

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
4 of 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
14 provide special benefits to individuals on the basis of race,
15 color, or ethnicity.

16 c. Any effort to promote or promulgate policies and
17 procedures designed or implemented with reference to race,
18 color, 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,
26 cultural appropriation, allyship, transgender ideology,
27 microaggressions, group marginalization, anti-racism, systemic
28 oppression, social justice, intersectionality, neopronouns,
29 heteronormativity, disparate impact, gender theory, racial
30 privilege, sexual privilege, or any related formulation of
31 these concepts.

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

1 programming, training, practices, activities, or procedures
2 related to diversity, equity, and inclusion. *"Diversity,*
3 *equity, and inclusion office"* does not include any of the
4 following:

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

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

21 *c.* An office solely engaged in recruitment.

22 *d.* A registered student organization.

23 *e.* An office that a state entity is required to maintain
24 pursuant to a contract or agreement with a federal governmental
25 entity.

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

35 *a.* Any employee who is a licensed attorney and whose sole

1 job duties related to diversity, equity, and inclusion are to
 2 ensure compliance with the state entity's obligations under
 3 Tit. IX of the federal Education Amendments Act of 1972, 20
 4 U.S.C. §1681 et seq., as amended, the federal Americans with
 5 Disabilities Act of 1990, 42 U.S.C. §12101 et seq., as amended,
 6 the federal Age Discrimination in Employment Act of 1967, 29
 7 U.S.C. §621 et seq., as amended, the federal Civil Rights
 8 Act of 1964, Pub. L. No. 88-352, as amended, or any other
 9 applicable federal or state law or a court order.

10 *b.* Any employee while engaged in teaching, research, or
 11 the production of creative works, the dissemination of the
 12 employee's research or creative works, or advising a registered
 13 student organization.

14 *c.* A guest speaker or performer with a short-term
 15 engagement.

16 *d.* Any employee that a state entity is required to employ
 17 pursuant to a contract or agreement with a federal governmental
 18 entity.

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

21 5. "*Sexual orientation*" means the same as defined in section
 22 216.2.

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

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

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

1 officer.

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

4 a. Academic course instruction.

5 b. Research or creative works by the state entity's
6 students, employees, or other research personnel, and the
7 dissemination of such research or creative works.

8 c. Activities of registered student organizations.

9 d. Arrangements for guest speakers and performers with
10 short-term engagements.

11 e. Mental or physical health services provided by licensed
12 professionals.

13 f. Policies, programming, training, practices, activities,
14 or procedures related to diversity, equity, and inclusion that
15 are required pursuant to a contract or agreement with a federal
16 governmental entity.

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

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

21 1. Any person may notify the attorney general of a state
22 entity's potential violation of section 19.2. The attorney
23 general may bring an action against a state entity for a writ
24 of mandamus to compel the state entity to comply with section
25 19.2.

26 2. A student enrolled in a public school, an alumnus of
27 a public school, or an employee of a state entity alleging
28 a violation of section 19.2 may bring a civil action for
29 injunctive relief against the state entity to prohibit the
30 state entity from continuing such violation.

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

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

35 b. The county in which the principal office of the state

1 entity is located.

2 *c.* The county in which the claimant resides, if the claimant
3 is an individual and resides in this state.

4 *d.* The county in which a defendant resides, if the defendant
5 is an individual and resides in this state.

6 Sec. 4. EFFECTIVE DATE. This division of this Act, being
7 deemed of immediate importance, takes effect upon enactment.

8 DIVISION II

9 COMMUNITY COLLEGES — DIVERSITY, EQUITY, AND INCLUSION

10 ACTIVITIES PROHIBITED

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

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

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

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

33 3. *"Public institution of higher education"* means an
34 institution of higher learning governed by the state board of
35 regents or a community college.

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

3 **261J.4 Reporting.**

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

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

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

21 DIVISION III

22 PRIVATE INSTITUTIONS OF HIGHER EDUCATION — DIVERSITY, EQUITY,
23 AND INCLUSION ACTIVITIES PROHIBITED

24 Sec. 9. Section 256.183, subsection 1, unnumbered paragraph
25 1, Code 2025, is amended to read as follows:

26 *"Accredited private institution"* means an institution of
27 higher learning located in Iowa which is operated privately
28 and not controlled or administered by any state agency or
29 any subdivision of the state and which meets the criteria in
30 paragraphs *"a"* and *"b"* and all of the criteria in paragraphs *"d"*
31 through *"j"* *"k"*, except that institutions defined in paragraph
32 *"c"* of this subsection are exempt from the requirements of
33 paragraphs *"a"* and *"b"*:

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

1 NEW PARAGRAPH. *k.* Adopt a policy for compliance with
2 chapter 261K.

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

5 3. *"Eligible institution"* means an institution of higher
6 learning located in Iowa which is operated privately and
7 not controlled or administered by any state agency or any
8 subdivision of the state, which is not exempt from taxation
9 under section 501(c)(3) of the Internal Revenue Code, and which
10 meets all of the criteria in [subsection 1](#), paragraphs *"d"*
11 through *"j"* *"k"*, and is a school of barbering and cosmetology
12 arts and sciences licensed under [chapter 157](#) and is accredited
13 by a national accrediting agency recognized by the United
14 States department of education. For the fiscal year beginning
15 July 1, 2017, such a school of barbering and cosmetology arts
16 and sciences shall provide a matching aggregate amount of
17 institutional financial aid equal to at least seventy-five
18 percent of the amount received by the institution's students
19 for Iowa tuition grant assistance under [section 256.191](#). For
20 the fiscal year beginning July 1, 2018, the school of barbering
21 and cosmetology arts and sciences shall provide a matching
22 aggregate amount of institutional financial aid equal to at
23 least eighty-five percent of the amount received in that fiscal
24 year. Commencing with the fiscal year beginning July 1, 2019,
25 and each succeeding fiscal year, the matching aggregate amount
26 of institutional financial aid shall be at least equal to the
27 match provided by eligible institutions under section 261.9,
28 subsection 3, paragraph *"a"*, Code 2023.

29 Sec. 12. NEW SECTION. 261K.1 Definitions.

30 As used in this chapter, unless the context otherwise
31 requires:

- 32 1. *"Department"* means the department of education.
- 33 2. *"Diversity, equity, and inclusion"* includes all of the
34 following:
 - 35 *a.* Any effort to manipulate or otherwise influence the

1 composition of the faculty or student body with reference to
2 race, sex, color, or ethnicity, apart from ensuring colorblind
3 and sex-neutral admissions and hiring in accordance with state
4 and federal antidiscrimination laws.

5 **b.** Any effort to promote differential treatment of or
6 provide special benefits to individuals on the basis of race,
7 color, or ethnicity.

8 **c.** Any effort to promote or promulgate policies and
9 procedures designed or implemented with reference to race,
10 color, or ethnicity.

11 **d.** Any effort to promote or promulgate trainings,
12 programming, or activities designed or implemented with
13 reference to race, color, ethnicity, gender identity, or sexual
14 orientation.

15 **3. "Diversity, equity, and inclusion office"** means
16 any division, office, center, or other unit of a private
17 institution of higher education that is responsible for
18 creating, developing, designing, implementing, organizing,
19 planning, or promoting policies, programming, training,
20 practices, activities, or procedures related to diversity,
21 equity, and inclusion. *"Diversity, equity, and inclusion office"*
22 does not include any of the following:

23 **a.** An office ensuring legal compliance.

24 **b.** An academic department within a private institution
25 of higher education that exists primarily for the purpose of
26 offering courses for degree credit and that does not establish
27 a policy or procedures to which other departments of the
28 private institution of higher education are subject.

29 **c.** An office solely engaged in new student recruitment.

30 **d.** A registered student organization.

31 **4. "Private institution of higher education"** means an
32 accredited private institution as defined in section 256.183 or
33 and eligible institution as defined in section 256.183.

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

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

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

8 a. Academic course instruction.

9 b. Research or creative works by the private institution
10 of higher education's students, faculty, or other research
11 personnel, and the dissemination of such research or creative
12 works.

13 c. Activities of registered student organizations.

14 d. Arrangements for guest speakers and performers with
15 short-term engagements.

16 e. Mental or physical health services provided by licensed
17 professionals.

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

21 Sec. 14. NEW SECTION. 261K.3 Enforcement.

22 1. Any person may report a private institution of higher
23 education's potential violation of section 261K.2 to the
24 attorney general. The attorney general shall provide notice
25 of such report to the department and the institution within
26 fifteen days. No later than thirty days after receiving such
27 notice, the institution shall do one of the following:

28 a. Correct the violation and provide documentation of the
29 correction to the attorney general and the department.

30 b. Provide documentation to the attorney general and the
31 department demonstrating that the action of the institution
32 upon which the report was based was not a violation of section
33 261K.2.

34 2. If, upon the conclusion of the thirty-day period
35 provided in subsection 1, the institution has not complied

1 with subsection 1, paragraph "a", or provided documentation
2 under subsection 1, paragraph "b", that demonstrates to
3 the satisfaction of the attorney general that a violation
4 of section 261K.2 did not occur, the institution shall be
5 ineligible to participate in the tuition grant program under
6 chapter 256, subchapter VII, part 4, subpart B, as of the
7 next academic year beginning thereafter. If either action is
8 carried out by the institution by October 1 of an academic
9 year, eligibility shall be restored as of the next academic
10 year beginning after such action is carried out. The attorney
11 general shall notify the college student aid commission to this
12 effect.