



Idaho Statutes

Idaho Statutes are updated to the web July 1 following the legislative session.

TITLE 33
EDUCATION
CHAPTER 1

STATE BOARD OF EDUCATION

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)(a) of this section, 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.

History:

[33-138, added 2021, ch. 293, sec. 1, p. 885.]

How current is this law?

Search the Idaho Statutes and Constitution