

FEB 17 2000
EDUCATION

HOUSE FILE
BY FALLON

2344

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act prohibiting the denial of equal access to education on any
2 basis that is contained in the statutory hate crimes provision
3 prohibiting the violation of an individual's rights.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2344

1 Section 1. FINDINGS AND PURPOSE.

2 1. The general assembly finds and declares that students
3 in this state have a right to attend campuses that are safe,
4 secure, and peaceful. It is incumbent on the citizens and
5 officials of this state to ensure that all students attending
6 schools and colleges in this state are protected from violent
7 or potentially violent discrimination. Educators witnessing
8 the effects of violence on students know that students cannot
9 focus on learning if they are concerned for their safety. One
10 consequence of the fear, or actual occurrence, of violent
11 discrimination is teen suicide, the incidence of which must be
12 reduced.

13 2. To combat violent and potentially violent
14 discrimination and the resultant ill effects on students in
15 this state, immediate action must be taken to ensure that all
16 students are provided equal protection from discrimination
17 under Iowa law. The purpose of this Act is to provide such
18 protection to individual students in this state as well as to
19 the institutions of learning in this state.

20 Sec. 2. Section 216.9, unnumbered paragraph 1, Code 1999,
21 is amended to read as follows:

22 It is an unfair or discriminatory practice for any
23 educational institution to discriminate on the basis of race,
24 creed, color, sex, national origin, religion, or disability in
25 any program or activity; or on any basis listed in section
26 729A.1 as a violation of an individual's rights. Such
27 discriminatory practices shall include but not be limited to
28 the following practices:

29 Sec. 3. Section 216.9, unnumbered paragraph 2, Code 1999,
30 is amended to read as follows:

31 For the purpose of this section, "educational institution"
32 includes any preschool, elementary, secondary, or community
33 college, area education agency, or postsecondary college or
34 university and their governing boards. This section does not
35 prohibit an educational institution from maintaining separate

1 toilet facilities, locker rooms, or living facilities for the
2 different sexes so long as comparable facilities are provided.
3 Nothing in this section shall be construed as prohibiting any
4 bona fide religious institution from imposing qualifications
5 based on religion when such qualifications are related to a
6 bona fide religious purpose or any institution from admitting
7 students of only one sex. This section shall not be construed
8 to require the inclusion of any curriculum, textbook,
9 presentation, or other material in any program or activity
10 conducted by an educational institution.

11 Sec. 4. Section 261.9, subsection 1, paragraph e, Code
12 1999, is amended to read as follows:

13 e. Which adheres to the provisions of chapter 216 and
14 which promotes equal opportunity and affirmative action
15 efforts in the recruitment, appointment, assignment, and
16 advancement of personnel at the institution. In carrying out
17 this responsibility the institution shall do all of the
18 following:

19 Sec. 5. Section 261A.4, subsection 12, paragraph d, Code
20 1999, is amended to read as follows:

21 d. Does not discriminate in the admission of students on
22 the basis of age, race, creed, color, sex, national origin,
23 religion, or disability; or on any basis listed in section
24 729A.1 as a violation of an individual's rights.

25 EXPLANATION

26 This bill prohibits an educational institution from denying
27 equal access to education to any individual on any basis that
28 is contained in the statutory hate crimes provision in Code
29 chapter 729A, which prohibits the violation of an individual's
30 rights. The bill includes a statement of findings that Iowa's
31 students have a right to attend campuses that are safe,
32 secure, and peaceful and declares the purpose of the bill is
33 to ensure students equal protection from discrimination under
34 Iowa law.

35 Code section 216.9, within the Code chapter governing the

1 civil rights commission, currently establishes that it is an
2 unfair or discriminatory practice for any educational
3 institution to discriminate on the basis of race, creed,
4 color, sex, national origin, religion, or disability in any
5 program or activity. To this list of discriminatory
6 practices, the bill adds any basis listed in Code section
7 729A.1, which is the hate crimes provision in the Code that
8 states that persons within the state have the right to be free
9 from any violence or intimidation by threat or violence,
10 committed against their persons or property because of their
11 race, color, religion, ancestry, national origin, political
12 affiliation, sex, sexual orientation, age, or disability. The
13 bill, however, exempts from the provision educational
14 institutions controlled by a religious organization when
15 application of the provision would be inconsistent with the
16 religious tenets of that organization. The bill specifies in
17 an amendment to Code section 216.9 that the bill does not
18 require the inclusion of any curriculum, textbook,
19 presentation, or other material in any program or activity
20 conducted by an educational institution.

21 Institutions that do not adhere to the provision are
22 subject to the procedures and remedies provided for and
23 available to the civil rights commission by law and
24 administrative rule.

25 The bill also amends Code section 261.9 to provide that a
26 private postsecondary educational institution that does not
27 adhere to the provisions in the civil rights chapter of the
28 Code does not meet the definition of "accredited private
29 institution", which is necessary in order to qualify its
30 students for state tuition grants. A similar change is made
31 to the definition of "institution", under the Iowa higher
32 education loan authority Act in Code section 261A.4.

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