

IOWA SAFE SCHOOLS LAW

Another recently enacted law is the Iowa Safe Schools Law. Effective September 1, 2007, Iowa Code Chapter 280 requires both public and private schools to establish policies prohibiting harassment and bullying against students by employees, school volunteers, or other students. Sexual Orientation and Gender identity are covered under the Safe Schools Law. Students may now seek remedies under both Chapter 216 and Chapter 280.

WHAT DOES THIS LAW PROHIBIT?

"Harassment" or "bullying" can be written, verbal, electronic, or physical conduct based on an actual or perceived trait or characteristic of the student which creates an objectively hostile school environment. "Hostile environment" means one or more of the following:

- ◆ Conduct which places the student in reasonable fear of harm to the student's person or property
- ◆ Conduct which has a substantially detrimental effect on the student's physical or mental health
- ◆ Conduct which substantially interferes with a student's academic performance
- ◆ Conduct which substantially interferes with the student's ability to participate in or benefit from the services, activities, or privileges provided by a school.

WHO DOES THIS LAW PROTECT?

The safe schools law, unlike the Iowa Civil Rights Act, applies only to students, not to school employees.

This guidance document is designed for general educational purposes only and is not intended, nor should it be construed as or relied upon, as legal advice.



Iowa Civil Rights
Commission

For additional information:

Iowa Civil Rights Commission
Grimes State Office Building
400 E. 14th Street
Des Moines, IA 50319

Phone: (515) 281-4121
(800) 457-4416
Fax: (515) 242-5840

www.state.ia.us/government/crc

For more detailed information regarding these new protections, please see our website.

Iowa Civil Rights Commission

SEXUAL ORIENTATION, GENDER IDENTITY, AND IOWA'S SAFE SCHOOLS LAW

An Education Provider's Guide to Iowa Law Compliance



The mission of the Civil Rights Commission is enforcing civil rights through compliance, mediation, advocacy, and education as we support safe, just, and inclusive communities.

Iowa Law

Effective July 1, 2007, the Iowa Civil Rights Act (Iowa Code Chapter 216) was expanded to add sexual orientation and gender identity to the list of protected classes. It is now ILLEGAL in Iowa to discriminate against a person because of his/her sexual orientation or gender identity.

WHAT DO THESE NEW TERMS MEAN?

“Sexual Orientation” means actual or perceived heterosexuality, homosexuality, or bisexuality.

“Gender Identity” means a gender-related identity of a person, regardless of the person’s assigned sex at birth.

WHAT INSTITUTIONS ARE COVERED?

Both Private and Public Institutions are covered.

- ◆ Preschools;
- ◆ Elementary and Secondary Schools;
- ◆ Community Colleges;
- ◆ Postsecondary Colleges and Universities;
- ◆ Governing boards of educational institutions.



The Iowa Code may be found at www.legis.state.ia.us/iowaLaw.html

WHO IS PROTECTED?

Students, teachers, other school employees, and volunteers are protected against discrimination based on sexual orientation and gender identity under the Iowa Civil Rights Act. For more information on teacher and school staff protection, please see our Employment pamphlet/FAQ.

DOES THE IOWA CIVIL RIGHTS ACT APPLY TO PRIVATE SCHOOLS?

Yes. All educational institutions – public, private, and religious – are covered by the Iowa Civil Rights Act. However, bona fide religious institutions are permitted to impose qualifications based on religion related to a bona fide religious purpose. Religious qualifications for instructional personnel or administrative officers serving in a supervisory capacity are presumed to be acceptable occupational qualifications in Iowa.

WHAT ACTION IS PROHIBITED?

Exclusion, Denial of Benefits, or Discrimination in any educational “program or activity”, including:

- ◆ Academics;
- ◆ Extracurricular Activities;
- ◆ Research Opportunities; or
- ◆ Occupational Training.

Retaliation by taking adverse action against a person for filing a claim, participating in an investigation, or otherwise opposing discriminatory conduct.



Questions?
Contact the ICRC:
(515) 281-4121

Denial of Comparable Benefits in intramural or interscholastic athletic programs is also prohibited, although schools are allowed to have sex-segregated athletic teams.

Harassing Conduct based on a student’s sexual orientation or gender

identity, inflicted upon the student by school employees, volunteers, or other students.

WHAT DOES THIS MEAN TO AN EDUCATIONAL INSTITUTION?

It means that educational services may not be denied, nor may a student be harassed or discriminated against based on that student’s sexual orientation or gender identity, whether actual or perceived. This is in addition to existing protections for race, creed, color, sex, national origin, religion, and disability. Similar guidelines should be enforced.



These new provisions took effect on July 1, 2007.

WHAT ABOUT LOCKER ROOMS, LIVING FACILITIES, AND RESTROOMS?

Every student is entitled to safe facilities and schools should take steps to ensure this safety. Iowa law does not prohibit educational institutions from maintaining separate facilities for the different sexes, so long as they are comparable.

WHAT SHOULD I DO IF I BELIEVE I HAVE BEEN DISCRIMINATED AGAINST?

File a complaint with the Iowa Civil Rights commission within **300 days** of the alleged discriminatory incident. To find contact information for your local agency or for more information, visit us at:

www.state.ia.us/government/crc