

MAR 16 1996
EDUCATION

3-17-95 Do Pass
4-10-95 Referred to Education
3/4/96 Amend/Do Pass
W/H-5150
S-3/21/96 Education
S-3/21/96 Do Pass
455

HOUSE FILE
BY HAMMITT and NELSON of
Pottawattamie

Passed House, ^(P.847) Date 3/20/96 Passed Senate, Date 3/26/96 (P.1058)
Vote: Ayes 100 Nays 0 Vote: Ayes 49 Nays 0
Approved May 16, 1996

A BILL FOR

1 An Act relating to the filing of complaints concerning child
2 abuse or crimes with the board of educational examiners.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HOUSE FILE 455

H-5150

1 Amend House File 455 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 272.2, Code 1995, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. 15. Adopt rules that require
7 specificity in written complaints that are filed and
8 accepted by the board, provide for an adequate
9 interval between the receipt of a complaint and public
10 notice of the complaint, permit parties to a complaint
11 to mutually agree to a resolution of the complaint,
12 allow the respondent the right to review any
13 investigative report for accuracy with its author
14 prior to the submission of the report to the board,
15 require that the conduct providing the basis for the
16 complaint occurred within three years of the filing of
17 the complaint unless good cause can be shown for an
18 extension of this limitation, and require complaints
19 to be resolved within one hundred eighty days."
20 2. Title page, lines 1 and 2, by striking the
21 words "concerning child abuse or crimes".

HF 455

Adopted 3/20/96 (P.847) BY COMMITTEE ON EDUCATION
GRUBBS of Scott, Chairperson
H-5150 FILED MARCH 4, 1996

1 Section 1. Section 272.2, subsection 14, Code 1995, is
2 amended to read as follows:

3 14. Adopt rules which permit the board to deny a license
4 to or revoke a license of a person upon the board's finding by
5 a preponderance of evidence that either the person has been
6 convicted of a crime or that there has been a founded report
7 of child abuse against the person. Rules adopted shall
8 provide that in all actions regarding the denial or revocation
9 of a person's license shall commence with the filing of a
10 written complaint, signed by the complaining party. The
11 decision to file a complaint with the board shall be at the
12 discretion of the complaining party. The complaint shall be
13 filed with the board within a reasonable amount of time of the
14 occurrence of the incident of which the filing party is
15 complaining. Upon the filing of a complaint, the board shall
16 first establish its jurisdiction to proceed with an action.
17 The funding of jurisdiction must be in writing and is
18 considered to be final agency action on the issue of
19 jurisdiction. In determining whether a person should be
20 denied a license or that a practitioner's license should be
21 revoked, the board shall consider the nature and seriousness
22 of the founded abuse or crime in relation to the position
23 sought, the time elapsed since the founded abuse or crime was
24 committed, the degree of rehabilitation which has taken place
25 since the incidence of founded abuse or the commission of the
26 crime, the likelihood that the person will commit the same
27 abuse or crime again, and the number of founded abuses
28 committed or criminal convictions by the person involved. All
29 written reports or statements taken by the board, its agents,
30 or employees concerning the complaint shall be made available
31 upon request to the person who is subject to the complaint.

32 EXPLANATION

33 This bill requires that a complaint concerning child abuse
34 or crimes against a person holding or applying for a license
35 be in writing to the board of educational examiners. The

1 decision to file a complaint is at the discretion of the
2 complaining party and the complaint must be filed within a
3 reasonable period of time of the occurrence of the incident
4 complained of. The bill also requires that the board of
5 educational examiners first establish the board's jurisdiction
6 to hear a complaint, with the finding of jurisdiction in
7 writing, and that the board's finding is final agency action
8 on the issue of jurisdiction. The board must make available
9 upon request all written reports or statements taken by its
10 agents or employees to the person whose license is being
11 investigated.

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HOUSE FILE 455

BY HAMMITT and NELSON of
Pottawattamie

(As Amended and Passed by the House, March 20, 1996)

Passed House, Date 3/20/96 Passed Senate, Date 3/26/96 (p.1058)
Vote: Ayes 100 Nays 0 Vote: Ayes 49 Nays 0
Approved May 16, 1996

A BILL FOR

* 1 An Act relating to the filing of complaints with the board of
2 educational examiners.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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All New Language

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Deleted Language *

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1 Section 1. Section 272.2, Code 1995, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 15. Adopt rules that require specificity
4 in written complaints that are filed and accepted by the
5 board, provide for an adequate interval between the receipt of
6 a complaint and public notice of the complaint, permit parties
7 to a complaint to mutually agree to a resolution of the
8 complaint, allow the respondent the right to review any
9 investigative report for accuracy with its author prior to the
10 submission of the report to the board, require that the
11 conduct providing the basis for the complaint occurred within
12 three years of the filing of the complaint unless good cause
13 can be shown for an extension of this limitation, and require
14 complaints to be resolved within one hundred eighty days.

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can be shown for an extension of this limitation, and require complaints to be resolved within one hundred eighty days.

HOUSE FILE 455

AN ACT

RELATING TO THE FILING OF COMPLAINTS WITH THE BOARD OF EDUCATIONAL EXAMINERS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 272.2, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 15. Adopt rules that require specificity in written complaints that are filed and accepted by the board, provide for an adequate interval between the receipt of a complaint and public notice of the complaint, permit parties to a complaint to mutually agree to a resolution of the complaint, allow the respondent the right to review any investigative report for accuracy with its author prior to the submission of the report to the board, require that the conduct providing the basis for the complaint occurred within three years of the filing of the complaint unless good cause

RON J. CORBETT
Speaker of the House

LEONARD L. BOSWELL
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 455, Seventy-sixth General Assembly.

Approved May 16, 1996

ELIZABETH ISAACSON
Chief Clerk of the House

TERRY E. BRANSTAD
Governor