

APR 6 2005
EDUCATION

HOUSE FILE 842
BY FOEGE

(COMPANION TO SF 150 BY McCOY)

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

A BILL FOR

1 An Act expanding prohibitions of unfair or discriminatory
2 practices at educational institutions.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 842

1 Section 1. Section 19B.11, subsection 1, Code 2005, is
2 amended to read as follows:

3 1. It is the policy of this state to provide equal
4 opportunity in school district, area education agency, and
5 community college employment to all persons. An individual
6 shall not be denied equal access to school district, area
7 education agency, or community college employment
8 opportunities because of race, creed, color, religion,
9 national origin, sex, real or perceived sexual orientation,
10 marital status, age, or physical or mental disability. It
11 also is the policy of this state to apply affirmative action
12 measures to correct deficiencies in school district, area
13 education agency, and community college employment systems
14 where those remedies are appropriate. This policy shall be
15 construed broadly to effectuate its purposes.

16 Sec. 2. Section 216.9, unnumbered paragraph 1, Code 2005,
17 is amended to read as follows:

18 It is an unfair or discriminatory practice for any
19 educational institution to discriminate on the basis of race,
20 creed, color, sex, real or perceived sexual orientation,
21 marital status, national origin, religion, or disability in
22 any program or activity. Such discriminatory practices shall
23 include but not be limited to the following practices:

24 Sec. 3. Section 216.9, unnumbered paragraph 2, Code 2005,
25 is amended to read as follows:

26 For the purpose of this section "educational institution"
27 includes any preschool, elementary, secondary, or community
28 college, area education agency, or postsecondary college or
29 university and their governing boards. This section does not
30 prohibit an educational institution from maintaining separate
31 toilet facilities, locker rooms or living facilities for the
32 different sexes so long as comparable facilities are provided.
33 Nothing in this section shall be construed as prohibiting any
34 bona fide religious institution from imposing qualifications
35 based on religion or sexual orientation when such

1 qualifications are related to a bona fide religious purpose or
2 any institution from admitting students of only one sex.

3 Sec. 4. Section 256.11, unnumbered paragraph 1, Code 2005,
4 is amended to read as follows:

5 The state board shall adopt rules under chapter 17A and a
6 procedure for accrediting all public and nonpublic schools in
7 Iowa offering instruction at any or all levels from the
8 prekindergarten level through grade twelve. The rules of the
9 state board shall prohibit, in any and all public school
10 educational programs, discrimination on the basis of race,
11 color, creed, sex, real or perceived sexual orientation,
12 marital status, national origin, religion, or disability. The
13 rules of the state board shall require that a multicultural,
14 gender fair approach is used by schools and school districts.
15 The educational program shall be taught from a multicultural,
16 gender fair approach. Global perspectives shall be
17 incorporated into all levels of the educational program.

18 Sec. 5. Section 280.3, unnumbered paragraph 1, Code 2005,
19 is amended to read as follows:

20 The board of directors of each public school district and
21 the authorities in charge of each nonpublic school shall
22 prescribe the minimum educational program and an attendance
23 policy which shall require each child to attend school for at
24 least one hundred forty-eight days, to be met by attendance
25 for at least thirty-seven days each school quarter, for the
26 schools under their jurisdictions. The minimum educational
27 program shall be the curriculum set forth in section 256.11,
28 except as otherwise provided by law. The board of directors
29 of a public school district shall not allow discrimination in
30 any educational program on the basis of race, color, creed,
31 sex, real or perceived sexual orientation, marital status,
32 religion, disability, or place of national origin.

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EXPLANATION

34 This bill expands the current prohibitions on unfair and
35 discriminatory practices in educational programs.

1 The bill expands the protection of Code chapter 19B,
2 governing equal opportunity and affirmative action, to provide
3 that an individual shall not be denied equal access to school
4 district, area education agency, or community college
5 employment opportunities because of real or perceived sexual
6 orientation or marital status.

7 The bill amends the Iowa civil rights Act of 1965 to expand
8 the list of unfair or discriminatory practices to provide that
9 it is an unfair or discriminatory practice for any educational
10 institution to discriminate in any program or activity on the
11 basis of real or perceived sexual orientation or marital
12 status, but maintains that a religious institution is not
13 prohibited from imposing qualifications based on sexual
14 orientation when such qualifications are related to a bona
15 fide religious purpose. The Code defines "educational
16 institution" to mean preschool, elementary, secondary, or
17 community college, area education agency, or postsecondary
18 college or university and their governing boards.

19 The bill also requires the state board of education to
20 adopt rules prohibiting public school education programs from
21 discriminating on the basis of race, color, creed, sex, real
22 or perceived sexual orientation, marital status, national
23 origin, religion, or disability, and prohibits the board of
24 directors of a school district from allowing discrimination in
25 any educational program on the basis of real or perceived
26 sexual orientation, religion, or disability.

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