

House File 2488 - Introduced

HOUSE FILE 2488
BY COMMITTEE ON HIGHER EDUCATION

(SUCCESSOR TO HSB 537)

A BILL FOR

1 An Act prohibiting private institutions of higher education
2 that participate in the Iowa tuition grant program from
3 establishing diversity, equity, and inclusion offices.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. Section 256.183, subsection 1, unnumbered
2 paragraph 1, Code 2026, is amended to read as follows:

3 "Accredited private institution" means an institution of
4 higher learning located in Iowa which is operated privately
5 and not controlled or administered by any state agency or
6 any subdivision of the state and which meets the criteria in
7 paragraphs "a" and "b" and all of the criteria in paragraphs "d"
8 through ~~"k"~~ "l", except that institutions defined in paragraph
9 "c" ~~of this subsection~~ are exempt from the requirements of
10 paragraphs "a" and "b":

11 Sec. 2. Section 256.183, subsection 1, Code 2026, is amended
12 by adding the following new paragraph:

13 NEW PARAGRAPH. 1. Adopt a policy for compliance with chapter
14 261M.

15 Sec. 3. Section 256.183, subsection 3, Code 2026, is amended
16 to read as follows:

17 3. "Eligible institution" means an institution of higher
18 learning located in Iowa which is operated privately and not
19 controlled or administered by any state agency or any subdivision
20 of the state, which is not exempt from taxation under section
21 501(c)(3) of the Internal Revenue Code, and which meets all of
22 the criteria in subsection 1, paragraphs "d" through ~~"k"~~ "l",
23 and is a school of barbering and cosmetology arts and sciences
24 licensed under chapter 157 and is accredited by a national
25 accrediting agency recognized by the United States department of
26 education. For the fiscal year beginning July 1, 2017, such
27 a school of barbering and cosmetology arts and sciences shall
28 provide a matching aggregate amount of institutional financial
29 aid equal to at least seventy-five percent of the amount received
30 by the institution's students for Iowa tuition grant assistance
31 under section 256.191. For the fiscal year beginning July 1,
32 2018, the school of barbering and cosmetology arts and sciences
33 shall provide a matching aggregate amount of institutional
34 financial aid equal to at least eighty-five percent of the amount
35 received in that fiscal year. Commencing with the fiscal year

1 beginning July 1, 2019, and each succeeding fiscal year, the
2 matching aggregate amount of institutional financial aid shall
3 be at least equal to the match provided by eligible institutions
4 under section 261.9, subsection 3, paragraph "a", Code 2023.

5 Sec. 4. NEW SECTION. **261M.1 Definitions.**

6 As used in this chapter, unless the context otherwise
7 requires:

8 1. "Department" means the department of education.

9 2. "Diversity, equity, and inclusion" includes all of the
10 following:

11 a. Any effort to manipulate or otherwise influence the
12 composition of the faculty or student body with reference to
13 race, sex, color, or ethnicity, apart from ensuring colorblind
14 and sex-neutral admissions and hiring in accordance with state
15 and federal antidiscrimination laws.

16 b. Any effort to promote differential treatment of or provide
17 special benefits to individuals on the basis of race, color, or
18 ethnicity.

19 c. Any effort to promote or promulgate policies and
20 procedures designed or implemented with reference to race, color,
21 or ethnicity.

22 d. Any effort to promote or promulgate trainings,
23 programming, or activities designed or implemented with
24 reference to race, color, ethnicity, gender identity, or sexual
25 orientation.

26 3. "Diversity, equity, and inclusion office" means any
27 division, office, center, or other unit of a private institution
28 of higher education that is responsible for creating, developing,
29 designing, implementing, organizing, planning, or promoting
30 policies, programming, training, practices, activities, or
31 procedures related to diversity, equity, and inclusion.

32 "Diversity, equity, and inclusion office" does not include any of
33 the following:

34 a. An office ensuring legal compliance.

35 b. An academic department within a private institution of

1 higher education that exists primarily for the purpose of
2 offering courses for degree credit and that does not establish
3 a policy or procedures to which other departments of the private
4 institution of higher education are subject.

5 c. An office solely engaged in new student recruitment.

6 d. A registered student organization.

7 4. "Private institution of higher education" means an
8 accredited private institution as defined in section 256.183 or
9 an eligible institution as defined in section 256.183.

10 Sec. 5. NEW SECTION. **261M.2 Diversity, equity, and**
11 **inclusion office prohibited.**

12 1. A private institution of higher education shall not,
13 except as otherwise provided by federal or state law or
14 accreditation standards, establish, sustain, support, or staff a
15 diversity, equity, and inclusion office.

16 2. Subsection 1 shall not be construed to cover or affect a
17 private institution of higher education's funding of any of the
18 following:

19 a. Academic course instruction.

20 b. Research or creative works by the private institution
21 of higher education's students, faculty, or other research
22 personnel, and the dissemination of such research or creative
23 works.

24 c. Activities of registered student organizations.

25 d. Arrangements for guest speakers and performers with
26 short-term engagements.

27 e. Mental or physical health services provided by licensed
28 professionals.

29 3. Subsection 1 shall not be construed as prohibiting bona
30 fide qualifications based on sex that are reasonably necessary to
31 the normal operation of private higher education.

32 Sec. 6. NEW SECTION. **261M.3 Enforcement.**

33 1. A person may report a private institution of higher
34 education's potential violation of section 261M.2 to the attorney
35 general. The attorney general shall provide notice of such

1 report to the department and the institution within fifteen
2 days. No later than thirty days after receiving such notice, the
3 institution shall do one of the following:

4 a. Correct the violation and provide documentation of the
5 correction to the attorney general and the department.

6 b. Provide documentation to the attorney general and the
7 department demonstrating that the action of the institution upon
8 which the report was based was not a violation of section 261M.2.

9 2. If, upon the conclusion of the thirty-day period provided
10 in subsection 1, the institution has not complied with subsection
11 1, paragraph "a", or provided documentation under subsection
12 1, paragraph "b", that demonstrates to the satisfaction of the
13 attorney general that a violation of section 261M.2 did not
14 occur, the institution shall be ineligible to participate in the
15 tuition grant program under chapter 256, subchapter VII, part 4,
16 subpart B, as of the next academic year beginning thereafter. If
17 either action is carried out by the institution by October 1 of
18 an academic year, eligibility shall be restored as of the next
19 academic year beginning after such action is carried out. The
20 attorney general shall notify the college student aid commission
21 to this effect.

22 EXPLANATION

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

25 This bill prohibits a private institution of higher education,
26 as defined in the bill, from establishing, sustaining,
27 supporting, or staffing a diversity, equity, and inclusion
28 office, as defined in the bill. The prohibition does not apply
29 if otherwise provided by federal or state law or accreditation
30 standards. The bill specifies activities that the bill shall not
31 be construed to prohibit.

32 The bill authorizes a person to report a private institution
33 of higher education's potential violation of the requirements of
34 the bill to the attorney general, who shall provide notice of
35 such report to the department of education and the institution

1 within 15 days. No later than 30 days after receiving such
2 notice, the institution is required to take one of two actions.
3 The institution shall either correct the violation and provide
4 documentation of the correction to the attorney general and the
5 department or provide documentation to the attorney general and
6 the department demonstrating that the action of the institution
7 upon which the report was based was not a violation.

8 If within the 30-day period the institution has not corrected
9 the violation or provided documentation that demonstrates to the
10 satisfaction of the attorney general that a violation did not
11 occur, the institution shall be ineligible to participate in the
12 Iowa tuition grant program as of the next academic year beginning
13 thereafter. If either action is carried out by the institution
14 by October 1 of an academic year, eligibility shall be restored
15 as of the next academic year beginning after such action is
16 carried out.