity, equity, and inclusion offices or diversity, equity, and in-  
37          clusion officers in fiscal year 2026 may be reallocated, at the discre-  
38          tion of the governing board of the institution of higher education, to  
39          merit scholarships designed to reduce tuition for in-state students;

40          (d) Either directly or indirectly organize, administer, conduct, pro-  
41          mote, or sponsor diversity training;

42          (e) Establish, sustain, support, or staff any bias reporting system;

43          (f) Establish curricula or designate courses at the institution in a  
44          manner that requires or otherwise compels a student to enroll in a DEI  
45          related course in order to satisfy the requirements of any academic  
46          degree program, including general education, major, minor, or cer-  
47          tificate requirements, except as provided in subsection (3) of this  
48          section.

49          (g) Require, solicit, or incentivize faculty to apply or participate in  
50          DEI practices or include DEI related content in any course as a condi-

1 tion of approval, designation, or listing as part of any academic degree  
2 program, including general education, major, minor, or certificate re-  
3 quirements, or as a condition of consideration in any faculty member's  
4 performance assessment, promotion, tenure, salary adjustment, or any  
5 other incentive, except as provided in subsection (3) of this section.

6 (3) Every institution of higher education in the state of Idaho shall  
7 provide a procedure to allow the governing board of the institution of higher  
8 education to exempt, upon written request to the board, any academic degree  
9 program requirements of any major, minor, certificate, or department the ti-  
10 tle of which clearly establishes its course of study as primarily focused  
11 on racial, ethnic, or gender studies from the prohibitions of subsections  
12 (2) (d) and (2) (e) of this section, provided that a student may not be re-  
13 quired or otherwise compelled to enroll in any such program, department, or  
14 course in order to satisfy the requirements of any other academic degree pro-  
15 gram, including general education requirements, or any other major, minor,  
16 or certificate requirements.

17 (4) (a) Every public institution of higher education shall on or before  
18 January 15 of each year, submit an annual report to the attorney gen-  
19 eral and the education committees of both the house of representatives  
20 and the senate signed by the president of the institution of higher ed-  
21 ucation certifying that the institution is in compliance with this sec-  
22 tion.

23 (b) In the year following the passage of this act, this report shall in-  
24 clude a list of:

- 25 (i) All offices, programs, and initiatives that have existed  
26 within the institution;
- 27 (ii) Officers, employees, and contractors that have been employed  
28 by or contracted with the institution; and
- 29 (iii) Trainings, activities, or courses of instruction required  
30 by the institution within the preceding five (5) years that would  
31 have constituted a violation of this section if this section were  
32 in effect at such time, along with the actions taken by the insti-  
33 tution to ensure compliance with the provisions of this section.

34 (5) The provisions of this section shall be enforced by the attorney  
35 general as follows:

36 (a) Any person may notify the attorney general of a violation or poten-  
37 tial violation of this section by an institution of higher education;

38 (b) The attorney general may file suit for a writ of mandamus compelling  
39 the institution of higher education to comply with this section; and

40 (c) The attorney general may seek civil penalties for any violations of  
41 this act up to two percent (2%) of the amount of the institution's op-  
42 erating expenses budgeted for the state fiscal year preceding that in  
43 which the violation occurred.

44 (6) Any student enrolled in a degree program at an institution of higher  
45 education, any staff member of an institution of higher education, or any  
46 alumnus of an institution of higher education shall have a private cause of  
47 action against such an institution of higher education that violates the  
48 provisions of this section to seek injunctive relief. Notwithstanding any  
49 other law to the contrary, a civil action brought under this section may be  
50 brought in the county in which all or a substantial part of the actions or

1 omissions giving rise to the claim occurred, the county of residence in this  
2 state at the time the cause of action occurred for any one of the claimants,  
3 the county of the principal office in this state of any one of the defendants  
4 that is not a natural person, or the county of residence for the claimant.

5 (7) The provisions of this section shall not be construed to:

6 (a) Limit research by students, faculty, or other research personnel  
7 of an institution of higher education, or the dissemination of such re-  
8 search;

9 (b) Limit creative works by students, faculty, or other personnel of an  
10 institution of higher education, or the dissemination of such creative  
11 works;

12 (c) Limit activities of student organizations registered with an in-  
13 stitution of higher education as long as the organization and activity  
14 do not use state funds;

15 (d) Limit the appearance of guest speakers and performers who do not  
16 receive any form of compensation in exchange for their presentations,  
17 performances, or appearances as long as attendance is voluntary;

18 (e) Prohibit an institution of higher education from establishing bona  
19 fide qualifications based on sex that are reasonably necessary to the  
20 normal operation of an institution of higher education;

21 (f) Limit the academic freedom of any individual faculty member of an  
22 institution of higher education to direct the instruction within such  
23 faculty member's own course not otherwise subject to this section;

24 (g) Prohibit any program or training that is generated by licensed at-  
25 torneys and required for the institution of higher education to comply  
26 with its obligation under title IX of the education amendments of 1972,  
27 as amended; the federal Americans with disabilities act, as amended;  
28 the federal age discrimination in employment act, as amended; title VI  
29 of the federal civil rights act of 1964; any applicable court order; or  
30 other applicable state and federal law, provided that the institution  
31 of higher education makes any materials associated with such program or  
32 training publicly available on it's website;

33 (h) Prohibit an institution of higher education from regulating student  
34 speech or activity that is prohibited by law or from investigating or  
35 soliciting information about potentially illegal speech or speech as-  
36 sociated with potentially illegal activity or incidents in which speech  
37 rights were potentially curtailed. Except as further limited by this  
38 Act, institutions shall be allowed to restrict student expression not  
39 otherwise protected by section 9, article 1 of the constitution of the  
40 state of Idaho; or

41 (i) Prohibit an institution of higher education from supporting citi-  
42 zens of federally recognized American Indian tribes by:

43 (i) Establishing and maintaining designated centers for American  
44 Indian students;

45 (ii) Supporting American Indian cultural events; or

46 (iii) Offering or facilitating scholarships for American Indian  
47 students.

48 SECTION 3. SEVERABILITY. The provisions of this act are hereby declared  
49 to be severable and if any provision of this act or the application of such

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1 provision to any person or circumstance is declared invalid for any reason,  
2 such declaration shall not affect the validity of the remaining portions of  
3 this act.

4 SECTION 4. An emergency existing therefor, which emergency is hereby  
5 declared to exist, this act shall be in full force and effect on and after  
6 July 1, 2025.