

Senate Amendment to
House File 430

H-1349

1 Amend House File 430, as amended, passed, and reprinted by
2 the House, as follows:

3 1. By striking everything after the enacting clause and
4 inserting:

5 <Section 1. Section 232.69, subsection 1, unnumbered
6 paragraph 1, Code 2023, is amended to read as follows:

7 The classes of persons enumerated in **this subsection** shall
8 make a report within twenty-four hours and as provided in
9 section 232.70, of cases of child abuse. In addition, the
10 classes of persons enumerated in **this subsection** shall make a
11 report of abuse of a child ~~who is under twelve years of age and~~
12 ~~may make a report of abuse of a child who is twelve years of age~~
13 ~~or older~~, which would be defined as child abuse under section
14 232.68, subsection 2, paragraph "a", subparagraph (3) or (5),
15 except that the abuse resulted from the acts or omissions of
16 a person other than a person responsible for the care of the
17 child.

18 Sec. 2. Section 232.69, subsection 1, paragraph b,
19 subparagraph (4), Code 2023, is amended to read as follows:

20 (4) A licensed school employee, certified para-educator,
21 holder of a coaching authorization issued under **section 272.31**,
22 school employee who is eighteen years of age or older, or an
23 instructor employed by a community college.

24 Sec. 3. Section 232.70, subsection 5, Code 2023, is amended
25 by adding the following new paragraph:

26 NEW PARAGRAPH. *Of.* If the person making the report is a
27 licensed school employee who reasonably believes the person
28 responsible for the injury is also a licensed school employee,
29 the identity of the licensed school employee the person making
30 the report believes is responsible for the injury.

31 Sec. 4. Section 256.9, Code 2023, is amended by adding the
32 following new subsection:

33 NEW SUBSECTION. 66. *a.* Develop and implement a process
34 for the reporting and investigation of any incident that arises
35 that may reasonably lead to the conclusion that any individual

1 who is employed by the board of directors of a school district,
2 the authorities in charge of an accredited nonpublic school,
3 or the governing board of a charter school, including an
4 individual with a license, endorsement, certification,
5 authorization, or statement of recognition issued by the
6 board of educational examiners, has committed a felony or,
7 in the case of an individual with a license, endorsement,
8 certification, authorization, or statement of recognition
9 issued by the board of educational examiners, has engaged in
10 conduct described in section 272.15, subsection 1, paragraph
11 "a", subparagraph (1), subparagraph divisions (a) through (d).

12 *b.* The process shall prohibit the board of directors of a
13 school district, the authorities in charge of an accredited
14 nonpublic school, and the governing board of a charter school
15 from entering into any of the following:

16 (1) A written or oral agreement that prohibits the board
17 of directors of the school district, the authorities in charge
18 of an accredited nonpublic school, the governing board of
19 a charter school, an employee of the school district, the
20 accredited nonpublic school, or the charter school, or a
21 contractor of the school district, the accredited nonpublic
22 school, or the charter school from discussing an incident, past
23 performance or actions, past allegations leading to discipline
24 or adverse employment action, or employee resignation with any
25 governmental agent, governmental officer, or any potential
26 employer.

27 (2) A written or oral agreement that waives the liability
28 of an individual with a license, endorsement, certification,
29 authorization, or statement of recognition issued by the
30 board of educational examiners related to or arising from an
31 incident, past performance or action, or past allegations of
32 wrongdoing.

33 *c.* (1) The process shall require the board of directors
34 of a school district, the authorities in charge of an
35 accredited nonpublic school, and the governing board of a

1 charter school to provide all documentation and information
2 related to the incident to the board of educational examiners
3 for investigation if the employee who is the subject of the
4 incident and who has a license, endorsement, certification,
5 authorization, or statement of recognition issued by the board
6 of educational examiners resigns or the employee's contract is
7 terminated during the school district's, accredited nonpublic
8 school's, or charter school's investigation of the incident.

9 (2) The process shall require the board of directors of a
10 school district, the authorities in charge of an accredited
11 nonpublic school, and the governing board of a charter school
12 to finalize the investigation of the incident even if the
13 employee who is the subject of the incident and who does not
14 have a license, endorsement, certification, authorization, or
15 statement of recognition issued by the board of educational
16 examiners resigns or the employee's contract is terminated
17 during the school district's, accredited nonpublic school's, or
18 charter school's investigation of the incident.

19 d. The process shall require that, prior to hiring an
20 applicant for any position, the board of directors of a
21 school district, the authorities in charge of an accredited
22 nonpublic school, and the governing board of a charter school
23 must conduct a review of the applicant's employment history,
24 including by contacting the applicant's previous employers
25 listed on the application for employment and by viewing the
26 board of educational examiners' public license information to
27 determine if the applicant has a case pending with a finding of
28 probable cause or any licensure sanction.

29 e. The process shall require the board of directors of a
30 school district, the authorities in charge of an accredited
31 nonpublic school, and the governing board of a charter school
32 to maintain on forms prescribed by the department reference
33 information related to all employees of the school district,
34 accredited nonpublic school, or charter school, and respond to
35 any request for such information from a potential employer.

1 This paragraph shall not be construed to require the board of
2 directors of a school district, the authorities in charge of
3 an accredited nonpublic school, or the governing board of a
4 charter school to disclose unfounded, closed investigations.
5 The board of directors of a school district, the authorities
6 in charge of an accredited nonpublic school, or the governing
7 board of a charter school shall be immune from any criminal
8 or civil liability arising from the disclosure of reference
9 information under this paragraph if the school district,
10 accredited nonpublic school, or charter school does not
11 knowingly disclose false information.

12 *f.* The board of directors of a school district, the
13 authorities in charge of an accredited nonpublic school, or
14 the governing board of a charter school, and contractors of
15 the school district, the accredited nonpublic school, or the
16 charter school shall be immune from any civil liability arising
17 from discussing an incident, past performance or actions,
18 past allegations leading to discipline or adverse employment
19 action, or employee resignation with any governmental agent,
20 governmental officer, or any potential employer.

21 *g.* If the board of educational examiners finds that the
22 board of directors of a school district, the authorities in
23 charge of an accredited nonpublic school, or the governing
24 board of a charter school has intentionally failed to follow
25 the process established by this subsection regarding an
26 incident, or the reporting requirements established pursuant
27 to section 272.15, related to an employee who holds a license,
28 endorsement, certification, authorization, or statement of
29 recognition issued by the board of educational examiners, any
30 administrator of the school district, the accredited nonpublic
31 school, or the charter school who intentionally failed to
32 ensure compliance with the process shall be subject to a
33 hearing conducted by the board of educational examiners.

34 *h.* If the department finds that the board of directors of
35 a school district, the authorities in charge of an accredited

1 nonpublic school, or the governing board of a charter school
2 has intentionally failed to follow the process established by
3 this subsection regarding an incident related to an employee
4 who does not hold a license, endorsement, certification,
5 authorization, or statement of recognition issued by the board
6 of educational examiners, any administrator of the school
7 district, the accredited nonpublic school, or the charter
8 school who intentionally failed to ensure compliance with the
9 process shall be subject to a hearing conducted by the board of
10 educational examiners.

11 *i.* If the board of educational examiners finds that the
12 board of directors of a school district, the authorities in
13 charge of an accredited nonpublic school, or the governing
14 board of a charter school has intentionally concealed, or
15 attempted to conceal from any governmental agent, governmental
16 officer, or potential employer a founded incident, or any
17 conduct required to be reported pursuant to section 272.15,
18 related to an employee who holds a license, endorsement,
19 certification, authorization, or statement of recognition
20 issued by the board of educational examiners, any administrator
21 of the school district, the accredited nonpublic school, or the
22 charter school who intentionally assisted in the concealment,
23 or attempted concealment, of an incident, or any conduct
24 required to be reported pursuant to section 272.15, shall be
25 subject to a hearing conducted by the board of educational
26 examiners.

27 *j.* If the department finds that the board of directors of
28 a school district, the authorities in charge of an accredited
29 nonpublic school, or the governing board of a charter school
30 has intentionally concealed, or attempted to conceal from
31 any governmental agent, governmental officer, or potential
32 employer a founded incident related to an employee who does
33 not hold a license, endorsement, certification, authorization,
34 or statement of recognition issued by the board of educational
35 examiners, any administrator of the school district, the

1 accredited nonpublic school, or the charter school who
2 intentionally assisted in the concealment, or attempted
3 concealment, of an incident shall be subject to a hearing
4 conducted by the board of educational examiners.

5 **Sec. 5. NEW SECTION. 256.158A Required annual report to**
6 **general assembly.**

7 Annually, on or before June 30 of each year, the board
8 shall submit to the general assembly a report that contains
9 information related to the number and types of disciplinary
10 hearings before the board, any trends in the number or types of
11 disciplinary hearings before the board, the number of hearings
12 requested under section 279.24, and any other information
13 deemed relevant by the board in order to inform the general
14 assembly of the status of the enforcement of the board's rules.
15 The report shall not include any personally identifiable
16 information related to individuals who participated in hearings
17 before the board.

18 **Sec. 6. Section 256E.7, subsection 2, Code 2023, is amended**
19 **by adding the following new paragraphs:**

20 NEW PARAGRAPH. *0j.* Be subject to and comply with the
21 requirements of section 280.33 relating to the reporting and
22 investigation of an incident involving the possible commission
23 of a felony by any person who has been issued a license,
24 endorsement, certification, authorization, or statement of
25 recognition by the board of educational examiners in the same
26 manner as a school district.

27 NEW PARAGRAPH. *00j.* Be subject to and comply with the
28 requirements of section 280.34 relating to the requirement
29 to view the board of educational examiners' public license
30 information prior to hiring an individual who has been issued
31 a license, endorsement, certification, authorization, or
32 statement of recognition by the board of educational examiners
33 in the same manner as a school district.

34 **Sec. 7. Section 272.2, subsection 15, Code 2023, is amended**
35 **to read as follows:**

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

24 b. Adopt rules that require the collection and retention of
25 written complaints that are filed. If the board determines a
26 written complaint is not founded, the complaint and all records
27 related to the complaint shall be kept confidential and are not
28 subject to chapter 22.

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

35 d. Adopt rules that require the evaluation of complaints

1 that did not result in any discipline or sanction if similar
2 complaints are filed against the same licensed practitioner.

3 e. Adopt rules that require the board to investigate an
4 administrator who is employed by the school that employs a
5 licensed practitioner who is the subject of an investigation
6 initiated under paragraph "a". The rules shall require
7 the board to investigate whether the administrator filed a
8 written complaint pursuant to this subsection and whether the
9 administrator was required to report to the board pursuant to
10 section 272.15.

11 Sec. 8. Section 272.3, Code 2023, is amended by striking the
12 section and inserting in lieu thereof the following:

13 **272.3 Membership.**

14 1. The board of educational examiners shall consist of
15 thirteen members, subject to the following requirements:

16 a. Four members shall be members of the general public
17 who have demonstrated an interest in education but have
18 never held a practitioner's license. Two of the members
19 appointed pursuant to this paragraph shall be the parent or
20 guardian of a student who is currently enrolled in a school
21 district, accredited nonpublic school, or charter school,
22 shall not currently hold any elective office, and shall not
23 be an employee or contractor of a school district, accredited
24 nonpublic school, or charter school. One of the members
25 appointed pursuant to this paragraph shall have been or
26 currently be a member of the board of directors of a school
27 district.

28 b. Eight members shall be licensed practitioners. Three
29 of the members appointed pursuant to this paragraph shall be
30 administrators and one shall be an employee of an accredited
31 nonpublic school. The remaining four members appointed
32 pursuant to this paragraph shall be selected from the following
33 areas and specialties of the teaching profession:

34 (1) Elementary teachers.

35 (2) Secondary teachers.

- 1 (3) Special education or similar teachers.
- 2 (4) Counselors or other special purpose practitioners.
- 3 (5) School service personnel.

4 c. One member shall be the director of the department or the
5 director's designee.

6 2. The membership of the board shall comply with the
7 requirements of sections 69.16 and 69.16A. A quorum of the
8 board shall consist of seven members. Members shall elect a
9 chairperson of the board. Members, except for the director of
10 the department or the director's designee, shall be appointed
11 by the governor subject to confirmation by the senate.

12 Sec. 9. Section 272.4, subsection 1, Code 2023, is amended
13 to read as follows:

14 1. Members, except for the director ~~of the department of~~
15 ~~education~~ or the director's designee, shall be appointed to
16 serve staggered terms of four years. A member shall not serve
17 more than two consecutive terms, except for the director ~~of the~~
18 ~~department of education~~ or the director's designee, who shall
19 serve until the director's term of office expires. A member of
20 the board, ~~except for the two public members and the director~~
21 ~~of the department of education or the director's designee, who~~
22 is a licensed practitioner appointed pursuant to section 272.3,
23 subsection 1, paragraph "b", shall hold a valid practitioner's
24 license during the member's term of office. A vacancy exists
25 when any of the following occur:

26 a. ~~A nonpublic member's license~~ The license of a licensed
27 practitioner appointed pursuant to section 272.3, subsection 1,
28 paragraph "b", expires, is suspended, or is revoked.

29 b. ~~A nonpublic member~~ licensed practitioner appointed
30 pursuant to section 272.3, subsection 1, paragraph "b", retires
31 or terminates employment as a practitioner.

32 c. A member dies, resigns, is removed from office, or is
33 otherwise physically unable to perform the duties of office.

34 d. A member's term of office expires.

35 Sec. 10. NEW SECTION. 280.33 **Incidents related to licensed**

1 **practitioners — reporting and investigation.**

2 The board of directors of a school district and the
3 authorities in charge of each accredited nonpublic school shall
4 follow the process created by the department of education
5 pursuant to section 256.9, subsection 66, related to the
6 reporting and investigation of an incident involving the
7 possible commission of a felony by any employee of the board of
8 directors of the school district or the authorities in charge
9 of the accredited nonpublic school.

10 Sec. 11. NEW SECTION. **280.34 Requirement to view public**
11 **license information.**

12 Prior to hiring an individual who has been issued a license,
13 endorsement, certification, authorization, or statement of
14 recognition by the board of educational examiners, a school
15 district or an accredited nonpublic school, as applicable,
16 shall view the board of educational examiners' public license
17 information to determine if the individual has a case pending
18 with a finding of probable cause or any licensure sanction.
19 This section shall not be construed to require the board
20 of educational examiners to disclose unfounded, closed
21 investigations.

22 Sec. 12. **APPLICABILITY.** The following apply to the
23 governor's appointments to the board of educational examiners
24 on or after the effective date of this Act:

25 1. The section of this Act amending section 272.3.

26 2. The section of this Act amending section 272.4,
27 subsection 1.>

28 2. Title page, line 6, after <examiners> by inserting <,
29 modifying the membership of the board of educational examiners,
30 and including applicability provisions>