

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 41, As Amended in the Senate

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO EDUCATION; AMENDING CHAPTER 1, TITLE 33, IDAHO CODE, BY THE AD-
2 DITION OF A NEW SECTION 33-143, IDAHO CODE, TO PROVIDE FOR THE PURPOSE
3 OF THE SECTION, TO PROHIBIT THE DISPLAY OF CERTAIN FLAGS AND BANNERS ON
4 SCHOOL PROPERTY, TO PROVIDE EXCEPTIONS, TO PROVIDE FOR ENFORCEMENT, AND
5 TO DEFINE TERMS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE
6 DATE.
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8 Be It Enacted by the Legislature of the State of Idaho:

9 SECTION 1. That Chapter 1, Title 33, 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 33-143, Idaho Code, and to read as follows:

12 33-143. DISPLAY OF FLAGS AND BANNERS ON PUBLIC SCHOOL PROPERTY. (1)
13 The purpose of this section is to ensure that flags and banners displayed on
14 public school property do not promote political, religious, or ideological
15 viewpoints in order to maintain a neutral and inclusive environment for all
16 students.

17 (2) No flags or banners that represent political, religious, or ideo-
18 logical views, including but not limited to political parties, race, gen-
19 der, sexual orientation, or political ideologies, may be displayed on public
20 school property such as classrooms, hallways, entryways, or sports fields.

- 21 (3) The provisions of subsection (2) of this section shall not apply to:
22 (a) Official flags or banners representing the United States;
23 (b) Official flags of any state in the United States;
24 (c) Official flags of the United States military;
25 (d) Official flags of Idaho Indian tribes;
26 (e) Official flags of recognized foreign nations with which the United
27 States is not engaged in hostile action;
28 (f) Achievement flags or banners recognized by the Idaho state depart-
29 ment of education;
30 (g) Flags or banners representing official school mascots and colors;
31 (h) Electronic displays within the school;
32 (i) Personal items such as pins or shirts worn by students; and
33 (j) Displays in the school parking lot.

34 (4) The Idaho state department of education shall oversee the enforce-
35 ment of this section. Schools found in violation of this section shall be re-
36 quired to remove unauthorized flags or banners.

- 37 (5) As used in this section:
38 (a) "Banner" means a long, rectangular, or square piece of fabric, pa-
39 per, or other material, often displayed in a vertical or horizontal man-
40 ner, used to convey a message, symbol, emblem, or representation of an
41 institution or a political, religious, or ideological expression, or
42 used to announce or celebrate an event or achievement.

1 (b) "Display" means to keep a flag or banner visible on school property
2 beyond a brief curriculum-based educational purpose.

3 (c) "Flag" means a piece of fabric or similar material, typically rect-
4 angular or square, attached to a pole or staff and used as a symbol, em-
5 blem, or representation of a country, state, tribe, institution, or any
6 political, religious, or ideological expression.

7 SECTION 2. An emergency existing therefor, which emergency is hereby
8 declared to exist, this act shall be in full force and effect on and after
9 July 1, 2025.