



June 26, 2025

Dear District and Charter School Administrators,

The Idaho Department of Education is committed to providing guidance to local education agencies (LEAs) to successfully comply with the new section of Idaho Code created in [House Bill 41 \(2025\)](#) relating to the display of flags and banners on public school property. Section 33-143, Idaho Code, will become effective on July 1. The law assigns enforcement authority to the Department of Education. The following questions and answers are based on counsel received from the Office of the Idaho Attorney General. They are meant to serve as department guidance to LEAs to help ensure compliance.

1. What should be considered when determining whether a flag or banner violates the new law?

Idaho Code section 33-143 prohibits the display of banners or flags which represent “political, religious, or ideological views, including but not limited to political parties, race, gender, sexual orientation, or political ideologies . . .” The statutory definition of “banner” provides that it represents “a political, religious, or ideological expression.”

Because these terms are not defined in the statute, the plain meaning or dictionary definition of each must be applied. Per legal counsel, some relevant definitions are:

- View: “an opinion or judgment colored by the feeling or bias of its holder” and “a mode or manner of looking at or regarding something”. *View*, Merriam-Webster Dictionary, <https://www.merriam-webster.com/dictionary/view>.
- Expression: “[w]ritings, speech, or actions that show a person’s ideas, thoughts, emotions, or opinions.” *Expression*, Black’s Law Dictionary (12th ed. 2024).
- Ideology: “A set of beliefs, usu[ally] relating to politics, economics, or society, that form the basis of policy or action; esp[ecially], a mindset or outlook that governs behavior.” *Ideology*, Black’s Law Dictionary (12th ed. 2024).

Debbie Critchfield, Superintendent of Public Instruction

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Based on these definitions, when evaluating potential enforcement action, the Department will consider whether the displayed flag or banner illustrates or shows someone's opinion, emotions, beliefs, or thoughts regarding politics, economics, society, faith, or religion.

2. Does the new law prohibit the display of “posters”?

The term “banner” is defined in the statute as “a long, rectangular, or square piece of fabric, paper, or other material, often displayed in a vertical or horizontal manner, used to convey a message, symbol, emblem, or representation of an institution or a political, religious, or ideological expression, or used to announce or celebrate an event or achievement.”

A “[poster](#)” is commonly defined as “a usually large printed sheet that often contains pictures and is posted in a public place (as to promote something).” This definition falls within the broad statutory definition of a “banner.” Therefore, a poster should be treated as a banner for purposes of section 33-143.

3. Can children’s artwork being displayed in a school be considered a banner?

Yes, if it meets the statutory definitional criteria of a “banner.” However, the statute does provide for an exception which may apply if the artwork is displayed for a “brief curriculum-based educational purpose.”

4. How should LEAs determine which countries are “recognized foreign nations with which the United States is not engaged in hostile action”?

A list of foreign nations recognized by the United States can be found on the U.S. Department of State’s [website](#). At present, the [Code of Federal Regulations](#) identifies the following as foreign adversaries: the People’s Republic of China, Republic of Cuba, Islamic Republic of Iran, Democratic People’s Republic of North Korea, Russian Federation, and the Maduro Regime in Venezuela. Cuba, North Korea, Iran, and Syria are also identified by the federal government as [state sponsors of terrorism](#) and, therefore, hostile nations.

These lists are subject to change and the above-referenced resources should be checked when determining whether a violation of section 33-143 has occurred.

5. How will the flags and banners law be enforced?

By statute, the Department has been tasked with enforcement of this law. To that end, we have created the attached complaint form. Concerned students, parents, or community members must complete the form prior to the Department undertaking an investigation. We will encourage all complainants to utilize the LEA's grievance process prior to submitting a complaint. If, upon investigation, the Department finds an LEA is in violation of the law, we will work with the LEA's governing board to remedy the situation.

Final thoughts:

The stated purpose of this law is "to ensure that flags and banners displayed on public school property do not promote political, religious, or ideological viewpoints in order to maintain a neutral and inclusive environment for all students." If a concern is raised, LEAs should consider whether the displayed flag or banner illustrates or shows someone's opinion, emotions, beliefs, or thoughts regarding politics, economics, society, faith, or religion. LEAs should also consider whether the display serves "a brief curriculum-based educational purpose." In its statutory role to enforce section 33-143, the Department will work with LEAs to ensure understanding of and compliance with the law.



Kristine Moriarty
Policy Director

Attachment: Idaho Department of Education, Display of Flags and Banners on Public School Property Complaint Form