

CHAPTER 174
STUDENT ABUSE REPORTS AND INVESTIGATIONS

Chapter rescission date pursuant to Iowa Code section 17A.7: 3/1/31

441—174.1(232E) Application—not exclusive.

174.1(1) Iowa Code chapter 232E applies only to incidents of alleged student abuse that occur on or after July 1, 2025, and only if the report of the alleged student abuse is made within three years from the date of the occurrence of the incident alleged in the report.

174.1(2) Iowa Code chapter 232E does not provide an exclusive process or remedy for addressing alleged misconduct by a school employee involving a student and does not preclude or replace other available forms of reporting, investigation, or disciplinary action for complaints that do not meet the threshold of student abuse.

[ARC 9953C, IAB 1/7/26, effective 3/1/26]

441—174.2(232E) Definitions.

“Board of educational examiners” means the same as defined in Iowa Code chapter 232E.

“Credible report” means a report of alleged student abuse that is deemed by the department to be both investigable and complete and is an accepted report for the purposes of an investigation under Iowa Code chapter 232E.

“Department policies and procedures” means the written guidelines formulated by the department to be used by department personnel involved in the reporting and investigation of allegations of student abuse.

“Disposition data and information,” for the purposes of disclosure of such data and information to a school employee under paragraph 174.9(2)“b” and as specified under subrule 174.10(3), means materially relevant data and information pertaining to the department’s determination that the allegation of student abuse is substantiated.

“Identifiable,” relative to an allegedly abused student or to a school employee allegedly involved in an incident, means an individual who is not anonymous and who may be identified by specific factors, such as name, age, address, or birth date.

“Identifiable source,” with reference to the reporter of an allegation of student abuse, means an individual who is not anonymous; who may be identified by specific factors, such as name, age, address, or birth date; and who is available to sign the written report of alleged student abuse.

“Incident” means an occurrence of behavior that meets the definition of student abuse.

“Inconclusive,” with reference to a credible report of student abuse that has been referred to law enforcement, means that, because the joint investigation has not yet been concluded, there is not sufficient evidence to determine whether the incident occurred.

“Injury” means bodily injury for which evidence of the injury is still apparent at least 24 hours after an incident.

“Investigation” means the same as defined in Iowa Code chapter 232E.

“Investigation report data and information,” for the purposes of disclosure of such data and information to a school employee under paragraph 174.9(2)“b” and as specified under subrule 174.10(3), means materially relevant data and information pertaining to an investigation of an allegation of student abuse based upon which the department determines the alleged student abuse is substantiated.

“Investigator” means personnel of the department to whom a credible report is assigned for investigation.

“Model policy” means the policy and procedures formulated by the department of education in consultation with the department to be used in the reporting and investigating of an allegation of student abuse under Iowa Code chapter 232E.

“Nonpublic school” means the same as defined in Iowa Code chapter 232E.

“Preponderance of the evidence” means reliable, credible evidence that is of greater weight than evidence offered in opposition to it.

“Public school” means the same as defined in Iowa Code chapter 232E.

“*Public school district*” means the same as defined in Iowa Code chapter 232E.

“*Receipt of a report*” or “*receipt of a credible report*” occurs on the date of the business day on which a credible report is initially assigned to an investigator.

“*School employee*” means the same as defined in Iowa Code chapter 232E.

“*School time*” means the hours of a regular school day as specified by the board of directors of a public school district or by the authorities in charge of a nonpublic school.

“*Student*” means the same as defined in Iowa Code chapter 232E.

“*Student abuse*” means the same as defined in Iowa Code chapter 232E.

“*Substantiated*,” with reference to a credible report of student abuse, means that, based on the investigation, there is a preponderance of the evidence indicating the incident occurred.

“*Unsubstantiated*,” with reference to a credible report of student abuse, means that, based on the investigation, there is not a preponderance of the evidence indicating the incident occurred.

[ARC 9953C, IAB 1/7/26, effective 3/1/26]

441—174.3(232E) Abuse intake process—report of alleged student abuse.

174.3(1) If, during the abuse intake process under Iowa Code chapter 232, subchapter III, part 2, and Iowa Code chapter 235B, an identifiable source reports information that the department, in accordance with department policies and procedures, determines may constitute an allegation of student abuse, the identifiable source shall be referred to the student abuse intake process.

174.3(2) If, during the abuse intake process under Iowa Code chapter 232, subchapter III, part 2, and Iowa Code chapter 235B, the department determines the information reported by an identifiable source does not constitute an allegation of student abuse subject to investigation by the department, the department shall reject the report and may inform the identifiable source of all the following:

a. The report is rejected and the basis for the rejection.

b. Rejection of the report of alleged student abuse does not preclude other options for reporting, investigation, or disciplinary action for complaints that do not meet the threshold of student abuse, including:

- (1) Contacting law enforcement.
- (2) Contacting the county attorney.
- (3) Contacting private counsel for the purpose of filing a civil suit or complaint.
- (4) Filing a complaint with the superintendents of the public school district or the authorities in charge of the nonpublic school associated with the school employee allegedly involved in the alleged misconduct or contacting the board of educational examiners, as applicable.

[ARC 9953C, IAB 1/7/26, effective 3/1/26]

441—174.4(232E) Student abuse intake process—credible reports.

174.4(1) Following the referral of an identifiable source of a report of alleged student abuse to the student abuse intake process, the department will do all the following:

a. Assist the identifiable source in making a report of alleged student abuse. Reports shall be made in a manner similar to that specified in Iowa Code section 232.70 as adapted for application to student abuse reports in department policies and procedures.

b. Determine if the report of alleged student abuse is a credible report.

c. If the report of alleged student abuse is determined to be a credible report, refer the credible report to an investigator for investigation.

174.4(2) Credible reports. To be a credible report, a report of alleged student abuse must be deemed to be both investigable and complete by the department.

174.4(3) Investigable reports.

a. To be deemed investigable, a report of alleged student abuse must provide all the following details as specified in department policies and procedures:

(1) The person allegedly responsible for the act or omission is identifiable, was a school employee at the time of the alleged incident, and remains a school employee at the time the alleged abuse is reported.

(2) The alleged act or omission of the school employee is alleged to have occurred on school grounds during school time or on or at a school-related curricular or extracurricular activity.

(3) The alleged act or omission of the school employee resulted in injury or otherwise meets the definition of student abuse.

(4) The allegedly abused student is identifiable and is a student or was a student at the time of the alleged incident.

b. If the report of alleged student abuse is deemed not to be investigable, the report will be dismissed for lack of jurisdiction.

c. Not physical abuse.

(1) For the purposes of determining whether the alleged act or omission of a school employee constitutes physical abuse that meets the definition of student abuse under subparagraph 174.4(3) “a”(3), reasonable contact under circumstances described in Iowa Code section 280.21(2) does not constitute physical abuse.

(2) In determining the reasonableness of the contact or force used under subparagraph 174.4(3) “c”(1), the following factors will be considered:

1. The nature of the misconduct of the student, if any, precipitating the physical contact by the school employee.

2. The size and physical condition of the student.

3. The instrumentality used in making the physical contact.

4. The motivation of the school employee in initiating the physical contact.

5. The extent of injury to the student resulting from the physical contact.

174.4(4) Complete reports.

a. To be deemed complete, a report of alleged student abuse must meet all the following conditions as specified in department policies and procedures. The report must:

(1) Contain information regarding the identifiable source making the allegation of student abuse; the student allegedly abused; the school employee allegedly involved in the alleged incident; any witnesses to the alleged incident; and any person who examined, counseled, or treated the student for the alleged abuse.

(2) Include a concise statement of the facts surrounding the alleged incident, including the date, time, and place of occurrence, if known.

(3) Be reduced to writing, signed by the identifiable source, and witnessed by a person of majority age.

b. If a report of alleged student abuse is deemed incomplete by the department, the report will not be rejected unless either of the following conditions applies:

(1) The reporter of the alleged student abuse is not an identifiable source and does not sign the written report, and the report is not witnessed by a person of majority age.

(2) A reasonable person would conclude that the absence of the information missing from the report of alleged student abuse would render an investigation of the report futile or impossible.

[ARC 9953C, IAB 1/7/26, effective 3/1/26]

441—174.5(232E) Options if report dismissed or rejected during student abuse intake. If the report of alleged student abuse is dismissed as not being investigable for lack of jurisdiction or rejected as incomplete, the department may inform the identifiable source of all the following:

174.5(1) The report is being dismissed or rejected and the basis for the dismissal or rejection.

174.5(2) Dismissal or rejection of the report of alleged student abuse does not preclude other options for reporting, investigation, or disciplinary action for complaints that do not meet the threshold of student abuse, including:

a. Contacting law enforcement.

b. Contacting the county attorney.

c. Contacting private counsel for the purpose of filing a civil suit or complaint.

d. Filing a complaint with the superintendent of the public school district or the authorities in charge of the nonpublic school associated with the school employee allegedly involved in the alleged misconduct or contacting the board of educational examiners, as applicable.

[ARC 9953C, IAB 1/7/26, effective 3/1/26]

441—174.6(232E) Notification of school authorities and identifiable source regarding credible reports. The department, in accordance with department policies and procedures, will notify all the following when a report of alleged student abuse is determined to be a credible report:

174.6(1) The board of directors of the public school district or the authorities in charge of the nonpublic school associated with the school employee allegedly involved in the incident, as applicable, and the board of educational examiners, if applicable. The department of education shall cooperate with the department in completing the required notifications under this paragraph and shall provide the department with access to school contact information in a manner that ensures the accuracy of the notifications.

174.6(2) The identifiable source.

[ARC 9953C, IAB 1/7/26, effective 3/1/26]

441—174.7(232E) Investigation—duties of an investigator and school authorities.

174.7(1) *Duties of an investigator.* An investigator will do all the following:

a. Commence an investigation within 24 hours of the receipt of a credible report.
b. Based on a credible report received, if an investigator determines the alleged student abuse constitutes a criminal act:

(1) Refer the matter to law enforcement, defer the department's investigation, and work jointly with law enforcement in law enforcement's investigation. The investigator may share with law enforcement information collected by the department during the joint investigation.

(2) If the investigation is deferred under this paragraph, resume the deferred investigation following completion of the joint investigation if the investigator determines information collected during the joint investigation warrants further investigation. The investigator will complete the resumed investigation within 30 business days of its commencement and will submit a written investigation report to the entities as specified under this rule upon the completion of the resumed investigation.

c. During the investigation:

(1) Interview the allegedly abused student, any witnesses or persons who may have knowledge of the circumstances contained in the credible report, and the school employee allegedly involved in the incident identified in the credible report.

(2) Conduct the interview of the allegedly abused student and any other student in a manner similar to that specified in Iowa Code section 232.71B(7), relating to child abuse assessment interviews conducted in facilities or schools as adapted for application to student abuse interviews in department policies and procedures.

(3) Provide notification to the parent or guardian of the allegedly abused student in a manner similar to that specified in Iowa Code section 232.71B(2), relating to the notification of parents regarding a child abuse assessment as adapted for application to student abuse investigations in department policies and procedures.

(4) Provide notification to the school employee allegedly involved in the incident in a manner similar to that specified in Iowa Code section 232.71B(4), relating to the notification of a person alleged to have committed child abuse as adapted for application to student abuse investigations in department policies and procedures.

d. Complete the investigation within 30 business days of the date of receipt of the credible report unless the investigation is deferred.

e. Include in the written investigation report the information specified in department policies and procedures. At a minimum, the written investigation report will include all of the following:

(1) A general overview of the investigation.

(2) If the matter was not referred to law enforcement and the department's investigation was not deferred, a statement that, in the investigator's opinion, the allegations in the credible report are either substantiated or unsubstantiated.

(3) If the matter was referred to law enforcement, the department's investigation was deferred, and the joint investigation has not been completed, a statement that the allegations in the credible report are inconclusive pending the results of the joint investigation.

(4) Any alternative status or disposition of the investigation.

(5) Any other information relevant to the investigation and the department's determination relating to the allegation of student abuse.

174.7(2) Duties of school authorities.

a. Granting access and immunity.

(1) The board of directors of a public school district or the authorities in charge of a nonpublic school shall cooperate with the investigator by providing confidential access to the allegedly abused student named in the credible report for the purpose of interviewing the student and shall allow the investigator confidential access to other students for the purpose of conducting interviews to obtain relevant information.

(2) The immunity granted by Iowa Code sections 232.73 and 235B.3(11) applies to participation in good faith by boards of directors of a public school district and the authorities in charge of nonpublic schools, the facilities of a public school or nonpublic school, and public school districts in an investigation and when providing confidential access to a student.

b. The board of directors of a public school district or the authorities in charge of a nonpublic school shall provide an investigator access to an allegedly abused student's education records pursuant to 34 CFR §99.31 as amended to August 1, 2025.

[ARC 9953C, IAB 1/7/26, effective 3/1/26]

441—174.8(232E) School employee resignation during pendency of investigation. Following a determination by the department that a report of alleged student abuse is a credible report, the department will complete the investigation of the credible report in accordance with rule 441—174.7(232E), whether the school employee allegedly involved in the incident resigns any time prior to or at the time of the submission of the written investigation report.

[ARC 9953C, IAB 1/7/26, effective 3/1/26]

441—174.9(232E) Substantiated report—right of school employee to contested case proceedings and further review.

174.9(1) At the time the written investigation report is submitted to the board of directors of the public school district or the authorities in charge of the nonpublic school, as applicable, and the board of educational examiners, if applicable, under paragraph 174.7(1) "e," the department will provide notice of the department's determination regarding the allegation of student abuse to the school employee who is the subject of the investigation pursuant to 441—Chapter 16.

174.9(2) If the notice of determination includes a statement that the allegation of student abuse is substantiated, the notice of determination will also inform the school employee who is the subject of the investigation of:

a. The school employee's right to contested case proceedings and further review pursuant to 441—Chapter 2506; and

b. The right and process to request additional investigation report data and information and disposition data and information as specified in department policies and procedures.

174.9(3) The appellant must appeal on or before the thirtieth day following the date of notice of the determination.

174.9(4) The department will notify the board of directors of the public school district or the authorities in charge of the nonpublic school, as applicable, and the board of educational examiners, if applicable, of the following:

a. If the school employee requests contested case proceedings under 441—Chapter 2506.

b. The proposed decision of the contested case.

c. If any party requests director's review pursuant to rule 441—subrule 2506.27(1).

d. The final decision of the contested case.

174.9(5) Any disciplinary, employment, or other action that may be taken in response to an investigation report by the directors of a public school district or the authorities in charge of a nonpublic school, and the board of educational examiners, if applicable, is stayed during the pendency of the proceedings under subrule 174.9(2).

[ARC 9953C, IAB 1/7/26, effective 3/1/26; Editorial change: IAC Supplement 6/10/26]

441—174.10(232E) Case record retention—protection of identifiable source—disclosure limitations.

174.10(1) The department will retain the case record, including the intake report, the written investigation report, and all related supporting documentation, for three years from the date the written investigation report is submitted pursuant to paragraph 174.7(1)“e” to the director of the public school district or the authorities in charge of the nonpublic school, as applicable, and the board of educational examiners, if applicable.

174.10(2) The name and identity of the identifiable source of a report of alleged student abuse will not be disclosed with the following exceptions:

a. To department personnel and law enforcement involved in, and as necessary to perform official duties related to, the reporting and investigation of a specific allegation of student abuse.

b. To the board of educational examiners if the allegation of student abuse involves a school employee who is licensed, certified, or authorized by the board of educational examiners, or who holds an active statement of recognition issued by the board of educational examiners, as necessary to perform official duties related to the specific allegation of student abuse.

c. To other persons for good cause as determined by the department based on criteria specified in department policies and procedures.

174.10(3) Student abuse information.

a. Student abuse information is confidential and shall not be a public record under Iowa Code chapter 22. The confidentiality of all student abuse information will be maintained, except as specifically provided in these rules and department policies and procedures.

b. Student abuse information may be shared with department personnel as necessary to perform official duties.

c. With the exception of the name and identity of the identifiable source, the disclosure of which is subject to subrule 174.10(2), any investigation report data and information and disposition data and information, as specified by department policies and procedures, may be disclosed, upon request, only to the following:

(1) The student named in the report of student abuse as the victim or the student’s attorney or guardian ad litem.

(2) The parent or guardian or the attorney for the parent or guardian of the student named in the report of student abuse as the victim.

(3) A person or the attorney for the person named in a report as having abused the student.

(4) Law enforcement involved in the investigation of the report of student abuse.

(5) The board of directors of the public school district or the authorities in charge of the nonpublic school, as applicable, and the board of educational examiners, if applicable, that received the written investigation report.

(6) The county attorney.

(7) The administrative law judge or court involved in a contested case proceeding or further review upon a finding that the information is necessary for the resolution of an issue arising in any phase of a case involving a determination of a substantiated allegation of student abuse.

[ARC 9953C, IAB 1/7/26, effective 3/1/26]

441—174.11(232E) Substantial compliance. Because investigative procedures seldom allow for rigid observance of the protocol, substantial compliance with these rules is required with the overriding goal of reaching a fair and unbiased resolution of a report of alleged student abuse.

[ARC 9953C, IAB 1/7/26, effective 3/1/26]

These rules are intended to implement Iowa Code chapter 232E.

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