

256.158 Hearing procedures — confidentiality.

1. Hearings before the board shall be conducted in the same manner as contested cases under [chapter 17A](#). The board may subpoena books, papers, records, and any other real evidence necessary for the board to decide whether it should institute a contested case hearing. At the hearing the board may administer oaths and issue subpoenas to compel the attendance of witnesses and the production of other evidence. Subpoenas may be issued by the board to a party to a hearing, if the party demonstrates that the evidence or witnesses' testimony is relevant and material to the hearing. Service of process and subpoenas for board hearings shall be conducted in accordance with the law applicable to the service of process and subpoenas in civil actions.

2. Witnesses subpoenaed to appear before the board shall be reimbursed for mileage and necessary expenses and shall receive per diem compensation by the board, unless the witness is an employee of the state or a political subdivision, in which case the witness shall receive reimbursement only for mileage and necessary expenses.

3. *a.* Subject to paragraph “*b*”, all complaint files, investigation files, other investigation reports, and other investigative information in the possession of the board or its employees or agents, which relate to licensee discipline or the investigation of nonlicensed school employees, are privileged and confidential, and are not subject to discovery, subpoena, or other means of legal compulsion for their release to a person other than the respondent and the board and its employees and agents involved in licensee discipline or the investigation of nonlicensed school employees, and are not admissible in evidence in a judicial or administrative proceeding other than the proceeding involving licensee discipline. A complaint, any amendment to a complaint, and any supporting documents shall be provided to the respondent immediately upon the board's determination that jurisdictional requirements have been met and prior to the commencement of the board's investigation of a licensee. Investigative information in the possession of the board or its employees or agents which relates to licensee discipline may be disclosed to appropriate licensing authorities within this state, the appropriate licensing authority in another state, the District of Columbia, or a territory or country in which the licensee is licensed or has applied for a license. A final written decision and finding of fact of the board in a disciplinary proceeding is a public record.

b. Notwithstanding paragraph “*a*”, if the investigative information in the possession of the board or its employees or agents indicates that a crime has been committed by either a licensee or a nonlicensed school employee, the board shall report the investigative information to the proper law enforcement agency.

[89 Acts, ch 265, §13](#)

CS89, §260.13

C93, §272.13

[2000 Acts, ch 1199, §1](#); [2010 Acts, ch 1183, §28, 43](#); [2023 Acts, ch 19, §2603](#)

C2024, §256.158

[2024 Acts, ch 1079, §10](#)

Referred to in [§256.160, 261H.2](#)

Subsection 3 amended