

256.146 Board of examiners created.

The board is created within the higher education division of the department of education to exercise the exclusive authority to:

1. *a.* License practitioners, which includes the authority to do all of the following:
 - (1) Establish criteria for the licenses.
 - (2) Establish issuance and renewal requirements, provided that a continuing education requirement may be completed by electronic means, and there shall be no renewal requirement for a practitioner who has been employed as a practitioner for at least ten years and who possesses a master's or doctoral degree, unless the practitioner holds an evaluator approval endorsement, which must be renewed at least once every ten years.
 - (3) Create application and renewal forms.
 - (4) Create licenses that authorize different instructional functions or specialties.
 - (5) Develop a code of professional rights and responsibilities, practices, and ethics, which shall, among other things, address all of the following:
 - (a) The failure of a practitioner to fulfill contractual obligations under [section 279.13](#). In addressing the failure of a practitioner to fulfill contractual obligations, the board shall consider factors beyond the practitioner's control.
 - (b) The failure of an administrator to protect the safety of staff and students.
 - (c) The failure of an administrator to meet mandatory reporter obligations.
 - (d) The refusal of a practitioner to implement provisions of an individualized education program or behavioral intervention plan.
 - (e) Habitual nonparticipation in professional development.
 - (f) The development of any other classifications, distinctions, and procedures which may be necessary to exercise licensing duties.
 - b.* Provide annually to any person who holds a license, certificate, authorization, or statement of recognition issued by the board, training relating to the knowledge and understanding of the board's code of professional conduct and ethics. The board shall develop a curriculum that addresses the code of professional conduct and ethics and shall annually provide regional training opportunities throughout the state.
 - c.* Rules adopted pursuant to [this subsection](#) establishing licensure renewal requirements shall provide that up to half of the units needed for licensure renewal may be earned upon the successful completion of an individualized professional development plan as verified by the supervising licensed evaluator, or by successful completion of professional development courses or programs offered by a professional development program licensed by the board, or by a practitioner preparation institution or area education agency approved by the state board of education.
2. Establish, collect, and refund fees for a license.
3. Enter into reciprocity agreements with other equivalent state boards or a national certification board to provide for licensing of applicants from other states or nations.
4. Enforce rules adopted by the board through revocation or suspension of a license, or by other disciplinary action against a practitioner or professional development program licensed by the board. The board shall designate who may or shall initiate a licensee disciplinary investigation and a licensee disciplinary proceeding, and who shall prosecute a disciplinary proceeding and under what conditions, and shall state the procedures for review by the board of findings of fact if a majority of the board does not hear the disciplinary proceeding. However, in a case alleging failure of a practitioner to fulfill contractual obligations, the person who files a complaint with the board, or the complainant's designee, shall represent the complainant in a disciplinary hearing conducted in accordance with [this part](#).
5. Apply for and receive federal or other funds on behalf of the state for purposes related to its duties.
6. Evaluate and conduct studies of board standards.
7. Hear appeals regarding application, renewal, suspension, or revocation of a license. Board action is final agency action for purposes of [chapter 17A](#).

8. Establish standards for the determination of whether an applicant is qualified to perform the duties required for a given license.

9. Issue statements of professional recognition to school service personnel who have attained a minimum of a baccalaureate degree and who are licensed by another professional licensing board, including but not limited to athletic trainers licensed under [chapter 152D](#).

10. Make recommendations to the state board of education concerning standards for the approval of professional development programs.

11. Adopt, under [chapter 17A](#), rules necessary to carry out board duties, and establish a budget request.

12. Adopt rules to provide for nontraditional preparation options for licensing persons who hold a bachelor's degree from an accredited college or university, who do not meet other requirements for licensure.

13. Adopt rules to determine whether an applicant is qualified to perform the duties for which a license is sought. The rules shall include all of the following:

a. The board may deny a license to or revoke the license of a person upon the board's finding by a preponderance of evidence that either the person has been convicted of an offense and the offense directly relates to the duties and responsibilities of the profession or that there has been a founded report of child abuse against the person. Rules adopted in accordance with this paragraph shall provide that in determining whether a person should be denied a license or that a practitioner's license should be revoked, the board shall consider the nature and seriousness of the founded abuse or offense in relation to the position sought, the time elapsed since the offense was committed, the degree of rehabilitation which has taken place since the incidence of founded abuse or the commission of the offense, the likelihood that the person will commit the same abuse or offense again, and the number of founded abuses committed by or criminal convictions of the person involved.

b. Notwithstanding paragraph "a", the rules shall require the board to disqualify an applicant for a license or to revoke the license of a person for any of the following reasons:

(1) The person entered a plea of guilty to, or has been found guilty of, any of the following offenses, whether or not a sentence is imposed:

(a) Any of the following forcible felonies included in [section 702.11](#): child endangerment, assault, murder, sexual abuse, or kidnapping.

(b) Any of the following sexual abuse offenses, as provided in [chapter 709](#), involving a child:

(i) First, second, or third degree sexual abuse committed on or with a person who is under the age of eighteen years.

(ii) Lascivious acts with a child.

(iii) Assault with intent to commit sexual abuse.

(iv) Indecent contact with a child.

(v) Sexual exploitation by a counselor.

(vi) Lascivious conduct with a minor.

(vii) Sexual exploitation by a school employee.

(c) Enticing a minor under [section 710.10](#).

(d) Human trafficking under [section 710A.2](#).

(e) Incest involving a child under [section 726.2](#).

(f) Dissemination and exhibition of obscene material to minors under [section 728.2](#).

(g) Telephone dissemination of obscene material to minors under [section 728.15](#).

(h) Any offense specified in the laws of another jurisdiction, or any offense that may be prosecuted in federal, military, or foreign court, that is comparable to an offense listed in this subparagraph (1).

(i) Any offense under prior laws of this state or another jurisdiction, or any offense under prior law that was prosecuted in a federal, military, or foreign court, that is comparable to an offense listed in this subparagraph (1).

(2) The applicant's application is fraudulent.

(3) The applicant's license or certification from another state is suspended or revoked.

(4) The applicant fails to meet board standards for application for an initial or renewed license.

c. Qualifications or criteria for the granting or revocation of a license or the determination of an individual's professional standing shall not include membership or nonmembership in any teachers' organization.

d. An applicant for a license or certificate under [this part](#) shall demonstrate that the requirements of the license or certificate have been met and the burden of proof shall be on the applicant. However, if the executive director of the board receives notice from the director of the department under [section 256.9, subsection 17](#), that an error in the basic education data survey submission resulted in an incorrect determination relating to licensure of a practitioner, the executive director shall initiate corrective action with the board and the findings of the director of the department shall be sufficient evidence to correct such error.

e. The board may deny a license to or revoke the license of a person upon the board's finding by a preponderance of evidence that the person knowingly and intentionally discriminated against a student in violation of [section 261H.2, subsection 3](#), or [section 279.73](#).

14. a. Adopt rules that require specificity in written complaints that are filed by individuals who have personal knowledge of an alleged violation and which are accepted by the board, provide that the jurisdictional requirements as set by the board in administrative rule are met on the face of the complaint before initiating an investigation of allegations, provide that any investigation be limited to the allegations contained on the face of the complaint, provide for an adequate interval between the receipt of a complaint and public notice of the complaint, permit parties to a complaint to mutually agree to a resolution of the complaint filed with the board, allow the respondent the right to review any investigative report upon a finding of probable cause for further action by the board, require that the conduct providing the basis for the complaint occurred within three years of discovery of the event by the complainant unless good cause can be shown for an extension of this limitation, require complaints to be resolved within one hundred eighty days unless good cause can be shown for an extension of this limitation, and require the board to finalize the investigation of the written complaint even if the licensed practitioner resigns or surrenders the licensed practitioner's license, certificate, authorization, or statement of recognition during the investigation.

b. Adopt rules that require the collection and retention of written complaints that are filed. If the board determines a written complaint is not founded, the complaint and all records related to the complaint shall be kept confidential and are not subject to [chapter 22](#).

c. Adopt rules that require the board to notify the public when a licensed practitioner who is the subject of an ongoing investigation initiated under paragraph "a" has a case pending with a finding of probable cause. This paragraph shall not be construed to require the board to disclose unfounded, closed investigations initiated under paragraph "a".

d. Adopt rules that require the evaluation of complaints that did not result in any discipline or sanction if similar complaints are filed against the same licensed practitioner.

e. Adopt rules that require the board to investigate an administrator who is employed by the school that employs a licensed practitioner who is the subject of an investigation initiated under paragraph "a". The rules shall require the board to investigate whether the administrator filed a written complaint pursuant to [this subsection](#) and whether the administrator was required to report to the board pursuant to [section 256.160](#).

15. Adopt criteria for administrative endorsements that allow a person to achieve the endorsement authorizing the person to serve as an elementary or secondary principal without regard to the grade level at which the person accrued teaching experience.

16. Adopt rules to require that a background investigation be conducted by the division of criminal investigation of the department of public safety on all initial applicants for licensure. The board shall also require all initial applicants to submit a completed fingerprint packet and shall use the packet to facilitate a national criminal history background check. The board shall have access to, and shall review the sex offender registry information under [section 692A.121](#) available to the general public, information in the Iowa court information system available to the general public, the central registry for child abuse information established under [chapter 235A](#), and the dependent adult abuse records maintained under [chapter 235B](#) for information regarding applicants for license renewal and, every five years,

for practitioners who are not subject to renewal requirements pursuant to [subsection 1](#), paragraph “a”, subparagraph (2). The board may charge such a practitioner who is not subject to renewal requirements a reasonable fee for the review of the sex offender registry information, information in the Iowa court information system, the central registry for child abuse information, and the dependent adult abuse records.

17. May adopt rules for practitioners who are not eligible for a statement of professional recognition under [subsection 9](#), but have received a baccalaureate degree and provide a service to students at any or all levels from prekindergarten through grade twelve for a school district, accredited nonpublic school, area education agency, or preschool program established pursuant to [chapter 256C](#).

18. Adopt rules to provide in the board’s code of professional conduct and ethics that any licensee of the board, who commits or solicits any sexual conduct as defined in [section 709.15](#), [subsection 3](#), paragraph “a”, subparagraph (2), or solicits, encourages, or consummates a romantic relationship with any individual who was a student within ninety days prior to any such conduct alleged in a complaint initiated with the board, if the licensee taught the individual or supervised the individual in any school activity when the individual was a student, engages in unprofessional and unethical conduct that may result in disciplinary action by the board.

19. Adopt rules pursuant to [chapter 17A](#) establishing endorsements and authorizations for computer science instruction, including traditional and nontraditional pathways for obtaining such endorsements or authorizations.

20. Adopt rules under [chapter 17A](#) to prohibit the suspension or revocation of a license issued by the board to a person who is in default or is delinquent on repayment or a service obligation under federal or state postsecondary educational loans or public or private services-conditional postsecondary tuition assistance solely on the basis of such default or delinquency.

21. By July 1, 2021, adopt rules pursuant to [chapter 17A](#), developed in collaboration with the Iowa reading research center, establishing an advanced dyslexia specialist endorsement. The endorsement shall require a strong understanding of structured literacy instruction; the neurobiological nature, cognitive-linguistic correlates, developmental indicators, compensatory behaviors, potential psychological factors, and co-occurring disorders of dyslexia; demonstrated skill in administering informal and formal assessments related to dyslexia; demonstrated skill in delivery of explicit, systematic literacy intervention; demonstrated skill in developing and supporting services for students with characteristics of dyslexia including those who are eligible for services under [chapter 256B](#) or section 504 of the federal Rehabilitation Act of 1973, 29 U.S.C. §794, as amended; demonstrated skill in the design and implementation of accommodations and modifications; demonstrated competence in creating a dyslexia-friendly learning environment; and demonstrated skill in the use and integration of assistive technology. This endorsement shall, at a minimum, require three years of prior teaching experience and completion of a supervised practical experience.

22. Establish, collect, and refund fees from an administrator for the administrative costs of processing complaints and conducting hearings if the administrator is the respondent in a complaint for violation of the code of professional conduct and ethics, developed pursuant to [subsection 1](#), for which final board action results in a sanction against the administrator.

23. By August 1, 2021, adopt rules pursuant to [chapter 17A](#) establishing a statement of professional recognition for behavior analysts licensed under [chapter 154D](#).

24. By January 1, 2022, adopt rules pursuant to [chapter 17A](#) establishing a statement of professional recognition for mental health professionals as defined in [section 228.1](#). The rules shall require that any mental health professional who provides mental health services to students for a school obtain such a statement unless a professional service license or endorsement relating to mental health services has been issued to the mental health professional by the board.

[C97, §2629; S13, §2629; C24, 27, 31, §3863; C35, §3858-e1; C39, §3858.1; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §260.2]

[86 Acts, ch 1245, §1442](#); [89 Acts, ch 265, §2](#); [90 Acts, ch 1249, §5, 6](#)

C93, §272.2

96 Acts, ch 1189, §1; 96 Acts, ch 1215, §46; 2001 Acts, ch 103, §1; 2001 Acts, ch 161, §15, 16; 2001 Acts, ch 177, §13, 15; 2002 Acts, ch 1084, §1; 2002 Acts, ch 1128, §1; 2003 Acts, ch 108, §48; 2003 Acts, ch 180, §14, 15; 2006 Acts, ch 1152, §9; 2007 Acts, ch 108, §9; 2008 Acts, ch 1008, §2; 2009 Acts, ch 119, §39; 2009 Acts, ch 177, §32, 33; 2010 Acts, ch 1043, §1; 2011 Acts, ch 35, §1, 2; 2011 Acts, ch 132, §93, 106; 2014 Acts, ch 1045, §1; 2015 Acts, ch 4, §1; 2015 Acts, ch 10, §1; 2016 Acts, ch 1066, §1; 2017 Acts, ch 106, §2; 2018 Acts, ch 1026, §87; 2019 Acts, ch 13, §1; 2019 Acts, ch 24, §36; 2019 Acts, ch 30, §5, 6; 2020 Acts, ch 1048, §4; 2020 Acts, ch 1062, §94; 2020 Acts, ch 1093, §3, 4; 2020 Acts, ch 1103, §22, 31, 39, 51; 2020 Acts, ch 1108, §8; 2021 Acts, ch 80, §144; 2021 Acts, ch 87, §1, 3; 2021 Acts, ch 111, §1; 2021 Acts, ch 130, §4; 2021 Acts, ch 170, §29; 2022 Acts, ch 1103, §6, 7, 9, 10; 2023 Acts, ch 19, §2561 – 2565, 2603, 2605; 2023 Acts, ch 62, §1; 2023 Acts, ch 95, §7; 2023 Acts, ch 100, §2, 3

C2024, §256.146

Referred to in §232.69, 235B.16, 256.7, 256.11, 256.151, 256.155, 256.157, 256.160, 256.161, 256.165, 261E.3, 279.43, 279.69, 279.73, 279.78, 284.6A

2022 amendments apply to students who attended or are attending practitioner preparation programs before, on, or after June 13, 2022; 2022 Acts, ch 1103, §10

2023 amendments by 2023 Acts, ch 19; 2023 Acts, ch 19, apply to individuals appointed as the executive director of the board of educational examiners before, on, or after July 1, 2023; 2023 Acts, ch 19, §2605

See Code editor's note on simple harmonization at the beginning of this Code volume

Section transferred from §272.2 in Code 2024 pursuant to directive in 2023 Acts, ch 19, §2603

Unnumbered paragraph 1 amended

Subsection 1, paragraph a amended

Subsection 4 amended

Subsection 7 stricken and former subsections 8 – 13 renumbered as 7 – 12

Former subsections 14 and 15 amended and renumbered as 13 and 14

Former subsection 16 renumbered as 15

Former subsection 17 amended and renumbered as 16

Former subsections 18 – 25 renumbered as 17 – 24