

Senate Study Bill 3146 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON EDUCATION BILL BY
CHAIRPERSON SINCLAIR)

A BILL FOR

1 An Act relating to student eligibility requirements in school
2 district, accredited nonpublic school, charter school,
3 community college, and regent institution athletics based on
4 sex.

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

1 Section 1. NEW SECTION. 261I.1 Definitions.

2 For the purposes of this chapter:

3 1. "*Educational institution*" means any of the following:

4 a. A nonpublic school accredited pursuant to section 256.11.

5 b. A public school district.

6 c. An institution governed by the state board of regents
7 pursuant to chapter 262.

8 d. A community college as defined in section 260C.2.

9 e. A charter school as defined in section 256E.2 or section
10 256F.2.

11 2. "*Organization*" means the same as defined in section
12 280.13.

13 3. "*Sex*" means a person's biological sex as either female or
14 male. The sex listed on a student's official birth certificate
15 or certificate issued upon adoption may be relied upon if the
16 certificate was issued at or near the time of the student's
17 birth.

18 Sec. 2. NEW SECTION. 261I.2 Extracurricular athletics —
19 eligibility — cause of action.

20 1. a. An interscholastic athletic team, sport, or athletic
21 event that is sponsored or sanctioned by an educational
22 institution or organization must be designated as one of the
23 following, based on the sex at birth of the participating
24 students:

25 (1) Females, women, or girls.

26 (2) Males, men, or boys.

27 (3) Coeducational or mixed.

28 b. Only female students, based on their sex, may participate
29 in any team, sport, or athletic event designated as being for
30 females, women, or girls.

31 c. Protections pursuant to chapter 669 or chapter 670
32 shall not apply to an educational institution or an employee
33 of an educational institution that does not comply with the
34 requirements of this section.

35 2. a. If a student suffers direct or indirect harm as

1 a result of a violation of subsection 1, that student has a
2 private cause of action for injunctive, mandamus, damages, and
3 declaratory relief against the entity that violated subsection
4 1.

5 *b.* If a student is subjected to retaliation or other adverse
6 action by an educational institution or organization as a
7 result of reporting a violation of subsection 1 to an employee
8 or representative of the educational institution, organization,
9 or to a state or federal governmental entity having oversight
10 authority, that student has a private cause of action for
11 injunctive, mandamus, damages, and declaratory relief, against
12 the educational institution or organization. In addition,
13 a governmental entity shall not investigate a complaint or
14 take any adverse action against an educational institution or
15 organization, or any employee of a board of directors, the
16 authorities in charge of an accredited nonpublic school, the
17 authorities in charge of a community college, or the board of
18 regents for compliance with subsection 1.

19 3. If an educational institution or organization suffers
20 any direct or indirect harm as a result of a violation of
21 subsection 1, that educational institution or organization has
22 a private cause of action for injunctive, mandamus, damages,
23 and declaratory relief against the entity that violated
24 subsection 1.

25 4. *a.* A governmental entity, educational institution, or
26 organization shall not be liable to any student for complying
27 with subsection 1.

28 *b.* A civil action under subsection 2 or 3 must be initiated
29 within two years from the date the alleged harm occurred.

30 *c.* Any party prevailing on a claim brought under subsection
31 2 or 3 is entitled to reasonable attorney fees and costs.

32 5. *a.* For any lawsuit brought or any complaint filed
33 against an educational institution or organization, or an
34 employee, a member of the board of directors of a school
35 district, a member of the authorities in charge of a nonpublic

1 school, a member of the board of directors of a merged area,
2 or a member of the board of regents as a result of compliance
3 with subsection 1, the attorney general shall provide legal
4 representation at no cost to that entity or individual.

5 *b.* In addition to the expenses of representation, the
6 state shall assume financial responsibility for any other
7 expense related to the lawsuit or complaint and incurred by
8 an educational institution or organization, or an employee, a
9 member of the board of directors of a school district, a member
10 of the authorities in charge of a nonpublic school, a member
11 of the board of directors of a merged area, or a member of the
12 board of regents including any award for attorney fees and
13 costs for which that entity or individual would be otherwise
14 responsible.

15 EXPLANATION

16 The inclusion of this explanation does not constitute agreement with
17 the explanation's substance by the members of the general assembly.

18 This bill relates to student eligibility requirements in
19 school district, accredited nonpublic school, charter school,
20 community college, and regent institution athletics.

21 The bill defines "educational institution" as a nonpublic
22 school accredited by the state board of education; public
23 school district; an institution governed by the state board of
24 regents; a community college; or a charter school.

25 The bill defines "organization" as a corporation,
26 association, or organization which has as one of its primary
27 purposes the sponsoring or administration of extracurricular
28 interscholastic athletic contests or competitions, but does not
29 include an agency of this state, a public or private school or
30 school board, or an athletic conference or other association
31 whose interscholastic contests or competitions do not include
32 more than 24 schools.

33 The bill defines "sex" as a person's biological sex as either
34 female or male. The bill provides that the sex listed on a
35 student's official birth certificate or certificate issued upon

1 adoption may be relied upon if the certificate was issued at or
2 near the time of the student's birth.

3 The bill requires an interscholastic athletic team, sport,
4 or athletic event that is sponsored or sanctioned by an
5 educational institution or organization must be designated as
6 females, women, or girls; males, men, or boys; or coeducational
7 or mixed based on the sex at birth of the participating
8 students. The bill also requires that only female students,
9 based on their sex, may participate in any team, sport, or
10 athletic event designated as being for females, women, or
11 girls.

12 The bill provides that the protections of Code chapter 670
13 (tort liability of governmental subdivisions) or chapter 669
14 (state tort claims) do not apply to an educational institution
15 or an employee of an educational institution that does not
16 comply with the requirements of the bill.

17 The bill allows a student who suffers direct or indirect harm
18 as a result of a violation of the bill's requirements to have
19 a private cause of action for injunctive, mandamus, damages,
20 and declaratory relief against the educational institution or
21 organization.

22 The bill also provides that a student who was subjected
23 to retaliation or other adverse action by an educational
24 institution or organization, as a result of reporting a
25 violation of the bill's requirements to an employee or
26 representative of the educational institution, organization,
27 or to a state or federal governmental entity having oversight
28 authority, has a private cause of action for injunctive,
29 mandamus, damages, and declaratory relief against the
30 educational institution or organization.

31 The bill prohibits any governmental entity from
32 investigating a complaint or taking any adverse action against
33 an educational institution or organization, or any employee
34 of a board of directors, the authorities in charge of an
35 accredited nonpublic school, the board of directors of a merged

1 area, or the board of regents for compliance with the bill's
2 requirements.

3 The bill allows an educational institution or organization
4 that suffers any direct or indirect harm as a result of
5 a violation of the bill's requirements to have a private
6 cause of action for injunctive, mandamus, damages, and
7 declaratory relief against the entity that violated the bill's
8 requirements.

9 The bill provides that a governmental entity, educational
10 institution, or organization is immune from liability to any
11 student for its compliance with the bill's requirements.

12 The bill requires a civil action based on a violation of the
13 bill's requirements or retaliation for reporting a violation of
14 the bill's requirements to be initiated within two years from
15 the date the alleged harm occurred.

16 The bill entitles any party prevailing on a claim brought
17 based on a violation of the bill's requirements or retaliation
18 for reporting a violation of the bill's requirements to
19 reasonable attorney fees and costs.

20 The bill requires the attorney general to provide legal
21 representation at no cost to an educational institution or
22 organization, or an employee, board of directors member, a
23 member of the authorities in charge of a nonpublic school,
24 a member of the board of directors of a merged area, or a
25 member of the board of regents for any lawsuit brought or any
26 complaint filed against that entity as a result of compliance
27 with the bill's requirements. The bill also requires that, in
28 addition to the expenses of representation, the state assume
29 financial responsibility for any other expense related to the
30 lawsuit or complaint and incurred by an educational institution
31 or organization, or an employee, board of directors member,
32 a member of the authorities in charge of a nonpublic school,
33 a member of the board of directors of a merged area, or a
34 member of the board of regents including any award for attorney
35 fees and costs for which that entity or individual would be

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1 otherwise responsible.