

CHAPTER 62**SCHOOL BOARD DUTIES — SUSPENSION OF PRACTITIONERS***H.F. 389*

AN ACT relating to the duties of the board of directors of a school district, including those related to the suspension of a practitioner by the board of directors of a school district.

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

Section 1. Section 279.16, unnumbered paragraphs 6 and 10, Code 2001, are amended to read as follows:

If the teacher fails to timely request a private hearing or does not appear at the private hearing, the board may proceed and make a determination upon the superintendent's recommendation. If the teacher fails to timely file a request for a private hearing, the determination shall be not later than May 31. If the teacher fails to appear at the private hearing, the determination shall be not later than five days after the scheduled date for the private hearing. The board shall convene in open session and by roll call vote determine the termination or continuance of the teacher's contract, and, if the board votes to continue the teacher's contract, whether to suspend the teacher with or without pay for a period specified by the board.

When the board has reached a decision, opinion, or conclusion, it shall convene in open meeting and by roll call vote determine the continuance or discontinuance of the teacher's contract, and, if the board votes to continue the teacher's contract, whether to suspend the teacher with or without pay for a period specified by the board. The record of the private conference and findings of fact and exceptions shall be exempt from the provisions of chapter 22. The secretary of the board shall immediately mail notice of the board's action to the teacher.

Sec. 2. Section 279.24, unnumbered paragraphs 8, 11, and 13, Code 2001, are amended to read as follows:

Within five days after receipt of the written notice that the school board has voted to consider termination of the contract, the administrator may request in writing to the secretary of the school board that the notification be forwarded to the board of educational examiners along with a request that the board of educational examiners submit a list of five qualified administrative law judges to the parties. Within three days from receipt of the list the parties shall select an administrative law judge by alternately removing a name from the list until only one name remains. The person whose name remains shall be the administrative law judge. The parties shall determine by lot which party shall remove the first name from the list. The hearing shall be held no sooner than ten days and not later than thirty days following the administrator's request unless the parties otherwise agree. If the administrator does not request a hearing, the school board, not later than May 31, may determine the continuance or discontinuance of the contract, and, if the board determines to continue the administrator's contract, whether to suspend the administrator with or without pay for a period specified by the board. School board action shall be by majority roll call vote entered on the minutes of the meeting. Notice of school board action shall be personally delivered or mailed to the administrator.

If the administrator appeals to the school board, or if the school board determines on its own motion to review the proposed decision of the administrative law judge, a private hearing shall be held before the school board within five days after the petition for review, or motion for review, has been made or at such other time as the parties agree. The private hearing is not subject to chapter 21. The school board may hear the case de novo upon the record as submitted before the administrative law judge. In cases where there is an appeal from a proposed decision or where a proposed decision is reviewed on motion of the school board, an opportunity shall be afforded to each party to file exceptions, present briefs and

present oral arguments to the school board which is to render the final decision. The secretary of the school board shall give the administrator written notice of the time, place, and date of the hearing. The school board shall meet within five days after the hearing to determine the question of continuance or discontinuance of the contract, and, if the board determines to continue the administrator's contract, whether to suspend the administrator with or without pay for a period specified by the board. The school board shall make findings of fact which shall be based solely on the evidence in the record and on matters officially noticed in the record.

When the school board has reached a decision, opinion, or conclusion, it shall convene in open meeting and by roll call vote determine the continuance or discontinuance of the administrator's contract, and, if the board votes to continue the administrator's contract, whether to suspend the administrator with or without pay for a period specified by the board. The record of the private conference and findings of fact and exceptions shall be exempt from the provisions of chapter 22. The secretary of the school board shall immediately personally deliver or mail notice of the school board's action to the administrator.

Approved April 23, 2001

CHAPTER 63

LIMITATION OF CRIMINAL ACTIONS — INCEST — SEXUAL EXPLOITATION

H.F. 458

AN ACT extending the statute of limitations period for filing a criminal charge of incest or sexual exploitation by a counselor or therapist.

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

Section 1. NEW SECTION. 802.2A INCEST — SEXUAL EXPLOITATION BY A COUNSELOR OR THERAPIST.

1. An information or indictment for incest under section 726.2 committed on or with a person who is under the age of eighteen shall be found within ten years after the person upon whom the offense is committed attains eighteen years of age. An information or indictment for any other incest shall be found within ten years after its commission.

2. An indictment or information for sexual exploitation by a counselor or therapist under section 709.15 committed on or with a person who is under the age of eighteen shall be found within ten years after the person upon whom the offense is committed attains eighteen years of age. An information or indictment for any other sexual exploitation shall be found within ten years of the date the victim was last treated by the counselor or therapist.

Sec. 2. Section 802.3, Code 2001, is amended to read as follows:

802.3 FELONY — AGGRAVATED OR SERIOUS MISDEMEANOR.

~~1.~~ In all cases, except those enumerated in ~~subsection 2 and in sections 802.1 and, 802.2, and 802.2A,~~ an indictment or information for a felony or aggravated or serious misdemeanor shall be found within three years after its commission.

~~2. An indictment or information for sexual exploitation by a counselor or therapist under section 709.15 shall be found within ten years of the date the victim was last treated by the counselor or therapist.~~

Approved April 23, 2001