

FEB 27 1997

EDUCATION

HOUSE FILE 386
BY GREINER

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to child sexual abuse reporting by licensed
2 school employees.

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

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HF 386

1 Section 1. Section 232.69, Code 1997, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 4. A person required to make a report
4 under subsection 1, paragraph "b", subparagraph (6), shall
5 also make a report of abuse of a child which would be defined
6 as child abuse under section 232.68, subsection 2, paragraph
7 "c" or "e", except that the abuse resulted from the acts or
8 omissions of an adult other than a person responsible for the
9 care of the child.

10 Sec. 2. Section 232.71, Code 1997, is amended by adding
11 the following new subsection:

12 NEW SUBSECTION. 1A. If a report would be determined to
13 constitute an allegation of child abuse as defined under
14 section 232.68, subsection 2, paragraph "c" or "e", except
15 that the suspected abuse resulted from the acts or omissions
16 of a person other than a person responsible for the care of
17 the child, the department shall refer the report to the
18 appropriate law enforcement agency having jurisdiction to
19 investigate the allegation. The department shall refer the
20 report orally as soon as practicable and in writing within
21 seventy-two hours of receiving the report.

22 Sec. 3. Section 256.9, Code 1997, is amended by adding the
23 following new subsection:

24 NEW SUBSECTION. 49. Develop and adopt a model policy in
25 cooperation with the department of human services and the
26 attorney general's office, for the handling of reports of
27 child abuse, as defined in section 232.68 and mandated under
28 section 232.69.

29 Sec. 4. Section 280.17, Code 1997, is amended to read as
30 follows:

31 280.17 PROCEDURES FOR HANDLING CHILD ABUSE REPORTS.

32 The board of directors of a public school and the
33 authorities in control of a nonpublic school shall prescribe
34 procedures, in accordance with the guidelines contained in the
35 model policy developed by the department of education in

1 consultation with the department of human services, and
2 adopted by the department of education pursuant to chapter
3 17A, for the handling of reports of child abuse, as defined in
4 section 232.68, subsection 2, paragraph paragraphs "a" ~~7~~ "b",
5 ~~or "d"~~ through "e", alleged to have been committed by an
6 employee or agent of the public or nonpublic school.

7 EXPLANATION

8 This bill relates to reporting of child sexual abuse by a
9 licensed school employee.

10 Code section 232.69 is amended to require licensed school
11 employees, who are already listed as mandatory reporters of
12 child abuse, to also report sexual abuse of a child which
13 would be defined as child abuse except that the abuse resulted
14 from acts or omissions of a person other than a person
15 responsible for the care of the child. Under current law, a
16 finding of child abuse requires that the abuse results from
17 the acts or omissions of a "person responsible for the care of
18 a child", a term defined to include a parent, guardian, foster
19 parent, child care provider, or other person who assumes care
20 or supervision of a child. The sexual abuse required to be
21 reported under the bill includes sexual abuse under chapter
22 709, incest, involvement in prostitution, or sexual
23 exploitation of a minor.

24 The bill also requires the director of the department of
25 education to develop and adopt a model policy, in cooperation
26 with the department of human services and the attorney
27 general's office, for the handling of reports of child abuse,
28 as defined in section 232.68 and mandated under section
29 232.69.

30 Accredited nonpublic schools and public school districts
31 are currently required under the Code to prescribe procedures
32 based upon the department's model policy guidelines for the
33 handling of reports of child abuse involving physical or
34 mental injury suffered by a child, or the failure of a person
35 responsible for the care of a child to provide for the

1 adequate food, shelter, clothing, or other care necessary for
2 the child's health and welfare, when the abuse is alleged to
3 have been committed by an employee or agent of the public or
4 nonpublic school. This bill directs the schools and school
5 districts to include, in the procedures for the handling of
6 reports of child abuse, procedures relating to sexual abuse of
7 a child alleged to have been committed by an employee or agent
8 of the public or nonpublic school.

9 Code section 232.71 is amended to require the department of
10 human services to refer reports of sexual abuse of a child
11 which result from the acts or omissions of a person other than
12 a person responsible for the care of a child to an appropriate
13 law enforcement agency. The referral must be made orally, as
14 soon as practicable, and in writing within 72 hours of
15 receiving the report.

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