

**House File 2416 - Reprinted**

HOUSE FILE 2416  
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HF 2309)

(As Amended and Passed by the House February 21, 2022)

**A BILL FOR**

1 An Act relating to student eligibility requirements in school  
2 district, accredited nonpublic school, regent institution,  
3 community college, and certain other institution of higher  
4 education athletics based on sex, and including effective  
5 date provisions.

6 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. Any institution of higher education located in this  
10 state that is a member of the national collegiate athletic  
11 association, national association of intercollegiate athletics,  
12 or national junior college athletic association.

13 2. "*Organization*" means the same as defined in section  
14 280.13.

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

20 Sec. 2. NEW SECTION. 261I.2 Extracurricular athletics —  
21 eligibility — cause of action.

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

27 (1) Females, women, or girls.

28 (2) Males, men, or boys.

29 (3) Coeducational or mixed.

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

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

1 requirements of this section.

2 2. *a.* If a student suffers direct or indirect harm as  
3 a result of a violation of subsection 1, that student has a  
4 private cause of action for injunctive, mandamus, damages, and  
5 declaratory relief against the entity that violated subsection  
6 1.

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

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

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

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

33 *c.* Any party prevailing on a claim brought under subsection  
34 2 or 3 is entitled to reasonable attorney fees and costs.

35 5. *a.* For any lawsuit brought or any complaint filed

1 against an educational institution or organization, or an  
2 employee, a member of the board of directors of a school  
3 district, a member of the authorities in charge of a nonpublic  
4 school or nonpublic institution of higher education, a member  
5 of the board of directors of a merged area, or a member of the  
6 board of regents as a result of compliance with subsection 1,  
7 the attorney general shall provide legal representation at no  
8 cost to that entity or individual.

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

19     Sec. 3. EFFECTIVE DATE. This Act, being deemed of immediate  
20 importance, takes effect upon enactment.