HOUSE FILE 2416
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HF 2309)

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

A BILL FOR

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

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

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

For the purposes of this chapter:

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

a. A nonpublic school accredited pursuant to section 256.11.

b. A public school district.

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

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

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

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

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

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

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

(1) Females, women, or girls.

(2) Males, men, or boys.

(3) Coeducational or mixed.

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

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

requirements of this section.

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

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

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

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

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

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

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

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

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

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