

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
EDUCATION BILL)

A BILL FOR

1 An Act requiring background checks for school bus drivers,
2 providing for fees, and making penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DRAFT

1 Section 1. Section 235A.15, subsection 2, paragraph e,
2 Code Supplement 2011, is amended by adding the following new
3 subparagraph:

4 NEW SUBPARAGRAPH. (22) To the employer or prospective
5 employer of a school bus driver for purposes of an employment
6 record check.

7 Sec. 2. Section 235B.6, subsection 2, paragraph e, Code
8 Supplement 2011, is amended by adding the following new
9 subparagraph:

10 NEW SUBPARAGRAPH. (18) To the employer or prospective
11 employer of a school bus driver for purposes of an employment
12 record check.

13 Sec. 3. Section 321.375, Code 2011, is amended by adding the
14 following new subsection:

15 NEW SUBSECTION. 1A. Prior to hiring an applicant for a
16 school bus driver position, an employer shall have access to
17 and shall review the sex offender registry information under
18 section 692A.121 available to the general public, the central
19 registry for child abuse information established under section
20 235A.14, and the central registry for dependent adult abuse
21 information established under section 235B.5 for information
22 regarding the applicant. An employer shall follow the same
23 procedure upon the renewal of an employee's school bus driver's
24 license issued by the department of transportation valid
25 for the operation of a school bus. An employer may charge
26 an applicant or school bus driver a fee not to exceed the
27 actual cost for the registry checks conducted pursuant to
28 this subsection. An employer shall maintain documentation
29 demonstrating compliance with this subsection.

30 Sec. 4. Section 321.375, subsection 2, Code 2011, is amended
31 by adding the following new paragraph:

32 NEW PARAGRAPH. *0e.* The school bus driver is listed in
33 the sex offender registry established under chapter 692A,
34 the central registry for child abuse information established
35 under section 235A.14, or the central registry for dependent

1 adult abuse information established under section 235B.5. A
2 termination hearing conducted pursuant to this paragraph shall
3 be limited to the question of whether the school bus driver was
4 incorrectly listed in the registry.

5 Sec. 5. Section 321.376, subsection 1, Code Supplement
6 2011, is amended to read as follows:

7 1. The driver of a school bus shall hold a driver's license
8 issued by the department of transportation valid for the
9 operation of the school bus and a certificate of qualification
10 for operation of a commercial motor vehicle issued by a
11 physician or osteopathic physician licensed pursuant to
12 chapter 148, physician's assistant, advanced registered nurse
13 practitioner, or chiropractor or any other person identified
14 by federal and state law as authorized to perform physical
15 examinations, and shall successfully complete an approved
16 course of instruction in accordance with subsection 2. A
17 person holding a temporary restricted license issued under
18 chapter 321J shall be prohibited from operating a school bus.

19 1A. The department of education shall refuse to issue an
20 authorization to operate a school bus to any person who, after
21 notice and opportunity for hearing, is determined to have
22 ~~committed any of the acts proscribed~~ met any of the grounds
23 listed under section 321.375, subsection 2. The department of
24 education shall take adverse action against any person who,
25 after notice and opportunity for hearing, is determined to have
26 ~~committed any of the acts proscribed~~ met any of the grounds
27 listed under section 321.375, subsection 2. Such action may
28 include a reprimand or warning of the person or the suspension
29 or revocation of the person's authorization to operate a school
30 bus. A hearing pursuant to section 321.375, subsection 2,
31 paragraph "0e", shall be limited to the question of whether the
32 person was incorrectly listed in the registry. The department
33 of education shall recommend, and the state board of education
34 shall adopt under chapter 17A, rules and procedures for issuing
35 and suspending or revoking authorization to operate a school

1 bus in this state. Rules and procedures adopted shall include
2 but are not limited to provisions for the revocation or
3 suspension of, or refusal to issue, authorization to persons
4 who are determined to have ~~committed any of the acts proscribed~~
5 met any of the grounds listed under section 321.375, subsection
6 2.

7 Sec. 6. STATE MANDATE FUNDING SPECIFIED. In accordance
8 with section 25B.2, subsection 3, the state cost of requiring
9 compliance with any state mandate included in this Act shall
10 be paid by a school district from state school foundation aid
11 received by the school district under section 257.16. This
12 specification of the payment of the state cost shall be deemed
13 to meet all of the state funding-related requirements of
14 section 25B.2, subsection 3, and no additional state funding
15 shall be necessary for the full implementation of this Act
16 by and enforcement of this Act against all affected school
17 districts.

18 EXPLANATION

19 This bill requires an employer to review the state sex
20 offender registry, the state central registry for child abuse
21 information, and the state central registry for dependent adult
22 abuse information for information regarding any applicant for a
23 school bus driver position before an applicant is hired. The
24 bill requires an employer to follow the same procedure upon the
25 renewal of an employee's school bus driver's license issued by
26 the department of transportation valid for the operation of a
27 school bus. The bill allows an employer to charge an applicant
28 or school bus driver a fee not to exceed the actual cost for
29 the registry checks conducted pursuant to the bill. The bill
30 requires an employer to document compliance with the bill.

31 The bill adds listing on the state sex offender registry,
32 the state central registry for child abuse information, or the
33 state central registry for dependent adult abuse information
34 to the list of grounds for which a school bus driver is to be
35 immediately suspended. The bill specifies that for a hearing

1 relating to adverse action taken pursuant to the bill, the
2 hearing is to be limited to the question of whether a person
3 was incorrectly listed in one of the registries. Such adverse
4 action may include termination of employment or refusal to
5 issue or revocation of authorization to operate a school bus
6 by the department of education.

7 The bill grants employers and prospective employers access
8 to the state central registry for child abuse information
9 and the state central registry for dependent adult abuse
10 information for the purposes provided in the bill.

11 The bill may include a state mandate as defined in Code
12 section 25B.3. The bill requires that the state cost of
13 any state mandate included in the bill be paid by a school
14 district from state school foundation aid received by the
15 school district under Code section 257.16. The specification
16 is deemed to constitute state compliance with any state mandate
17 funding-related requirements of Code section 25B.2. The
18 inclusion of this specification is intended to reinstate the
19 requirement of political subdivisions to comply with any state
20 mandates included in the bill.