

House File 2487

H-8178

1 Amend House File 2487 as follows:

2 1. Page 1, before line 1 by inserting:

3 <DIVISION I
4 BOARD OF EDUCATIONAL EXAMINERS — MANDATORY REPORTING>

5 2. Page 2, after line 26 by inserting:

6 <DIVISION ____
7 BOARD OF EDUCATIONAL EXAMINERS — PROCESS FOR INVESTIGATING
8 COMPLAINTS

9 Sec. _____. Section 256.9, subsection 67, Code 2024, is
10 amended by striking the subsection.

11 Sec. _____. Section 256.146, Code 2024, is amended by adding
12 the following new subsection:

13 NEW SUBSECTION. 25. *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 any individual
16 who is employed by the board of directors of a school district,
17 the authorities in charge of an accredited nonpublic school,
18 or the governing board of a charter school, including an
19 individual with a license, endorsement, certification,
20 authorization, or statement of recognition issued by the
21 board of educational examiners, has committed a felony or,
22 in the case of an individual with a license, endorsement,
23 certification, authorization, or statement of recognition
24 issued by the board of educational examiners, has engaged in
25 conduct described in section 256.160, subsection 1, paragraph
26 "a", subparagraph (1).

27 *b.* The process shall prohibit the board of directors of a
28 school district, the authorities in charge of an accredited
29 nonpublic school, and the governing board of a charter school
30 from entering into any of the following:

31 (1) A written or oral agreement that prohibits the board
32 of directors of the school district, the authorities in charge
33 of an accredited nonpublic school, the governing board of
34 a charter school, an employee of the school district, the
35 accredited nonpublic school, or the charter school, or a

1 contractor of the school district, the accredited nonpublic
2 school, or the charter school from discussing an incident, past
3 performance or actions, past allegations leading to discipline
4 or adverse employment action, or employee resignation with any
5 governmental agent, governmental officer, or any potential
6 employer.

7 (2) A written or oral agreement that waives the liability
8 of an individual with a license, endorsement, certification,
9 authorization, or statement of recognition issued by the
10 board of educational examiners related to or arising from an
11 incident, past performance or action, or past allegations of
12 wrongdoing.

13 c. (1) The process shall require the board of directors
14 of a school district, the authorities in charge of an
15 accredited nonpublic school, and the governing board of a
16 charter school to provide all documentation and information
17 related to the incident to the board of educational examiners
18 for investigation if the employee who is the subject of the
19 incident and who has a license, endorsement, certification,
20 authorization, or statement of recognition issued by the board
21 of educational examiners resigns or the employee's contract is
22 terminated during the school district's, accredited nonpublic
23 school's, or charter school's investigation of the incident.

24 (2) The process shall require the board of directors of a
25 school district, the authorities in charge of an accredited
26 nonpublic school, and the governing board of a charter school
27 to finalize the investigation of the incident even if the
28 employee who is the subject of the incident and who does not
29 have a license, endorsement, certification, authorization, or
30 statement of recognition issued by the board of educational
31 examiners resigns or the employee's contract is terminated
32 during the school district's, accredited nonpublic school's, or
33 charter school's investigation of the incident.

34 d. The process shall require that, prior to hiring an
35 applicant for any position, the board of directors of a

1 school district, the authorities in charge of an accredited
2 nonpublic school, and the governing board of a charter school
3 must conduct a review of the applicant's employment history,
4 including by contacting the applicant's previous employers
5 listed on the application for employment and by viewing the
6 board of educational examiners' public license information to
7 determine if the applicant has a case pending with a finding of
8 probable cause or any licensure sanction.

9 e. 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 maintain on forms prescribed by the board of educational
13 examiners reference information related to all employees of
14 the school district, accredited nonpublic school, or charter
15 school, and respond to any request for such information from
16 a potential employer. This paragraph shall not be construed
17 to require the board of directors of a school district, the
18 authorities in charge of an accredited nonpublic school, or
19 the governing board of a charter school to disclose unfounded,
20 closed investigations. The board of directors of a school
21 district, the authorities in charge of an accredited nonpublic
22 school, or the governing board of a charter school shall be
23 immune from any criminal or civil liability arising from the
24 disclosure of reference information under this paragraph if the
25 school district, accredited nonpublic school, or charter school
26 does not knowingly disclose false information.

27 f. The board of directors of a school district, the
28 authorities in charge of an accredited nonpublic school, or
29 the governing board of a charter school, and contractors of
30 the school district, the accredited nonpublic school, or the
31 charter school shall be immune from any civil liability arising
32 from discussing an incident, past performance or actions,
33 past allegations leading to discipline or adverse employment
34 action, or employee resignation with any governmental agent,
35 governmental officer, or any potential employer.

1 *g.* If, after investigation, the board of educational
2 examiners determines that the board of directors of a
3 school district, the authorities in charge of an accredited
4 nonpublic school, or the governing board of a charter school
5 has intentionally failed to follow the process established
6 by this subsection regarding an incident, or the reporting
7 requirements established pursuant to section 256.160, related
8 to an employee who holds a license, endorsement, certification,
9 authorization, or statement of recognition issued by the board
10 of educational examiners, any administrator of the school
11 district, the accredited nonpublic school, or the charter
12 school who intentionally failed to ensure compliance with the
13 process shall be subject to a hearing conducted by the board of
14 educational examiners.

15 *h.* If, after investigation, the board of educational
16 examiners determines that the board of directors of a school
17 district, the authorities in charge of an accredited nonpublic
18 school, or the governing board of a charter school has
19 intentionally failed to follow the process established by
20 this subsection regarding an incident related to an employee
21 who does not hold a license, endorsement, certification,
22 authorization, or statement of recognition issued by the board
23 of educational examiners, any administrator of the school
24 district, the accredited nonpublic school, or the charter
25 school who intentionally failed to ensure compliance with the
26 process shall be subject to a hearing conducted by the board of
27 educational examiners.

28 *i.* If, after investigation, the board of educational
29 examiners determines that the board of directors of a school
30 district, the authorities in charge of an accredited nonpublic
31 school, or the governing board of a charter school has
32 intentionally concealed, or attempted to conceal from any
33 governmental agent, governmental officer, or potential employer
34 a founded incident, or any conduct required to be reported
35 pursuant to section 256.160, related to an employee who holds

1 a license, endorsement, certification, authorization, or
2 statement of recognition issued by the board of educational
3 examiners, any administrator of the school district, the
4 accredited nonpublic school, or the charter school who
5 intentionally assisted in the concealment, or attempted
6 concealment, of an incident, or any conduct required to be
7 reported pursuant to section 256.160, shall be subject to a
8 hearing conducted by the board of educational examiners.

9 *j.* If, after investigation, the board of educational
10 examiners finds that the board of directors of a school
11 district, the authorities in charge of an accredited nonpublic
12 school, or the governing board of a charter school has
13 intentionally concealed, or attempted to conceal from any
14 governmental agent, governmental officer, or potential employer
15 a founded incident related to an employee who does not hold
16 a license, endorsement, certification, authorization, or
17 statement of recognition issued by the board of educational
18 examiners, any administrator of the school district, the
19 accredited nonpublic school, or the charter school who
20 intentionally assisted in the concealment, or attempted
21 concealment, of an incident shall be subject to a hearing
22 conducted by the board of educational examiners.

23 *k.* (1) Annually, on or before June 30 of each year, the
24 board of educational examiners shall submit to the general
25 assembly a report that contains information related to all of
26 the following:

27 (a) The number and types of disciplinary hearings before the
28 board of educational examiners.

29 (b) Any trends in the number or types of disciplinary
30 hearings before the board of educational examiners.

31 (c) The number of board of educational examiners
32 investigations of the employees of school districts, accredited
33 nonpublic schools, or charter schools who do not hold a
34 license, endorsement, certification, authorization, or
35 statement of recognition issued by the board of educational

1 examiners, that the board of educational examiners referred to
2 a law enforcement agency.

3 (d) Any other information deemed relevant by the board of
4 educational examiners in order to inform the general assembly
5 of the status of the enforcement of the board of educational
6 examiners' rules.

7 (2) The report shall not include any personally
8 identifiable information related to investigations referred to
9 a law enforcement agency.

10 Sec. _____. Section 280.34, Code 2024, is amended to read as
11 follows:

12 **280.34 Incidents related to licensed practitioners —**
13 **reporting and investigation.**

14 The board of directors of a school district and the
15 authorities in charge of each accredited nonpublic school shall
16 follow the process created by the ~~department of education board~~
17 of educational examiners pursuant to section ~~256.9, subsection~~
18 ~~67~~ 256.146, subsection 25, related to the reporting and
19 investigation of an incident involving the possible commission
20 of a felony by any employee of the board of directors of the
21 school district or the authorities in charge of the accredited
22 nonpublic school.

23 Sec. _____. REPEAL. Section 256.158A, Code 2024, is repealed.

24 DIVISION _____

25 BOARD OF EDUCATIONAL EXAMINERS — REPORTING REQUIREMENTS

26 Sec. _____. Section 256.158, subsection 3, Code 2024, is
27 amended to read as follows:

28 3. a. All Subject to paragraph "b", all complaint files,
29 investigation files, other investigation reports, and other
30 investigative information in the possession of the board or
31 its employees or agents, which relate to licensee discipline
32 or the investigation of nonlicensed school employees, are
33 privileged and confidential, and are not subject to discovery,
34 subpoena, or other means of legal compulsion for their release
35 to a person other than the respondent and the board and

1 its employees and agents involved in licensee discipline or
2 the investigation of nonlicensed school employees, and are
3 not admissible in evidence in a judicial or administrative
4 proceeding other than the proceeding involving licensee
5 discipline. A complaint, any amendment to a complaint, and
6 any supporting documents shall be provided to the respondent
7 immediately upon the board's determination that jurisdictional
8 requirements have been met and prior to the commencement of the
9 board's investigation of a licensee. Investigative information
10 in the possession of the board or its employees or agents which
11 relates to licensee discipline may be disclosed to appropriate
12 licensing authorities within this state, the appropriate
13 licensing authority in another state, the District of Columbia,
14 or a territory or country in which the licensee is licensed
15 or has applied for a license. A final written decision and
16 finding of fact of the board in a disciplinary proceeding is a
17 public record.

18 b. Notwithstanding paragraph "a", if the investigative
19 information in the possession of the board or its employees
20 or agents indicates that a crime has been committed by either
21 a licensee or a nonlicensed school employee, the board shall
22 report the investigative information to the proper law
23 enforcement agency.

24 DIVISION ____
25 BOARD OF EDUCATIONAL EXAMINERS — TIME IN WHICH COMPLAINTS CAN
26 BE INVESTIGATED

27 Sec. ____ . Section 256.146, subsection 14, paragraph a, Code
28 2024, is amended to read as follows:

29 a. Adopt rules that require specificity in written
30 complaints that are filed by individuals who have personal
31 knowledge of an alleged violation and which are accepted by
32 the board, provide that the jurisdictional requirements as set
33 by the board in administrative rule are met on the face of the
34 complaint before initiating an investigation of allegations,
35 provide that any investigation be limited to the allegations

1 contained on the face of the complaint, provide for an adequate
2 interval between the receipt of a complaint and public notice
3 of the complaint, permit parties to a complaint to mutually
4 agree to a resolution of the complaint filed with the board,
5 allow the respondent the right to review any investigative
6 report upon a finding of probable cause for further action
7 by the board, require that the conduct providing the basis
8 for the complaint occurred within three years of discovery of
9 the event by the complainant unless good cause can be shown
10 for an extension of this limitation or unless the conduct
11 constitutes conduct described in section 256.160, subsection
12 1, paragraph "a", subparagraph (1), subparagraph division (a),
13 require complaints to be resolved within one hundred eighty
14 days unless good cause can be shown for an extension of this
15 limitation, and require the board to finalize the investigation
16 of the written complaint even if the licensed practitioner
17 resigns or surrenders the licensed practitioner's license,
18 certificate, authorization, or statement of recognition during
19 the investigation.>

20 3. Title page, by striking lines 1 through 4 and inserting
21 <An Act relating to education, including by modifying
22 provisions related to mandatory reporting to the board of
23 educational examiners of certain specified school employees,
24 complaints against school employees and the investigation of
25 complaints against school employees, and the responsibilities
26 of the department of education and the board of educational
27 examiners.>

28 4. By renumbering as necessary.

BODEN of Warren