Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 282—Chapter 26
"Code of Rights and Responsibilities"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 256.146
State or federal law(s) implemented by the rulemaking: Iowa Code section 256.146

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

September 11, 2024 9 a.m.	Board Room, Suite A 701 East Court Avenue Des Moines, Iowa

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis. Written or oral comments in response to this Regulatory Analysis must be received by the Board of Educational Examiners no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Beth Myers, Attorney
Board of Educational Examiners
701 East Court Avenue, Suite A
Des Moines, Iowa 50309
Phone: 515.242.6506
Email: beth.myers@iowa.gov

Purpose and Summary

This proposed chapter provides a code of rights and responsibilities. The Board is proposing to remove duplicative statutory language.

Analysis of Impact

1. Persons affected by the proposed rulemaking:

- Classes of persons that will bear the costs of the proposed rulemaking:

There are no costs involved with this proposed rulemaking.

- Classes of persons that will benefit from the proposed rulemaking:

Iowans in general will benefit from the proposed rulemaking.

2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:

- Quantitative description of impact:

The Board discerns no quantitative impact.

- Qualitative description of impact:

The Board discerns no qualitative impact.

3. Costs to the State:

- Implementation and enforcement costs borne by the agency or any other agency:

The Board bears the cost of compliance.

- Anticipated effect on state revenues:

There is no effect on state revenues.

4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:

This chapter provides the code of rights and responsibilities for educators.

5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:

The Board bears the cost of compliance. The code of rights and responsibilities is required.

6. Alternative methods considered by the agency:

- Description of any alternative methods that were seriously considered by the agency:

The Board determined that the chapter is required but that the language could be reduced.

- Reasons why alternative methods were rejected in favor of the proposed rulemaking:

The public benefits from having information about the code of rights and responsibilities.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

There is no effect on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 282—Chapter 26 and adopt the following **new** chapter in lieu thereof:

CHAPTER 26
CODE OF RIGHTS AND RESPONSIBILITIES

282—26.1(256) Purpose. The code of professional conduct and ethics in 282—Chapter 25 defines unprofessional and unethical conduct justifying disciplinary sanction. The board acknowledges that the discharge of professional obligations should occur in recognition of certain fundamental rights and responsibilities. Accordingly, the board recognizes the following rights and responsibilities of all educators licensed under Iowa Code chapter 256 and agrees that the exercise of these rights and responsibilities may present mitigating facts and circumstances in the board's evaluation of allegations of unprofessional or unethical conduct.

282—26.2(256) Rights. Educators licensed under Iowa Code chapter 256 have the following rights:

1. The educator has a right to be licensed and endorsed under professional standards established and enforced by the board.

2. The educator has a right to refuse assignments for which the educator is not legally authorized, in terms of holding a valid Iowa license with the appropriate endorsement(s) or approval(s).

3. The educator has a right, subject to board and administrator authority, to exercise professional judgment in the evaluation, selection, and use of teaching methods and instructional materials appropriate to the needs, abilities, and background of each student.

282—26.3(256) Responsibilities. Educators licensed under Iowa Code chapter 256 have the following responsibilities:

1. The educator has a responsibility to maintain and improve the educator's professional competence.

2. The educator has a responsibility to accept only those assignments for which the educator is legally authorized.

3. The educator has a responsibility to provide conditions that are conducive to teaching and student learning.

4. The educator will protect students from conditions harmful to learning or to health or safety.

5. The educator will not, without just cause, restrain a student from independent action in the pursuit of learning and will not, without just cause, deny a student access to varying points of view.

6. The educator will not use professional relationships with students for personal advantage.

7. The educator will not discriminate against any student on the grounds of race, color, religion, age, sex, sexual orientation, gender identity, disability, marital status, or national origin.

8. The educator will accord just and equitable treatment to all members of the profession.

9. The educator will keep in confidence personally identifiable information regarding a student or the student's family members that has been obtained in the course of professional service, unless disclosure is required by law or is necessary for the personal safety of the student or others.

10. The educator who has reasonable basis to believe that a student has been abused, as defined by law, will make all reports that are required by law and the Iowa Administrative Code and that are necessary to ensure the safety and well-being of the student.

11. In the administration of discipline, the educator will treat all students with respect and in compliance with all policies of the school district served by the educator.

12. The educator will provide accurate, truthful, and complete information to the board and to the local education system concerning all licensure transactions.

13. The educator will not refuse to participate in a professional inquiry when requested by the board.

14. The educator will not require or direct another educator to violate any provisions of the code of professional conduct and ethics or any rights of a student, parent, educator or citizen.

15. The educator will not delegate assigned tasks to unqualified personnel.

These rules are intended to implement Iowa Code section 256.146(1)*"a."*