

**Senate File 2049 - Introduced**

SENATE FILE 2049

BY SALMON

**A BILL FOR**

1 An Act relating to trainings, examinations, surveys, and  
2 screenings provided by governmental agencies and entities,  
3 school districts, charter schools, innovation zone schools,  
4 and public postsecondary educational institutions, including  
5 racism or sexism trainings, diversity and inclusion efforts,  
6 physical examinations, student health screenings, and  
7 surveys administered to students or related to students, and  
8 including civil penalties.

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

1 Section 1. Section 25A.1, subsection 1, paragraphs d and e,  
2 Code 2024, are amended by striking the paragraphs.

3 Sec. 2. Section 25A.1, subsection 2, Code 2024, is amended  
4 to read as follows:

5 2. Each agency, governmental entity, or governmental  
6 subdivision may continue training that fosters a workplace  
7 and learning environment that is respectful of all employees.  
8 However, the head of an agency, governmental entity, or  
9 governmental subdivision shall ensure that any mandatory staff  
10 training and associated materials provided by an employee of an  
11 agency, governmental entity, or governmental subdivision, or  
12 by a contractor hired by the agency, governmental entity, or  
13 governmental subdivision does not teach, advocate, encourage,  
14 promote, or act upon ~~stereotyping, scapegoating,~~ specific  
15 defined concepts or prejudice toward others on the basis of  
16 demographic group membership or identity. **This subsection**  
17 shall not be construed as preventing an employee or contractor  
18 who provides mandatory training from responding to questions  
19 regarding ~~stereotyping, scapegoating,~~ specific defined concepts  
20 or prejudice raised by participants in the training.

21 Sec. 3. Section 25A.1, Code 2024, is amended by adding the  
22 following new subsection:

23 NEW SUBSECTION. 2A. a. An employee of an agency,  
24 governmental entity, or governmental subdivision alleging a  
25 violation of subsection 2 by an employee or contractor of the  
26 agency, governmental entity, or governmental subdivision may  
27 bring a civil action for injunctive relief against the agency,  
28 governmental entity, or governmental subdivision to prohibit  
29 the employee or contractor from continuing such violation.  
30 b. If an employee is the prevailing party in a civil action  
31 instituted pursuant to paragraph "a", the court shall award  
32 reasonable court costs and attorney fees to the employee.

33 Sec. 4. Section 25A.1, subsection 4, paragraph b, Code 2024,  
34 is amended to read as follows:

35 b. Create Except as provided in subsection 2A, create any

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

5 Sec. 5. Section 256.146, subsection 13, paragraph b, Code  
6 2024, is amended by adding the following new subparagraphs:

7 NEW SUBPARAGRAPH. (5) A court finds that the person has  
8 violated section 279.74, subsection 2.

9 NEW SUBPARAGRAPH. (6) A court finds that the person has  
10 violated section 279.76, subsection 1.

11 NEW SUBPARAGRAPH. (7) A court finds that the person has  
12 violated section 279.79, subsection 1 or 2.

13 Sec. 6. Section 261H.8, subsection 2, Code 2024, is amended  
14 to read as follows:

15 2. Each public institution of higher education may continue  
16 training that fosters a workplace and learning environment that  
17 is respectful of all employees and students. However, the  
18 president, vice presidents, deans, department directors, or any  
19 other administrator of a public institution of higher education  
20 shall ensure that any mandatory staff or student training and  
21 associated materials provided by an employee of the institution  
22 or by a contractor hired by the institution does not teach,  
23 advocate, act upon, or promote specific defined concepts. This  
24 subsection shall not be construed as preventing an employee  
25 or contractor who provides mandatory training from responding  
26 to questions regarding specific defined concepts raised by  
27 participants in the training.

28 Sec. 7. Section 261H.8, Code 2024, is amended by adding the  
29 following new subsection:

30 NEW SUBSECTION. 2A. a. An employee or student of a  
31 public institution of higher education alleging a violation  
32 of subsection 2 by an employee or contractor of the public  
33 institution of higher education may bring a civil action  
34 for injunctive relief against the public institution of  
35 higher education to prohibit the employee or contractor from

1 continuing such violation.

2 *b.* If an employee or student is the prevailing party in a  
3 civil action instituted pursuant to paragraph “a”, the court  
4 shall award reasonable court costs and attorney fees to the  
5 employee or student.

6 Sec. 8. Section 261H.8, subsection 4, paragraph d, Code  
7 2024, is amended to read as follows:

8 *d.* ~~Create~~ Except as provided in subsection 2A, create any  
9 right or benefit, substantive or procedural, enforceable at  
10 law or in equity by any party against the state of Iowa, its  
11 departments, agencies, or entities, its officers, employees,  
12 or agents, or any other person.

13 Sec. 9. Section 279.74, Code 2024, is amended to read as  
14 follows:

15 **279.74 Training and curriculum prohibited — specific defined**  
16 **concepts.**

17 1. For purposes of [this section](#), unless the context  
18 otherwise requires:

19 *a.* ~~“Race or sex scapegoating”~~ “Administrator” means the same  
20 as defined in [section 261H.8 256.145](#).

21 *b.* ~~“Race or sex stereotyping”~~ ~~means the same as defined in~~  
22 ~~[section 261H.8](#)~~.

23 ~~*e.*~~ *b.* “Specific defined concepts” means the same as defined  
24 in [section 261H.8](#).

25 *c.* “Teacher” means the same as defined in [section 256.145](#).

26 2. *a.* Each school district may continue training that  
27 fosters a workplace and learning environment that is respectful  
28 of all employees and students. ~~However, the superintendent~~  
29 ~~of each school district shall ensure that any curriculum or~~  
30 ~~mandatory staff or student training provided by an employee~~  
31 ~~of the school district or by a contractor hired by the school~~  
32 ~~district does not teach, advocate, encourage, promote, or act~~  
33 ~~upon specific stereotyping and scapegoating toward others~~  
34 ~~on the basis of demographic group membership or identity~~  
35 contractors hired by the school district and teachers or

1 administrators employed by the school district shall not  
2 provide any curriculum or mandatory staff or student training,  
3 or associated materials, that teaches, advocates, encourages,  
4 promotes, or acts upon specific defined concepts. This  
5 subsection shall not be construed as preventing ~~an employee~~  
6 ~~or contractor~~ a contractor, teacher, or administrator who  
7 teaches any curriculum or who provides mandatory training from  
8 responding to questions regarding specific defined concepts  
9 raised by participants in the training.

10 b. An administrator employed by a school district shall  
11 not knowingly allow a contractor hired by the school district  
12 or a teacher employed by the school district to provide  
13 any curriculum or mandatory staff or student training, or  
14 associated materials, that teaches, advocates, encourages,  
15 promotes, or acts upon specific defined concepts.

16 3. a. A parent or guardian of a student enrolled in the  
17 school district who alleges a violation of subsection 2 by  
18 a contractor, teacher, or administrator may bring a civil  
19 action for injunctive relief against the school district that  
20 hired the contractor or employs the teacher or administrator  
21 to prohibit the contractor, teacher, or administrator from  
22 continuing such violation.

23 b. If a parent or guardian is the prevailing party in a  
24 civil action instituted pursuant to paragraph "a", all of the  
25 following shall apply:

26 (1) The court shall award reasonable court costs and  
27 attorney fees to the parent or guardian.

28 (2) The court shall assess a civil penalty against the  
29 school district that hired the contractor or employs the  
30 teacher or administrator, in an amount not less than fifty  
31 thousand dollars. Moneys from the civil penalty provided in  
32 this subparagraph shall be remitted to the treasurer of state  
33 for deposit in the general fund of the state.

34 (3) The clerk of court shall send a copy of the court's  
35 order issued pursuant to this subsection to the board of

1 educational examiners.

2 ~~3.~~ 4. School district diversity and inclusion efforts shall  
3 discourage students of the school district from discriminating  
4 against another by political ideology or any characteristic  
5 protected under the federal Civil Rights Act of 1964, Pub. L.  
6 No. 88-352, as amended, and applicable state law. Each school  
7 district shall prohibit its employees from discriminating  
8 against students or employees by political ideology or any  
9 characteristic protected under the federal Civil Rights Act of  
10 1964, Pub. L. No. 88-352, as amended, and applicable state law.

11 ~~4.~~ 5. **This section** shall not be construed to do any of the  
12 following:

13 *a.* Inhibit or violate the first amendment rights of students  
14 or faculty, or undermine a school district's duty to protect to  
15 the fullest degree intellectual freedom and free expression.  
16 The intellectual vitality of students and faculty shall not be  
17 infringed under **this section**.

18 *b.* Prevent a school district from promoting racial,  
19 cultural, ethnic, intellectual, or academic diversity or  
20 inclusiveness, provided such efforts are consistent with the  
21 provisions of **this section, chapter 216**, and other applicable  
22 law.

23 *c.* Prohibit discussing specific defined concepts as part of  
24 a larger course of academic instruction.

25 *d.* ~~Create~~ Except as provided in subsection 3, create any  
26 right or benefit, substantive or procedural, enforceable at  
27 law or in equity by any party against the state of Iowa, its  
28 departments, agencies, or entities, its officers, employees,  
29 or agents, or any other person.

30 *e.* Prohibit a state or federal court or agency of competent  
31 jurisdiction from ordering a training or remedial action  
32 containing discussions of specific defined concepts as a  
33 remedial action due to a finding of discrimination, including  
34 discrimination based on race or sex.

35 *f.* Prohibit the use of curriculum that teaches the topics

1 of sexism, slavery, racial oppression, racial segregation,  
2 or racial discrimination, including topics relating to the  
3 enactment and enforcement of laws resulting in sexism, racial  
4 oppression, segregation, and discrimination.

5 Sec. 10. Section 279.76, Code 2024, is amended by adding the  
6 following new subsection:

7 NEW SUBSECTION. 2A. a. A parent or guardian of a student  
8 enrolled in the school district who alleges a violation  
9 of subsection 1 by an employee of the school district or a  
10 contractor engaged by the school district may bring a civil  
11 action for injunctive relief against the school district to  
12 prohibit the employee or contractor from continuing such  
13 violation.

14 b. If a parent or guardian is the prevailing party in a  
15 civil action instituted pursuant to paragraph "a", all of the  
16 following shall apply:

17 (1) The court shall award reasonable court costs and  
18 attorney fees to the parent or guardian.

19 (2) The court shall assess a civil penalty against the  
20 school district in an amount not less than fifty thousand  
21 dollars. Moneys from the civil penalty provided in this  
22 subparagraph shall be remitted to the treasurer of state for  
23 deposit in the general fund of the state.

24 (3) The clerk of court shall send a copy of the court's  
25 order issued pursuant to this subsection to the board of  
26 educational examiners.

27 Sec. 11. Section 279.79, Code 2024, is amended by adding the  
28 following new subsection:

29 NEW SUBSECTION. 4. a. A parent or guardian of a student  
30 enrolled in the school district who alleges a violation of  
31 subsection 1 or 2 by an employee of the school district or a  
32 contractor engaged by the school district may bring a civil  
33 action for injunctive relief against the school district to  
34 prohibit the employee or contractor from continuing such  
35 violation.





1 teaches, advocates, encourages, promotes, or acts upon specific  
2 defined concepts. The bill also prohibits administrators  
3 from knowingly allowing a contractor or a teacher to provide  
4 any curriculum or mandatory staff or student training, or  
5 associated materials, that teaches, advocates, encourages,  
6 promotes, or acts upon specific defined concepts. The bill  
7 requires the board of educational examiners (BOEE) to adopt  
8 rules that require the BOEE to disqualify an applicant for a  
9 license or to revoke a person's license if a court finds that a  
10 person violates these provisions.

11 The bill authorizes a parent or guardian of a student  
12 enrolled in a school district who alleges a violation of  
13 these provisions to bring a civil action for injunctive  
14 relief against the school district that hired the contractor  
15 or employs the teacher or administrator to prohibit the  
16 contractor, teacher, or administrator from continuing such  
17 violation. The bill provides that if the parent or guardian  
18 is the prevailing party in such civil action, the court shall  
19 award reasonable court costs and attorney fees to the parent  
20 or guardian, the court shall assess a civil penalty against  
21 the school district in an amount not less than \$50,000, and  
22 the clerk of court shall send a copy of the court's order to  
23 the BOEE. The bill makes conforming changes to Code section  
24 279.74.

25 Current Code section 279.76 prohibits school districts,  
26 charter schools, and innovation zone schools from administering  
27 or conducting an invasive physical examination of a student,  
28 a student health screening that is not required by state or  
29 federal law, or a formal examination or survey of a student  
30 that is designed to assess the student's mental, emotional, or  
31 physical health that is not required by state or federal law,  
32 without first acquiring the written consent of the student's  
33 parent or guardian. Current Code section 279.76 requires  
34 school districts, charter schools, and innovation zone schools  
35 to give written notice to a student's parent or guardian of

1 an examination or survey of the student required by state or  
2 federal law that is designed to assess the student's mental,  
3 emotional, or physical health not less than seven days prior  
4 to the examination or survey. The bill requires the BOEE to  
5 adopt rules that require the BOEE to disqualify an applicant  
6 for a license or to revoke a person's license if a court finds  
7 that a person violated these provisions. The bill authorizes  
8 a parent or guardian of a student enrolled in the school  
9 district, charter school, or innovation zone school who alleges  
10 a violation of these provisions by an employee or contractor  
11 of the school district, charter school, or innovation zone  
12 school to bring a civil action for injunctive relief against  
13 the school district, charter school, or innovation zone school  
14 to prohibit the employee or contractor from continuing such  
15 violation. The bill provides that if the parent or guardian  
16 is the prevailing party in such civil action, the court shall  
17 award reasonable court costs and attorney fees to the parent or  
18 guardian, the court shall assess a civil penalty against the  
19 school district, charter school, or innovation zone school in  
20 an amount not less than \$50,000, and the clerk of court shall  
21 send a copy of the court's order to the BOEE.

22 Current Code section 279.79 requires school districts,  
23 charter schools, and innovation zone schools to receive the  
24 prior written consent of a student's parent or guardian before  
25 requiring a student to take part in any survey, analysis,  
26 activity, or evaluation that reveals certain specified  
27 information concerning the student or the student's family.  
28 Current Code section 279.79 prohibits an employee or contractor  
29 of a school district, charter school, or innovation zone school  
30 from answering any question pertaining to any particular  
31 student in any survey related to the social or emotional  
32 abilities, competencies, or characteristics of the student,  
33 unless the school satisfies certain specified requirements  
34 related to providing the student's parent or guardian with  
35 information and receiving written consent from the student's

1 parent or guardian. The bill requires the BOEE to adopt rules  
2 that require the BOEE to disqualify an applicant for a license  
3 or to revoke a person's license if a court finds that a person  
4 violated these provisions. The bill authorizes a parent or  
5 guardian of a student enrolled in the school district, charter  
6 school, or innovation zone school who alleges a violation of  
7 these provisions by an employee or contractor of the school  
8 district, charter school, or innovation zone school to bring a  
9 civil action for injunctive relief against the school district,  
10 charter school, or innovation zone school to prohibit the  
11 employee or contractor from continuing such violation. The  
12 bill provides that if the parent or guardian is the prevailing  
13 party in such civil action, the court shall award reasonable  
14 court costs and attorney fees to the parent or guardian, the  
15 court shall assess a civil penalty against the school district,  
16 charter school, or innovation zone school in an amount not less  
17 than \$50,000, and the clerk of court shall send a copy of the  
18 court's order to the BOEE.

19 Current Code section 25A.1 requires the head of a  
20 governmental entity to ensure that any mandatory staff training  
21 provided by an employee of a governmental entity, or by a  
22 contractor hired by the governmental entity, does not teach,  
23 advocate, encourage, promote, or act upon stereotyping,  
24 scapegoating, or prejudice toward others on the basis of  
25 demographic group membership or identity. The bill modifies  
26 this provision to require the head of a governmental entity  
27 to ensure that any mandatory staff training or associated  
28 materials provided by an employee of a governmental entity,  
29 or by a contractor hired by the governmental entity, does not  
30 teach, advocate, encourage, promote, or act upon specific  
31 defined concepts or prejudice toward others on the basis of  
32 demographic group membership or identity. The bill authorizes  
33 an employee of a governmental entity alleging a violation  
34 of Code section 25A.1 by an employee or contractor of the  
35 governmental entity to bring a civil action for injunctive

1 relief against the governmental entity to prohibit the employee  
2 or contractor from continuing such violation. The bill  
3 provides that, if an employee is the prevailing party in the  
4 civil action, the court shall award the employee reasonable  
5 court costs and attorney fees. The bill makes conforming  
6 changes.

7 Current Code section 261H.8 requires the president,  
8 vice presidents, deans, department directors, or any other  
9 administrator of a public institution of higher education to  
10 ensure that any mandatory staff or student training provided  
11 by an employee of the institution or by a contractor hired by  
12 the institution does not teach, advocate, act upon, or promote  
13 specific defined concepts. The bill modifies this provision  
14 to also require such individuals to ensure that any materials  
15 provided in association with the mandatory staff or student  
16 training do not teach, advocate, act upon, or promote specific  
17 defined concepts. The bill authorizes an employee or student  
18 of an institution alleging a violation of Code section 261H.8  
19 by an employee or contractor of the institution to bring a  
20 civil action for injunctive relief against the institution  
21 to prohibit the employee or contractor from continuing such  
22 violation. The bill provides that, if an employee or student  
23 is the prevailing party in the civil action, the court shall  
24 award the employee or student reasonable court costs and  
25 attorney fees.

26 The bill may include a state mandate as defined in Code  
27 section 25B.3. The bill makes inapplicable Code section 25B.2,  
28 subsection 3, which would relieve a political subdivision from  
29 complying with a state mandate if funding for the cost of  
30 the state mandate is not provided or specified. Therefore,  
31 political subdivisions are required to comply with any state  
32 mandate included in the bill.