

**House File 856 - Reprinted**

HOUSE FILE 856  
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 155)

(As Amended and Passed by the House March 18, 2025)

**A BILL FOR**

1 An Act prohibiting public entities and private educational  
2 institutions from engaging in certain activities relating to  
3 diversity, equity, and inclusion, creating a private cause of  
4 action, and including effective date provisions.

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

1 DIVISION I  
2 STATE ENTITIES — DIVERSITY, EQUITY, AND INCLUSION ACTIVITIES  
3 PROHIBITED

4 Section 1. NEW SECTION. **19.1 Definitions.**

5 As used in this chapter:

6 1. "Diversity, equity, and inclusion" includes any of the  
7 following:

8 a. Any effort to manipulate or otherwise influence the  
9 composition of the employees or student body with reference to  
10 race, sex, color, or ethnicity, apart from ensuring colorblind  
11 and sex-neutral admissions and hiring in accordance with state  
12 and federal anti-discrimination laws.

13 b. Any effort to promote differential treatment of or provide  
14 special benefits to individuals on the basis of race, color, or  
15 ethnicity.

16 c. Any effort to promote or promulgate policies and  
17 procedures designed or implemented with reference to race, color,  
18 or ethnicity.

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

23 e. Any effort to promote, as the official position  
24 of the state entity, a particular, widely contested  
25 opinion referencing unconscious or implicit bias, cultural  
26 appropriation, allyship, transgender ideology, microaggressions,  
27 group marginalization, anti-racism, systemic oppression, social  
28 justice, intersectionality, neopronouns, heteronormativity,  
29 disparate impact, gender theory, racial privilege, sexual  
30 privilege, or any related formulation of these concepts.

31 2. "Diversity, equity, and inclusion office" means any  
32 division, office, center, or other unit of a state entity that  
33 is responsible for creating, developing, designing, implementing,  
34 organizing, planning, or promoting policies, programming,  
35 training, practices, activities, or procedures related to

1 diversity, equity, and inclusion. "Diversity, equity, and  
2 inclusion office" does not include any of the following:

3 a. An office staffed exclusively by licensed attorneys and  
4 paralegal and secretarial support for the licensed attorneys,  
5 and certified by the attorney general as operating with the  
6 sole and exclusive mission of ensuring legal compliance with the  
7 state entity's obligations under Tit. IX of the federal Education  
8 Amendments Act of 1972, 20 U.S.C. §1681 et seq., as amended, the  
9 federal Americans with Disabilities Act of 1990, 42 U.S.C. §12101  
10 et seq., as amended, the federal Age Discrimination in Employment  
11 Act of 1967, 29 U.S.C. §621 et seq., as amended, the federal  
12 Civil Rights Act of 1964, Pub. L. No. 88-352, as amended, or any  
13 other applicable federal or state law or a court order.

14 b. An academic department within a public school that exists  
15 primarily for the purpose of offering courses and that does not  
16 establish a policy or procedure to which other departments of the  
17 public school are subject.

18 c. An office solely engaged in recruitment.

19 d. A registered student organization.

20 e. An office that a state entity is required to maintain  
21 pursuant to a contract or agreement with a federal governmental  
22 entity.

23 3. "Diversity, equity, and inclusion officer" means an  
24 individual who is either employed by a state entity or who  
25 is an independent contractor of a state entity and whose  
26 duties include coordinating, creating, developing, designing,  
27 implementing, organizing, planning, or promoting policies,  
28 programming, training, practices, activities, and procedures  
29 relating to diversity, equity, and inclusion. "Diversity,  
30 equity, and inclusion officer" does not include any of the  
31 following:

32 a. Any employee who is a licensed attorney and whose sole job  
33 duties related to diversity, equity, and inclusion are to ensure  
34 compliance with the state entity's obligations under Tit. IX of  
35 the federal Education Amendments Act of 1972, 20 U.S.C. §1681

1 et seq., as amended, the federal Americans with Disabilities  
2 Act of 1990, 42 U.S.C. §12101 et seq., as amended, the federal  
3 Age Discrimination in Employment Act of 1967, 29 U.S.C. §621  
4 et seq., as amended, the federal Civil Rights Act of 1964,  
5 Pub. L. No. 88-352, as amended, or any other applicable federal  
6 or state law or a court order.

7 b. Any employee while engaged in teaching, research, or the  
8 production of creative works, the dissemination of the employee's  
9 research or creative works, or advising a registered student  
10 organization.

11 c. A guest speaker or performer with a short-term engagement.

12 d. Any employee that a state entity is required to employ  
13 pursuant to a contract or agreement with a federal governmental  
14 entity.

15 4. "Gender identity" means a gender-related identity of a  
16 person, regardless of the person's assigned sex at birth.

17 5. "Sexual orientation" means the same as defined in section  
18 216.2.

19 6. "State entity" means the state, including but not limited  
20 to a state agency, department, division, board, commission,  
21 institution, or authority; a city; a county; a township; or any  
22 other political subdivision or special district in this state as  
23 established pursuant to state or local law.

24 Sec. 2. NEW SECTION. **19.2 Restrictions on use of moneys.**

25 1. A state entity shall not expend any moneys appropriated by  
26 the general assembly or any other moneys derived from bequests,  
27 charges, deposits, donations, endowments, fees, grants, gifts,  
28 income, receipts, tuition, or any other source to establish,  
29 sustain, support, or staff a diversity, equity, and inclusion  
30 office, or to contract, employ, engage, or hire an individual to  
31 serve as a diversity, equity, and inclusion officer.

32 2. Subsection 1 shall not be construed to cover or affect a  
33 state entity's funding of any of the following:

34 a. Academic course instruction.

35 b. Research or creative works by the state entity's students,

1 employees, or other research personnel, and the dissemination of  
2 such research or creative works.

3 c. Activities of registered student organizations.

4 d. Arrangements for guest speakers and performers with  
5 short-term engagements.

6 e. Mental or physical health services provided by licensed  
7 professionals.

8 f. Policies, programming, training, practices, activities, or  
9 procedures related to diversity, equity, and inclusion that are  
10 required pursuant to a contract or agreement with a federal  
11 governmental entity.

12 3. Subsection 1 shall not be construed as prohibiting bona  
13 fide qualifications based on sex that are reasonably necessary to  
14 the normal operation of the state entity.

15 Sec. 3. NEW SECTION. **19.3 Enforcement — venue.**

16 1. Any person may notify the attorney general of a state  
17 entity's potential violation of section 19.2. The attorney  
18 general may bring an action against a state entity for a writ of  
19 mandamus to compel the state entity to comply with section 19.2.

20 2. A student enrolled in a public school, an alumnus of  
21 a public school, or an employee of a state entity alleging a  
22 violation of section 19.2 may bring a civil action for injunctive  
23 relief against the state entity to prohibit the state entity from  
24 continuing such violation.

25 3. An action brought under this section may be brought in any  
26 of the following:

27 a. The county in which all or a substantial part of the  
28 events or omissions giving rise to the action occurred.

29 b. The county in which the principal office of the state  
30 entity is located.

31 c. The county in which the claimant resides, if the claimant  
32 is an individual and resides in this state.

33 d. The county in which a defendant resides, if the defendant  
34 is an individual and resides in this state.

35 Sec. 4. **EFFECTIVE DATE.** This division of this Act, being

1 deemed of immediate importance, takes effect upon enactment.

2

DIVISION II

3 COMMUNITY COLLEGES — DIVERSITY, EQUITY, AND INCLUSION ACTIVITIES

4

PROHIBITED

5 Sec. 5. Section 261J.1, subsection 2, paragraph a, as enacted  
6 by 2024 Iowa Acts, chapter 1152, section 31, is amended to read  
7 as follows:

8 a. (1) An With respect to an institution of higher learning  
9 governed by the state board of regents, an office staffed  
10 exclusively by licensed attorneys and paralegal and secretarial  
11 support for the licensed attorneys, and certified by the attorney  
12 general as operating with the sole and exclusive mission of  
13 ensuring legal compliance with the public institution of higher  
14 education's obligations under Tit. IX of the federal Education  
15 Amendments Act of 1972, 20 U.S.C. §1681 et seq., as amended, the  
16 federal Americans with Disabilities Act of 1990, 42 U.S.C. §12101  
17 et seq., as amended, the federal Age Discrimination in Employment  
18 Act of 1967, 29 U.S.C. §621 et seq., as amended, the federal  
19 Civil Rights Act of 1964, Pub. L. No. 88-352, as amended, or any  
20 other applicable federal or state law or a court order.

21 (2) With respect to a community college, an office ensuring  
22 legal compliance.

23 Sec. 6. Section 261J.1, subsection 3, as enacted by 2024 Iowa  
24 Acts, chapter 1152, section 31, is amended to read as follows:

25 3. "*Public institution of higher education*" means an  
26 institution of higher learning governed by the state board of  
27 regents or a community college.

28 Sec. 7. Section 261J.4, as enacted by 2024 Iowa Acts, chapter  
29 1152, section 34, is amended to read as follows:

30 **261J.4 Reporting.**

31 Each ~~public~~ institution of higher education governed by the  
32 state board of regents shall, on or before December 1 of each  
33 year, submit an annual report to the general assembly and  
34 the governor that certifies the ~~public institution of higher~~  
35 ~~education's~~ institution's compliance with this chapter.

1 Sec. 8. 2024 Iowa Acts, chapter 1152, section 36, is amended  
2 to read as follows:

3 SEC. 36. FY 2025-2026 APPROPRIATIONS — REALLOCATION. At the  
4 close of the fiscal year beginning July 1, 2025, all unexpended  
5 moneys appropriated by the general assembly for the fiscal  
6 year that would have been expended by an institution of higher  
7 learning governed by the state board of regents on diversity,  
8 equity, and inclusion offices or diversity, equity, and inclusion  
9 officers on or after the effective date of this division of this  
10 Act are reallocated to the Iowa workforce grant and incentive  
11 program fund established pursuant to section 256.230, subsection  
12 8.

13 DIVISION III

14 PRIVATE INSTITUTIONS OF HIGHER EDUCATION — DIVERSITY, EQUITY,  
15 AND INCLUSION ACTIVITIES PROHIBITED

16 Sec. 9. Section 256.183, subsection 1, unnumbered paragraph  
17 1, Code 2025, is amended to read as follows:

18 "Accredited private institution" means an institution of  
19 higher learning located in Iowa which is operated privately  
20 and not controlled or administered by any state agency or  
21 any subdivision of the state and which meets the criteria in  
22 paragraphs "a" and "b" and all of the criteria in paragraphs "d"  
23 through "j" "k", except that institutions defined in paragraph  
24 "c" of this subsection are exempt from the requirements of  
25 paragraphs "a" and "b":

26 Sec. 10. Section 256.183, subsection 1, Code 2025, is amended  
27 by adding the following new paragraph:

28 NEW PARAGRAPH. k. Adopt a policy for compliance with chapter  
29 261K.

30 Sec. 11. Section 256.183, subsection 3, Code 2025, is amended  
31 to read as follows:

32 3. "Eligible institution" means an institution of higher  
33 learning located in Iowa which is operated privately and not  
34 controlled or administered by any state agency or any subdivision  
35 of the state, which is not exempt from taxation under section

1 501(c)(3) of the Internal Revenue Code, and which meets all of  
2 the criteria in subsection 1, paragraphs "d" through "j" "k",  
3 and is a school of barbering and cosmetology arts and sciences  
4 licensed under chapter 157 and is accredited by a national  
5 accrediting agency recognized by the United States department of  
6 education. For the fiscal year beginning July 1, 2017, such  
7 a school of barbering and cosmetology arts and sciences shall  
8 provide a matching aggregate amount of institutional financial  
9 aid equal to at least seventy-five percent of the amount received  
10 by the institution's students for Iowa tuition grant assistance  
11 under section 256.191. For the fiscal year beginning July 1,  
12 2018, the school of barbering and cosmetology arts and sciences  
13 shall provide a matching aggregate amount of institutional  
14 financial aid equal to at least eighty-five percent of the amount  
15 received in that fiscal year. Commencing with the fiscal year  
16 beginning July 1, 2019, and each succeeding fiscal year, the  
17 matching aggregate amount of institutional financial aid shall  
18 be at least equal to the match provided by eligible institutions  
19 under section 261.9, subsection 3, paragraph "a", Code 2023.

20 Sec. 12. NEW SECTION. **261K.1 Definitions.**

21 As used in this chapter, unless the context otherwise  
22 requires:

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

24 2. "Diversity, equity, and inclusion" includes all of the  
25 following:

26 a. Any effort to manipulate or otherwise influence the  
27 composition of the faculty or student body with reference to  
28 race, sex, color, or ethnicity, apart from ensuring colorblind  
29 and sex-neutral admissions and hiring in accordance with state  
30 and federal antidiscrimination laws.

31 b. Any effort to promote differential treatment of or provide  
32 special benefits to individuals on the basis of race, color, or  
33 ethnicity.

34 c. Any effort to promote or promulgate policies and  
35 procedures designed or implemented with reference to race, color,

1 or ethnicity.

2 d. Any effort to promote or promulgate trainings,  
3 programming, or activities designed or implemented with  
4 reference to race, color, ethnicity, gender identity, or sexual  
5 orientation.

6 3. "Diversity, equity, and inclusion office" means any  
7 division, office, center, or other unit of a private institution  
8 of higher education that is responsible for creating, developing,  
9 designing, implementing, organizing, planning, or promoting  
10 policies, programming, training, practices, activities, or  
11 procedures related to diversity, equity, and inclusion.

12 "Diversity, equity, and inclusion office" does not include any of  
13 the following:

14 a. An office ensuring legal compliance.

15 b. An academic department within a private institution of  
16 higher education that exists primarily for the purpose of  
17 offering courses for degree credit and that does not establish  
18 a policy or procedures to which other departments of the private  
19 institution of higher education are subject.

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

21 d. A registered student organization.

22 4. "Private institution of higher education" means an  
23 accredited private institution as defined in section 256.183 or  
24 and eligible institution as defined in section 256.183.

25 Sec. 13. NEW SECTION. **261K.2 Diversity, equity, and**  
26 **inclusion office prohibited.**

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

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

34 a. Academic course instruction.

35 b. Research or creative works by the private institution

1 of higher education's students, faculty, or other research  
2 personnel, and the dissemination of such research or creative  
3 works.

4 c. Activities of registered student organizations.

5 d. Arrangements for guest speakers and performers with  
6 short-term engagements.

7 e. Mental or physical health services provided by licensed  
8 professionals.

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

12 Sec. 14. NEW SECTION. **261K.3 Enforcement.**

13 1. Any person may report a private institution of higher  
14 education's potential violation of section 261K.2 to the attorney  
15 general. The attorney general shall provide notice of such  
16 report to the department and the institution within fifteen  
17 days. No later than thirty days after receiving such notice, the  
18 institution shall do one of the following:

19 a. Correct the violation and provide documentation of the  
20 correction to the attorney general and the department.

21 b. Provide documentation to the attorney general and the  
22 department demonstrating that the action of the institution upon  
23 which the report was based was not a violation of section 261K.2.

24 2. If, upon the conclusion of the thirty-day period provided  
25 in subsection 1, the institution has not complied with subsection  
26 1, paragraph "a", or provided documentation under subsection  
27 1, paragraph "b", that demonstrates to the satisfaction of the  
28 attorney general that a violation of section 261K.2 did not  
29 occur, the institution shall be ineligible to participate in the  
30 tuition grant program under chapter 256, subchapter VII, part 4,  
31 subpart B, as of the next academic year beginning thereafter. If  
32 either action is carried out by the institution by October 1 of  
33 an academic year, eligibility shall be restored as of the next  
34 academic year beginning after such action is carried out. The  
35 attorney general shall notify the college student aid commission

1 to this effect.

unofficial