

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
EDUCATION BILL)

A BILL FOR

1 An Act modifying the board of educational examiners' reporting
2 requirements related to the investigation of complaints
3 against licensees and nonlicensed school employees.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 256.158, subsection 3, Code 2024, is
2 amended to read as follows:

3 3. a. All Subject to paragraph "b", all complaint files,
4 investigation files, other investigation reports, and other
5 investigative information in the possession of the board or
6 its employees or agents, which relate to licensee discipline
7 or the investigation of nonlicensed school employees, are
8 privileged and confidential, and are not subject to discovery,
9 subpoena, or other means of legal compulsion for their release
10 to a person other than the respondent and the board and
11 its employees and agents involved in licensee discipline or
12 the investigation of nonlicensed school employees, and are
13 not admissible in evidence in a judicial or administrative
14 proceeding other than the proceeding involving licensee
15 discipline. A complaint, any amendment to a complaint, and
16 any supporting documents shall be provided to the respondent
17 immediately upon the board's determination that jurisdictional
18 requirements have been met and prior to the commencement of the
19 board's investigation of a licensee. Investigative information
20 in the possession of the board or its employees or agents which
21 relates to licensee discipline may be disclosed to appropriate
22 licensing authorities within this state, the appropriate
23 licensing authority in another state, the District of Columbia,
24 or a territory or country in which the licensee is licensed
25 or has applied for a license. A final written decision and
26 finding of fact of the board in a disciplinary proceeding is a
27 public record.

28 b. Notwithstanding paragraph "a", if the investigative
29 information in the possession of the board or its employees
30 or agents indicates that a crime has been committed by either
31 a licensee or a nonlicensed school employee, the board shall
32 report the investigative information to the proper law
33 enforcement agency.

34

EXPLANATION

35 The inclusion of this explanation does not constitute agreement with

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

2 This bill modifies the board of educational examiners'
3 (BOEE) reporting requirements related to the investigation of
4 complaints against licensees and nonlicensed school employees.
5 Current law provides that all investigative information
6 in the possession of the BOEE, which relates to licensee
7 discipline, is privileged and confidential, and is not subject
8 to discovery, subpoena, or other means of legal compulsion
9 for their release to a person other than the respondent and
10 the BOEE, and are not admissible in evidence in a judicial
11 or administrative proceeding other than the proceeding
12 involving licensee discipline. The bill provides that these
13 same protections apply to the investigation of a nonlicensed
14 school employee. Additionally, the bill establishes that,
15 notwithstanding these protections, if the investigative
16 information in the possession of the BOEE indicates that
17 a crime has been committed by either a licensee or a
18 nonlicensed school employee, the BOEE is required to report the
19 investigative information to the proper law enforcement agency.