HOUSE FILE 2245

BY HUTTER

Passed House, Date _____   Passed Senate, Date _____
Vote: Ayes _____ Nays _____   Vote: Ayes _____ Nays _____
                   Approved _____

A BILL FOR

1 An Act relating to founded child abuse by providing for inclusion
2   of disposition information in the child's permanent student
3   record.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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1   Section 1. Section 232.71D, Code 2003, is amended by

2 adding the following new subsection:

3   NEW SUBSECTION. 4A. The central registry shall transmit

4 to the child's school district or accredited nonpublic school

5 the name of the child and disposition data placed in the

6 central registry as a case of founded child abuse pursuant to

7 subsection 3. The school district or accredited nonpublic

8 school shall place the transmitted information in the child's

9 permanent student record. The information placed in the

10 child's permanent student record in accordance with this

11 subsection is subject to sealing and expungement as provided

12 in section 235A.18, correction of data as provided in section

13 235A.19, and the information sharing provisions of section

14 280.25, and shall only be disseminated in accordance with

15 section 280.25.

16   Sec. 2. Section 235A.15, subsection 2, paragraph e,

17 subparagraph (16), Code Supplement 2003, is amended to read as

18 follows:

19   (16) To the superintendent, or the superintendent's

20 designee, of a school district or to the authorities in charge

21 of an accredited nonpublic school for purposes of a volunteer

22 or employment record check or for placement of child abuse

23 information in a child's permanent student record pursuant to

24 section 232.71D, subsection 4A.

25   Sec. 3. Section 280.25, subsection 6, Code 2003, is

26 amended to read as follows:

27   6. The interagency agreement shall provide, and each

28 signatory agency to the agreement shall certify in the

29 agreement, that confidential information shared among the

30 parties to the agreement shall remain confidential and shall

31 not be shared with any other person, school, school district,

32 or agency, unless otherwise provided by law. However, the

33 child abuse information placed in the permanent student record

34 pursuant to section 232.71D shall remain in the record if the

35 child transfers to a nonpublic school or school district that

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1 is subject to this section and shall be subject to disclosure

2 in accordance with this section to any party to the receiving

3 school's or school district's interagency agreement for

4 information disclosure.

5   Sec. 4. IMPLEMENTATION OF ACT. Section 25B.2, subsection

6 3, shall not apply to this Act.

7   EXPLANATION

8   This bill relates to founded child abuse by providing for

9 inclusion of child abuse disposition information in the

10 child's permanent student record that is subject to

11 interagency information sharing.

12   The bill amends Code section 232.71D, relating to

13 information placed in the central child registry following a

14 child abuse assessment and the confidentiality requirements

15 applicable to the information. The bill provides that for

16 founded child abuse information, the child's name and

17 disposition data are to become part of the child's permanent

18 student record and are subject to information sharing under

19 Code section 280.25. "Disposition data" is defined in Code

20 section 235A.13 to mean information pertaining to an opinion

21 or decision as to the occurrence of child abuse. Under Code

22 section 235A.18, the information placed in the record is

23 subject to sealing 10 years after the data was placed in the

24 central registry and to expungement eight years after sealing.

25 If a court finds a case of child abuse is unfounded, the

26 information must be expunged immediately. Code section

27 235A.19 provides a procedure for a subject of a child abuse to

28 correct information referring to the person either by review

29 of the department or the district court. If the information

30 is corrected, the department is required to notify all who

31 received the information. Code section 280.25 requires each

32 Iowa school district and nonpublic school to have a policy

33 providing for information sharing between the school and

34 agencies involved with the juvenile justice system.

35   Code section 235A.15, relating to authorized access to

1 report and disposition child abuse information, is amended.
2 The superintendent of a school district or the authorities in
3 charge of an accredited nonpublic school currently have access
4 to child abuse disposition information for purposes of a
5 volunteer or employment record check. The bill provides
6 additional access for the purpose of placing the child abuse
7 disposition information in a child's permanent student record.
8 Persons authorized to have access to child abuse information
9 under Code chapter 235A are restricted from unauthorized
10 redissemination and are subject to civil remedies and a
11 criminal penalty for doing so.
12   Code section 280.25, relating to interagency agreements and
13 sharing of school information, is amended to provide an
14 exception to a requirement that confidential information
15 shared among the parties to an interagency agreement cannot be
16 shared with others. The exception allows the child abuse
17 information placed in the permanent student record to be
18 shared with nonpublic schools and school districts of this
19 state that are subject to Code section 280.25.
20   The bill may include a state mandate as defined in Code
21 section 25B.3. The bill makes inapplicable Code section
22 25B.2, subsection 3, which would relieve a political
23 subdivision from complying with a state mandate if funding for
24 the cost of the state mandate is not provided or specified.
25 Therefore, political subdivisions are required to comply with
26 any state mandate included in the bill.
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