

House File 2309 - Introduced

HOUSE FILE 2309

BY STONE and WHEELER

A BILL FOR

1 An Act relating to student eligibility requirements in school
2 district and accredited nonpublic school athletics based on
3 sex.

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

1 Section 1. NEW SECTION. 280.32 Extracurricular athletics —
2 eligibility — cause of action.

3 1. a. An interscholastic athletic team, sport, or athletic
4 event that is sponsored or sanctioned by an accredited
5 nonpublic school, school district, or organization as defined
6 in section 280.13, must be designated as one of the following,
7 based on the sex at birth of the participating students:

8 (1) Females, women, or girls.

9 (2) Males, men, or boys.

10 (3) Coeducational or mixed.

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

14 c. For the purposes of this subsection, "sex" means
15 a person's biological sex as either female or male. The
16 sex listed on the student's official birth certificate or
17 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 d. Protections pursuant to chapter 670 shall not apply to
21 a school district employee or a school district that does not
22 comply with the requirements of this section.

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

28 b. If a student is subjected to retaliation or other
29 adverse action by an accredited nonpublic school, school
30 district, or organization as defined in section 280.13,
31 as a result of reporting a violation of subsection 1 to an
32 employee or representative of the school, school district,
33 organization as defined in section 280.13, or to a state
34 or federal governmental entity having oversight authority,
35 that student has a private cause of action for injunctive,

1 mandamus, damages, and declaratory relief, against the
2 accredited nonpublic school, school district, or organization.
3 In addition, a governmental entity shall not investigate a
4 complaint or take any adverse action against an accredited
5 nonpublic school, school district, or organization, or
6 any employee of a board of directors or the authorities in
7 charge of an accredited nonpublic school for compliance with
8 subsection 1.

9 3. If an accredited nonpublic school, school district, or
10 organization as defined in section 280.13, suffers any direct
11 or indirect harm as a result of a violation of subsection
12 1, that accredited nonpublic school, school district, or
13 organization has a private cause of action for injunctive,
14 mandamus, damages, and declaratory relief against the entity
15 that violated subsection 1.

16 4. *a.* A governmental entity, accredited nonpublic school,
17 or school district shall not be liable to any student for
18 complying with subsection 1.

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

21 *c.* Any party prevailing on a claim brought under subsection
22 2 or 3 is entitled to reasonable attorney fees and costs.

23 5. *a.* For any lawsuit brought or any complaint filed
24 against an accredited nonpublic school, a school district,
25 or an employee, board of directors member, or a member of
26 the authorities in charge of a nonpublic school, as a result
27 of compliance with subsection 1, the attorney general shall
28 provide legal representation at no cost to that entity or
29 individual.

30 *b.* In addition to the expenses of representation, the
31 state shall assume financial responsibility for any other
32 expense related to the lawsuit or complaint and incurred by an
33 accredited nonpublic school, a school district, or an employee,
34 board of directors member, or a member of the authorities in
35 charge of a nonpublic school, including any award for attorney

1 fees and costs for which that entity or individual would be
2 otherwise responsible.

3

EXPLANATION

4

The inclusion of this explanation does not constitute agreement with

5

the explanation's substance by the members of the general assembly.

6

This bill relates to student eligibility requirements in
7 school district and accredited nonpublic school athletics.

8

The bill requires an interscholastic athletic team, sport,
9 or athletic event that is sponsored or sanctioned by an
10 accredited nonpublic school, school district, or athletic
11 organization must be designated as females, women, or girls;
12 males, men, or boys; or coeducational or mixed based on the sex
13 at birth of the participating students. The bill also requires
14 that only female students, based on their sex, may participate
15 in any team, sport, or athletic event designated as being for
16 females, women, or girls. The bill defines "sex" to mean a
17 person's biological sex as either female or male, and provides
18 that the sex listed on the student's official birth certificate
19 or certificate issued upon adoption may be relied upon if the
20 certificate was issued at or near the time of the student's
21 birth.

22

The bill provides that the protections of Code chapter 670
23 (tort liability of governmental subdivisions) do not apply to
24 a school district employee or a school district that does not
25 comply with the requirements of the bill.

26

The bill allows a student who suffers direct or indirect harm
27 as a result of a violation of the bill's requirements to have
28 a private cause of action for injunctive, mandamus, damages,
29 and declaratory relief against the school district, accredited
30 nonpublic school, or high school athletic organization.

31

The bill also provides that a student who was subjected to
32 retaliation or other adverse action by an accredited nonpublic
33 school, school district, or high school athletic organization,
34 as a result of reporting a violation of the bill's requirements
35 to an employee or representative of the school, school

1 district, high school athletic organization, or to a state or
2 federal governmental entity having oversight authority, has a
3 private cause of action for injunctive, mandamus, damages, and
4 declaratory relief against the accredited nonpublic school,
5 school district, or organization.

6 The bill prohibits any governmental entity from
7 investigating a complaint or taking any adverse action
8 against an accredited nonpublic school, school district, or
9 organization, or any employee of a board of directors or the
10 authorities in charge of an accredited nonpublic school, for
11 compliance with the bill's requirements.

12 The bill allows an accredited nonpublic school, school
13 district, or high school athletic organization that suffers
14 any direct or indirect harm as a result of a violation of the
15 bill's requirements to have a private cause of action for
16 injunctive, mandamus, damages, and declaratory relief against
17 the entity that violated the bill's requirements.

18 The bill provides that a governmental entity, accredited
19 nonpublic school, or school district is immune from liability
20 to any student for its compliance with the bill's requirements.

21 The bill requires a civil action based on a violation of the
22 bill's requirements or retaliation for reporting a violation of
23 the bill's requirements to be initiated within two years from
24 the date the alleged harm occurred.

25 The bill entitles any party prevailing on a claim brought
26 based on a violation of the bill's requirements or retaliation
27 for reporting a violation of the bill's requirements to
28 reasonable attorney fees and costs.

29 The bill requires the attorney general to provide legal
30 representation at no cost to an accredited nonpublic school,
31 a school district, or an employee, board of directors member,
32 or a member of the authorities in charge of a nonpublic school
33 for any lawsuit brought or any complaint filed against that
34 entity as a result of compliance with the bill's requirements.
35 The bill also requires that, in addition to the expenses of

1 representation, the state assume financial responsibility for
2 any other expense related to the lawsuit or complaint and
3 incurred by an accredited nonpublic school, a school district,
4 or an employee, board of directors member, or a member of the
5 authorities in charge of a nonpublic school, including any
6 award for attorney fees and costs for which that entity or
7 individual would be otherwise responsible.