

CHAPTER 1186

ELIMINATION OF STATE AND LOCAL POLICIES AND PROGRAMS WITH AFFIRMATIVE ACTION, RACE, MINORITY, OR GENDER REQUIREMENTS

H.F. 2711

AN ACT relating to state policies and programs with race or gender requirements.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 8A.111, subsection 7, Code 2026, is amended by striking the subsection.

Sec. 2. Section 8A.402, subsection 1, paragraph d, Code 2026, is amended to read as follows:

d. Equal employment opportunity, ~~affirmative action~~, and workforce diversity programs.

Sec. 3. Section 19B.1, subsection 1, Code 2026, is amended by striking the subsection.

Sec. 4. Section 19B.2, subsection 1, Code 2026, is amended to read as follows:

1. It is the policy of this state to provide equal opportunity in state employment to all persons. An individual shall not be denied equal access to state employment opportunities because of race, creed, color, religion, national origin, sex, age, or physical or mental disability. ~~It also is the policy of this state to apply affirmative action measures to correct deficiencies in the state employment system where those remedies are appropriate.~~ This policy shall be construed broadly to effectuate its purposes.

Sec. 5. Section 19B.3, Code 2026, is amended to read as follows:

19B.3 Administrative responsibilities of department of administrative services and board of regents.

1. The department of administrative services is responsible for the administration and promotion of equal opportunity ~~and affirmative action~~ efforts in the recruitment, appointment, assignment, and advancement of personnel by all state agencies except the state board of regents and the institutions under its ~~the board's~~ jurisdiction. In carrying out this responsibility, the department shall do all of the following with respect to state agencies other than the state board of regents and ~~its~~ ~~the board's~~ institutions:

~~a. Designate a position as the state affirmative action administrator.~~

~~b. Propose affirmative action standards applicable to each state agency based on the population of the community in which the agency functions, the population served by the agency, or the persons that can be reasonably recruited.~~

~~c. Gather data necessary to maintain an ongoing assessment of affirmative action efforts in state agencies.~~

~~d. Monitor accomplishments with respect to affirmative action remedies identified in affirmative action plans of state agencies.~~

~~e. Conduct studies of preemployment and postemployment processes in order to evaluate employment practices and develop improved methods of dealing with all employment issues related to equal employment opportunity and affirmative action.~~

~~f. Establish a state recruitment coordinating committee to assist in addressing affirmative action recruitment needs, with members appointed by the director of the department of administrative services.~~

~~g. a. Address equal opportunity and affirmative action training needs of all state agencies by doing all of the following:~~

~~(1) Providing appropriate training for managers and supervisors.~~

~~(2) Insuring Ensuring that all state agencies make training available for all staff members whose duties relate to personnel administration.~~

~~(3) Investigating means for training in the area of career development.~~

~~h. b. Coordinate and develop equal employment opportunity reports, including the~~

initiation of the processes necessary for the completion of the annual EEO-4 report required by the federal equal employment opportunity commission.

~~i. c.~~ Address equal opportunity and affirmative action policies with respect to employee benefits and leaves of absence.

~~j. d.~~ Adopt equal employment opportunity and affirmative action rules in accordance with chapter 17A.

2. The state board of regents is responsible for the administration and promotion of equal opportunity and affirmative action efforts in the recruitment, appointment, assignment, and advancement of personnel by the board and the institutions under its jurisdiction. In carrying out this responsibility, the board shall do all of the following with respect to the board and its institutions:

~~a.~~ Designate a position as the regents' affirmative action coordinator.

~~b.~~ Propose affirmative action standards applicable to the board and each institution under its jurisdiction.

~~c.~~ Gather data necessary to maintain an ongoing assessment of affirmative action efforts.

~~d.~~ Monitor accomplishments with respect to affirmative action remedies identified in affirmative action plans.

~~e.~~ Conduct studies of preemployment and postemployment processes in order to evaluate employment practices and develop improved methods of dealing with all employment issues related to equal employment opportunity and affirmative action.

~~f.~~ Establish an equal employment committee to assist in addressing affirmative action needs, including recruitment.

~~g. a.~~ Address equal opportunity and affirmative action training needs by doing all of the following:

(1) Providing appropriate training for managers and supervisors.

(2) ~~Insuring~~ Ensuring that the board and its institutions make training available for all staff members whose duties relate to personnel administration.

(3) Investigating means for training in the area of career development.

~~h. b.~~ Require development of equal employment opportunity reports, including the initiation of the processes necessary for the completion of reports required by the federal equal employment opportunity commission.

~~i. c.~~ Address equal opportunity and affirmative action policies with respect to employee benefits and leaves of absence.

~~j. d.~~ Adopt equal employment opportunity and affirmative action rules in accordance with chapter 17A.

Sec. 6. Section 19B.4, subsection 1, Code 2026, is amended by striking the subsection.

Sec. 7. Section 19B.6, Code 2026, is amended to read as follows:

19B.6 Responsibilities of department of administrative services — affirmative action.

The department of administrative services shall oversee the implementation of sections 19B.1 through ~~19B.5~~ 19B.4 and shall work with the governor to ensure compliance with those sections, ~~including the attainment of affirmative action goals and timetables~~, by all state agencies, excluding the state board of regents and its the board's institutions.

Sec. 8. Section 19B.7, subsection 1, paragraph a, subparagraph (1), Code 2026, is amended by striking the subparagraph.

Sec. 9. Section 19B.7, subsection 1, paragraph a, subparagraph (2), Code 2026, is amended to read as follows:

(2) The utilization of ~~minority, women's, and disadvantaged~~ Iowa-based business enterprises as sources of supplies, equipment, construction, and services.

Sec. 10. Section 19B.7, subsection 1, paragraph d, Code 2026, is amended to read as follows:

d. Report results under the contract compliance policy to the governor and the

general assembly on an annual basis. Any information reported by the department of administrative services to the economic development authority pursuant to section ~~15.108~~ 73.22 shall not be required to be part of the report under this paragraph. The report shall must detail specific efforts to promote equal opportunity through state contracts and services and efforts to promote, develop, and stimulate the utilization of ~~minority, women's, and disadvantaged Iowa-based~~ Iowa-based business enterprises ~~in programs receiving or benefiting from state financial assistance.~~

Sec. 11. Section 19B.7, subsection 1, paragraph e, Code 2026, is amended by striking the paragraph.

Sec. 12. Section 19B.8, Code 2026, is amended to read as follows:

19B.8 Sanctions.

The department of administrative services may impose appropriate sanctions on individual state agencies, including the state board of regents and ~~its~~ the board's institutions, and upon a community college, area education agency, or school district, in order to ensure compliance with state programs emphasizing equal opportunity ~~through affirmative action~~, contract compliance policies, and requirements for procurement goals ~~for targeted small businesses~~ Iowa-based business enterprises.

Sec. 13. Section 19B.11, Code 2026, is amended to read as follows:

19B.11 School districts, area education agencies, and community colleges — duties of director of department of education.

1. It is the policy of this state to provide equal opportunity in school district, area education agency, and community college employment to all persons. An individual shall not be denied equal access to school district, area education agency, or community college employment opportunities because of race, creed, color, religion, national origin, sex, age, or physical or mental disability. ~~It also is the policy of this state to apply affirmative action measures to correct deficiencies in school district, area education agency, and community college employment systems where those remedies are appropriate. This policy shall be construed broadly to effectuate its purposes.~~

2. The director of the department of education shall actively promote fair employment practices for all school district, area education agency, and community college employees, and the state board of education shall adopt rules requiring specific steps by school districts, area education agencies, and community colleges to accomplish the goals of equal employment opportunity ~~and affirmative action~~ in the recruitment, appointment, assignment, and advancement of personnel. ~~Each school district, area education agency, and community college shall be required to develop affirmative action standards which are based on the population of the community in which it functions, the student population served, or the persons who can be reasonably recruited. The director of education shall consult with the department of administrative services in the performance of duties under this section.~~

~~3. Each school district, area education agency, and community college in the state shall submit to the director of the department of education an annual report of the accomplishments and programs of the district, agency, or community college in carrying out its duties under this section. The report shall be submitted between December 15 and December 31 each year. The director shall prescribe the form and content of the report.~~

~~4. 3.~~ The director of the department of education shall ~~prepare a compilation of the reports required by subsection 3 and shall submit this compilation, together with a report of the director's accomplishments and programs pursuant to this section,~~ to the department of management and the general assembly by January 31 of each year.

Sec. 14. Section 80B.11, subsection 1, paragraph d, Code 2026, is amended by striking the paragraph.

Sec. 15. Section 80B.11G, subsections 1 and 3, Code 2026, are amended to read as follows:

1. A law enforcement agency shall provide annual training to every law enforcement

officer on issues relating to de-escalation techniques and the prevention of bias. Every law enforcement officer in the state must participate in annual training in accordance with this section.

3. Every law enforcement officer shall adhere to the training guidelines developed by the academy pursuant to this section. The training guidelines shall include all of the following:

~~a. An emphasis on law enforcement officer understanding and respect for diverse communities and the importance of effective, noncombative methods of carrying out law enforcement activities in a diverse community.~~

~~b. Instruction on diverse communities in order to foster mutual respect and cooperation between law enforcement and members of all diverse communities.~~

~~c. An examination of the patterns, practices, and protocols that cause biased law enforcement actions, and the tools to prevent such actions.~~

~~d. An examination and identification of key indices and perspectives that make up differences among residents in a local community.~~

~~e. Instruction on implicit bias and consideration of the negative impact of bias, whether intentional or implicit, on effective law enforcement, including examination of how historical perceptions of profiling have harmed community relations.~~

~~f. Instruction on the perspectives of diverse local constituency groups from experts on particular cultural and law enforcement community relations issues in a local area.~~

~~g. A presentation of the history and the role of the civil rights movement and the impact on law enforcement.~~

~~h. Instruction instruction on de-escalation techniques, including verbal and physical tactics to minimize the need for the use of force and nonlethal methods of applying force.~~

Sec. 16. Section 80B.11G, subsection 4, Code 2026, is amended by striking the subsection.

Sec. 17. Section 135.63, subsection 1, paragraph a, Code 2026, is amended to read as follows:

a. The contribution of the proposed institutional health service in meeting the needs of the medically underserved, including persons in rural areas, low-income persons, ~~racial and ethnic minorities~~, persons with disabilities, and the elderly, as well as the extent to which medically underserved residents in the applicant's service area are likely to have access to the proposed institutional health service.

Sec. 18. Section 148.3, subsection 3, Code 2026, is amended to read as follows:

3. The board shall give priority to the processing of applications for licensure submitted by physicians and surgeons and osteopathic physicians and surgeons whose practice will primarily involve provision of service to medically underserved populations, including ~~but not limited to minorities or low-income persons, or who live in rural areas.~~

Sec. 19. Section 256.36, subsection 2, paragraph a, unnumbered paragraph 1, Code 2026, is amended to read as follows:

The goals of the math and science education program may include ~~but are not limited to~~ any of the following:

Sec. 20. Section 256.36, subsection 2, paragraph a, subparagraph (6), Code 2026, is amended by striking the subparagraph.

Sec. 21. Section 256.177, subsection 10, Code 2026, is amended to read as follows:

10. Require any postsecondary institution whose students are eligible for or who receive financial assistance under programs administered by the commission to transmit annually to the commission information about the numbers of minority students enrolled in and minority faculty members employed at the institution. The commission shall compile and report the information collected to the general assembly, the governor, and the legislative services agency by March 1 annually. For purposes of this subsection, "minority" means the same as defined in 12 C.F.R. §4.62, as effective on January 1, 2026.

Sec. 22. Section 256.183, subsection 1, paragraph d, Code 2026, is amended to read as follows:

d. Promotes equal opportunity and ~~affirmative action~~ efforts in the recruitment, appointment, assignment, and advancement of personnel at the institution and provides information regarding such efforts to the commission upon request.

Sec. 23. Section 256.213, Code 2026, is amended to read as follows:

256.213 Legislative intent.

The general assembly finds that the failure of many young Iowans to complete their education limits their opportunity for a life of fulfillment and hinders the state's efforts to provide a well-trained workforce for business and industry in Iowa. ~~The general assembly also declares that it is the policy of this state to apply positive measures to ensure that equal opportunities exist for minority persons to pursue their educational goals.~~ Therefore, the "Iowa Minority Academic Grants for Economic Success" program is established to provide additional funding to the state board of regents institutions, community colleges, and accredited private institutions in order to encourage resident ~~minority~~ students to remain in Iowa, to attend community colleges, private colleges, and universities in Iowa, and to assure that a limited family income will not be a barrier for a ~~minority~~ person to pursue a postsecondary education.

Sec. 24. Section 256.214, subsection 3, Code 2026, is amended to read as follows:

3. "*Financial need*" means the difference between the student's financial resources, including resources available from the student's parents and the student, as determined by a completed parents' financial statement and including any noncampus-administered federal or state grants and scholarships, and the student's estimated expenses while attending the institution. A student shall accept all available federal and state grants and scholarships before being considered eligible for grants under the Iowa ~~minority~~ academic grants for economic success program. Financial need shall be reconsidered on at least an annual basis.

Sec. 25. Section 256.214, subsection 5, Code 2026, is amended by striking the subsection.

Sec. 26. Section 256.214, subsection 7, Code 2026, is amended to read as follows:

7. "*Program*" means the Iowa ~~minority~~ academic grants for economic success program established in this subpart.

Sec. 27. Section 256.215, subsection 1, Code 2026, is amended by striking the subsection.

Sec. 28. Section 256.216, subsection 7, Code 2026, is amended by striking the subsection.

Sec. 29. Section 256.216, subsection 8, Code 2026, is amended to read as follows:

8. Administer funds appropriated for the Iowa ~~minority~~ academic grants for economic success program to carry out the duties of the commission.

Sec. 30. Section 262.9, subsection 21, Code 2026, is amended to read as follows:

21. Direct the administration of the Iowa ~~minority~~ academic grants for economic success program as established in section 256.213 for the institutions under its control.

Sec. 31. Section 262.93, Code 2026, is amended to read as follows:

262.93 Reports to general assembly.

The college student aid commission ~~and the state board of regents each~~ shall submit to the general assembly, by January 15 of each year, a report on the progress and implementation of the ~~programs which they administer~~ program under sections 256.214 through 256.217 and 262.92. ~~By January 31 of each year, the state board of regents shall submit a report to the general assembly regarding the progress and implementation of the program administered pursuant to section 262.82.~~ The reports shall report must include

but are ~~is~~ not limited to the numbers of students and educators participating in the ~~programs~~ program and allocation of funds appropriated for the ~~programs~~ program.

Sec. 32. Section 602.1204, subsection 2, Code 2026, is amended to read as follows:

2. The state court administrator may issue directives relating to the management of the judicial branch. The subject matters of these directives shall include, but need not be limited to, fiscal procedures, the judicial retirement system, and the collection and reporting of statistical and other data. ~~The directives shall provide for an affirmative action plan which shall be based upon guidelines provided by the Iowa state civil rights commission.~~ In addition, when establishing salaries and benefits the state court administrator shall not discriminate in the employment or pay between employees on the basis of gender by paying wages to employees at a rate less than the rate at which wages are paid to employees of the opposite gender for work of comparable worth. As used in this section “*comparable worth*” means the value of work as measured by the composite of the skill, effort, responsibility, and working conditions normally required in the performance of work.

Sec. 33. Section 602.1209, subsection 3, Code 2026, is amended to read as follows:

3. Authorize the filling of vacant court employee positions, ~~and~~ review the qualifications of each person to be employed within the judicial branch, ~~and assure that affirmative action goals are being met by the judicial branch.~~ The state court administrator shall not approve the employment of a person when either the proposed terms and conditions of employment or the qualifications of the individual do not satisfy personnel policies of the judicial branch. The administrator shall implement the comparable worth directives issued under section 602.1204, subsection 2, in all court employment decisions.

Sec. 34. REPEAL. Sections 8.11, 19B.5, 260C.29, 262.81, 262.82, 262.91, and 262.92, Code 2026, are repealed.

Sec. 35. CODE EDITOR DIRECTIVE.

1. The Code editor is directed to make the following transfer:
Section 262.93 to section 256.217A.
2. The Code editor shall correct internal references in the Code and in any enacted legislation as necessary due to the enactment of this section.

Approved June 2, 2026