

House File 2505

H-8249

1 Amend House File 2505 as follows:

2 1. Page 1, after line 13 by inserting:

3 <Sec. _____. Section 232.69, subsection 1, paragraph b,
4 subparagraph (4), Code 2022, is amended to read as follows:

5 (4) A licensed school employee, certified para-educator,
6 holder of a coaching authorization issued under [section 272.31](#),
7 full-time school employee who is eighteen years of age or
8 older, or an instructor employed by a community college.>

9 2. By striking page 1, line 21, through page 4, line 27, and
10 inserting:

11 <Sec. _____. Section 256.9, Code 2022, is amended by adding
12 the following new subsection:

13 NEW SUBSECTION. 65. a. Develop and implement a process
14 for the reporting and investigation of any incident that arises
15 that may reasonably lead to the conclusion that an individual
16 with a license, endorsement, certification, authorization, or
17 statement of recognition issued by the board of educational
18 examiners who is employed by the board of directors of a
19 school district or the authorities in charge of an accredited
20 nonpublic school has committed a felony or has engaged in
21 conduct described in section 272.15, subsection 1, paragraph
22 "a", subparagraph (1), subparagraph divisions (a) through (d).

23 b. The process shall prohibit the boards of directors of a
24 school district and the authorities in charge of an accredited
25 nonpublic school from entering into any of the following:

26 (1) A written or oral agreement that prohibits the board of
27 directors of the school district or the authorities in charge
28 of an accredited nonpublic school, an employee of the school
29 district or the accredited nonpublic school, or a contractor
30 of the school district or the accredited nonpublic school
31 from discussing an incident, past performance or actions,
32 past allegations leading to discipline or adverse employment
33 action, or employee resignation with any governmental agent,
34 governmental officer, or any potential employer.

35 (2) A written or oral agreement that waives the liability

1 of an individual with a license, endorsement, certification,
2 authorization, or statement of recognition issued by the
3 board of educational examiners related to or arising from an
4 incident, past performance or action, or past allegations of
5 wrongdoing.

6 *c.* The board of directors of a school district or the
7 authorities in charge of an accredited nonpublic school and
8 contractors of the school district or the accredited nonpublic
9 school shall be immune from any civil liability arising
10 from discussing an incident, past performance or actions,
11 past allegations leading to discipline or adverse employment
12 action, or employee resignation with any governmental agent,
13 governmental officer, or any potential employer.

14 *d.* If the board of educational examiners finds that the
15 board of directors of a school district or the authorities
16 in charge of an accredited nonpublic school has failed to
17 follow the process established by this subsection regarding an
18 incident, or the reporting requirements established pursuant to
19 section 272.15, the board of educational examiners shall assess
20 a fine against an administrator of the school district or the
21 accredited nonpublic school who failed to ensure compliance
22 with the process of not less than five hundred dollars and not
23 more than five thousand dollars. Payments of the fine provided
24 in this paragraph shall be remitted to the treasurer of the
25 state for deposit in the general fund of the state.

26 *e.* If the board of educational examiners finds that the
27 board of directors of a school district or the authorities in
28 charge of an accredited nonpublic school has intentionally
29 concealed, or attempted to conceal from any governmental
30 agent, governmental officer, or potential employer a founded
31 incident, or any conduct required to be reported pursuant to
32 section 272.15, the board of educational examiners shall assess
33 a fine against an administrator of the school district or the
34 accredited nonpublic school who assisted in the concealment, or
35 attempted concealment, of an incident, or any conduct required

1 to be reported pursuant to section 272.15, of not more than
2 ten thousand dollars. Payments of the fine provided in this
3 paragraph shall be remitted to the treasurer of the state for
4 deposit in the general fund of the state.>

5 3. By striking page 4, line 28, through page 5, line 3, and
6 inserting:

7 <Sec. _____. Section 256E.7, subsection 2, Code 2022, is
8 amended by adding the following new paragraph:

9 NEW PARAGRAPH. *0i.* Be subject to and comply with the
10 requirements of section 280.32 in the same manner as a school
11 district.

12 Sec. _____. Section 272.2, subsection 14, paragraph b,
13 subparagraph (1), unnumbered paragraph 1, Code 2022, is amended
14 to read as follows:

15 The person entered a plea of guilty to, ~~or~~ has been found
16 guilty of, or the board has found by a preponderance of the
17 evidence that the person committed, any of the following
18 offenses, whether or not a sentence is imposed:>

19 4. Page 5, line 32, after <an> by inserting <ongoing>

20 5. Page 5, line 34, after <teacher.> by inserting <This
21 paragraph shall not be construed to require the board to
22 disclose unfounded, closed investigations initiated under
23 paragraph "a".>

24 6. Page 6, by striking lines 2 and 3 and inserting
25 <complaints are filed against the same licensed practitioner.>

26 7. Page 6, by striking lines 4 through 7 and inserting:

27 <e. Adopt rules that require the board to investigate an
28 administrator who is employed by the school that employs a
29 licensed practitioner who is the subject of an investigation
30 initiated under paragraph "a". The rules shall require
31 the board to investigate whether the administrator filed a
32 written complaint pursuant to this subsection and whether the
33 administrator was required to report to the board pursuant to
34 section 272.15.>

35 8. Page 6, line 12, by striking <At least six> and inserting

1 <Four>

2 9. Page 6, line 15, by striking <at least four> and
3 inserting <seven>

4 10. Page 7, by striking lines 21 through 25 and inserting
5 <has been issued a license, endorsement, certification,
6 authorization, or statement of recognition by the board of
7 educational examiners, a school district shall contact the
8 board of educational examiners to determine if the individual
9 is the subject of an ongoing investigation initiated pursuant
10 to section 272.2, subsection 15, if a complaint has been filed
11 against the individual pursuant to section 272.2, subsection
12 15, if a report has been filed against the individual pursuant
13 to section 272.15, or if the individual surrendered a license,
14 endorsement, certification, authorization, or statement of
15 recognition prior to the final disposition of an investigation.
16 Information provided pursuant to this subsection shall be
17 kept confidential, is not subject to chapter 22, and may only
18 be shared with individuals directly involved in the hiring
19 process. This subsection shall not be construed to require the
20 board of educational examiners to disclose unfounded, closed
21 investigations.>

22 11. Page 7, by striking lines 32 and 33 and inserting
23 <reporting and investigation of an incident involving the
24 possible commission of a felony by any person who has been
25 issued a license, endorsement, certification, authorization,
26 or statement of recognition by the board of educational
27 examiners.>

28 12. Title page, line 3, after <districts,> by inserting
29 <charter schools,>

30 13. By renumbering as necessary.

HITE of Mahaska