

House File 802 - Introduced

HOUSE FILE 802
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 258)

A BILL FOR

1 An Act providing for requirements related to racism or sexism
2 trainings at, and diversity and inclusion efforts by, school
3 districts and public postsecondary educational institutions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 261H.7 Race and sex stereotyping —
2 training by institution prohibited.

3 1. For purposes of this section, unless the context
4 otherwise requires:

5 a. "*Divisive concepts*" includes all of the following:

6 (1) That one race or sex is inherently superior to another
7 race or sex.

8 (2) That the United States of America and the state of Iowa
9 are fundamentally or systemically racist or sexist.

10 (3) That an individual, by virtue of the individual's race
11 or sex, is inherently racist, sexist, or oppressive, whether
12 consciously or unconsciously.

13 (4) That an individual should be discriminated against
14 or receive adverse treatment solely or partly because of the
15 individual's race or sex.

16 (5) That members of one race or sex cannot and should not
17 attempt to treat others without respect to race or sex.

18 (6) That an individual's moral character is necessarily
19 determined by the individual's race or sex.

20 (7) That an individual, by virtue of the individual's race
21 or sex, bears responsibility for actions committed in the past
22 by other members of the same race or sex.

23 (8) That any individual should feel discomfort, guilt,
24 anguish, or any other form of psychological distress on account
25 of that individual's race or sex.

26 (9) That meritocracy or traits such as a hard work ethic
27 are racist or sexist, or were created by a particular race to
28 oppress another race.

29 (10) Any other form of race or sex scapegoating or any other
30 form of race or sex stereotyping.

31 b. "*Race or sex scapegoating*" means assigning fault, blame,
32 or bias to a race or sex, or to members of a race or sex
33 because of their race or sex, or claiming that, consciously or
34 unconsciously, and by virtue of persons' race or sex, members
35 of any race are inherently racist or are inherently inclined to

1 oppress others, or that members of a sex are inherently sexist
2 or inclined to oppress others.

3 *c.* "*Race or sex stereotyping*" means ascribing character
4 traits, values, moral and ethical codes, privileges, status,
5 or beliefs to a race or sex, or to an individual because of the
6 individual's race or sex.

7 2. Each public institution of higher education may continue
8 training that fosters a workplace and learning environment that
9 is respectful of all employees and students. However, the
10 president, vice presidents, deans, and department directors of
11 a public institution of higher education shall ensure that any
12 mandatory staff or student training provided by an employee of
13 the institution or by a contractor hired by the institution
14 does not teach, advocate, act upon, or promote divisive
15 concepts. This subsection shall not be construed as preventing
16 an employee or contractor who provides mandatory training from
17 responding to questions regarding divisive concepts raised by
18 participants in the training.

19 3. Institution diversity and inclusion efforts shall
20 discourage employees and students of the institution from
21 discriminating against another by color, race, ethnicity, sex,
22 political ideology, or any other characteristic protected under
23 the federal Civil Rights Act of 1964, Pub. L. No. 88-352, as
24 amended, and applicable state law.

25 4. This section shall not be construed to do any of the
26 following:

27 *a.* Inhibit or violate the first amendment rights of students
28 or faculty, or undermine a public institution of higher
29 education's duty to protect to the fullest degree intellectual
30 freedom and free expression. The intellectual vitality of
31 students and faculty shall not be infringed under this section.

32 *b.* Prevent a public institution of higher education
33 from promoting racial, cultural, ethnic, intellectual, or
34 academic diversity or inclusiveness, provided such efforts are
35 consistent with the provisions of this section.

1 c. Prohibit discussing divisive concepts as part of a larger
2 course of academic instruction.

3 d. Create any right or benefit, substantive or procedural,
4 enforceable at law or in equity by any party against the state
5 of Iowa, its departments, agencies, or entities, its officers,
6 employees, or agents, or any other person.

7 Sec. 2. NEW SECTION. 279.74 **Race and sex stereotyping —**
8 **training and curriculum prohibited.**

9 1. For purposes of this section, unless the context
10 otherwise requires:

11 a. "*Divisive concepts*" means the same as defined in section
12 261H.7.

13 b. "*Race or sex scapegoating*" means the same as defined in
14 section 261H.7.

15 c. "*Race or sex stereotyping*" means the same as defined in
16 section 261H.7.

17 2. Each school district may continue training that fosters
18 a workplace and learning environment that is respectful of
19 all employees and students. However, the superintendent of
20 each school district shall ensure that any curriculum or
21 mandatory staff or student training provided by an employee
22 of the school district or by a contractor hired by the school
23 district does not teach, advocate, act upon, or promote
24 divisive concepts. This subsection shall not be construed as
25 preventing an employee or contractor who teaches any curriculum
26 or who provides mandatory training from responding to questions
27 regarding divisive concepts raised by participants in the
28 training.

29 3. School district diversity and inclusion efforts shall
30 discourage employees and students of the school district from
31 discriminating against another by color, race, ethnicity, sex,
32 political ideology, or any other characteristic protected under
33 the federal Civil Rights Act of 1964, Pub. L. No. 88-352, as
34 amended, and applicable state law.

35 4. This section shall not be construed to do any of the

1 or the United States is fundamentally or systemically racist
2 or sexist; that an individual, by virtue of the individual's
3 race or sex, is inherently racist, sexist, or oppressive;
4 that an individual should be discriminated against or receive
5 adverse treatment solely or partly because of his or her race
6 or sex; that members of one race or sex cannot and should not
7 attempt to treat others without respect to race or sex; that an
8 individual's moral character is necessarily determined by his
9 or her race or sex; that an individual bears responsibility for
10 actions committed in the past by other members of the same race
11 or sex; that any individual should feel psychological distress
12 on account of that individual's race or sex; that meritocracy
13 or traits such as a hard work ethic are racist or sexist, or
14 were created by a particular race to oppress another race; and
15 any other form of race or sex scapegoating or any other form of
16 race or sex stereotyping.

17 In addition, a school district must ensure that curriculum
18 provided does not teach, advocate, act upon, or promote
19 divisive concepts.

20 The bill defines "race or sex scapegoating" as assigning
21 fault, blame, or bias to a race or sex; or to members of a
22 race or sex because of their race or sex; or claiming that,
23 consciously or unconsciously, and by virtue of persons' race
24 or sex, members of any race are inherently racist or are
25 inherently inclined to oppress others, or that members of a
26 sex are inherently sexist or inclined to oppress others; and
27 defines "race or sex stereotyping" as ascribing character
28 traits, values, moral and ethical codes, privileges, status,
29 or beliefs to a race or sex, or to an individual because of the
30 individual's race or sex.

31 Institution diversity and inclusion efforts must discourage
32 employees and students of the school district or institution
33 from discriminating against another by color, race, ethnicity,
34 sex, political ideology, or any other characteristic protected
35 under the federal Civil Rights Act of 1964 or applicable state

1 law.

2 Nothing in the bill shall be construed to inhibit or violate
3 the first amendment rights of students or faculty or undermine
4 the institution's or school district's duty to protect
5 intellectual freedom and free expression; prevent a school
6 district or public postsecondary institution from promoting
7 racial, cultural, ethnic, intellectual, or academic diversity
8 or inclusiveness; to prohibit discussing divisive concepts as
9 part of a larger course of academic instruction; or to create
10 any right or benefit, substantive or procedural, enforceable
11 at law or in equity by any party against the state of Iowa, its
12 departments, agencies, or entities, its officers, employees,
13 or agents, or any other person.

14 The bill may include a state mandate as defined in Code
15 section 25B.3. The bill makes inapplicable Code section 25B.2,
16 subsection 3, which would relieve a political subdivision from
17 complying with a state mandate if funding for the cost of
18 the state mandate is not provided or specified. Therefore,
19 political subdivisions are required to comply with any state
20 mandate included in the bill.