

FEB 28 1997  
EDUCATION

HOUSE FILE 397  
BY GREINER

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act providing for a criminal offense and abuse records check  
2 of prospective public school district employees.

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

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HF 397

1 Section 1. NEW SECTION. 280.16A EMPLOYEE RECORDS CHECK  
2 POLICY -- PUBLIC MEASURE.

3 1. The eligible electors of a public school district may  
4 petition for an election to require the district's board of  
5 directors to implement an employee records check policy in  
6 accordance with section 280.17. The petition must be signed  
7 by eligible electors equal in number to not less than one  
8 hundred or thirty percent of the number of voters at the last  
9 preceding regular school election, whichever is greater. If  
10 the board of directors receives a petition containing the  
11 required number of signatures asking that the board be  
12 required to adopt such an employee records check policy and  
13 the board adopts the policy, an election shall not be held.  
14 However, if the board of directors does not adopt such a  
15 policy prior to the date required for the question to be put  
16 to the voters as a public measure in accordance with section  
17 47.6, the board of directors shall direct the commissioner of  
18 elections to submit the question to the registered voters of  
19 the district at the next following regular school election or  
20 special school election. The question to be submitted shall  
21 be substantially in the following form:

22 Shall the .....school district board of directors  
23 adopt a school employee records check policy in accordance  
24 with the provisions of Iowa Code section 280.17?

25 2. If the question is approved by a majority of those  
26 voting on the question at the election, the board of directors  
27 shall adopt and implement the policy within twenty-eight days  
28 of the date of the election.

29 Sec. 2. Section 280.17, Code 1997, is amended to read as  
30 follows:

31 280.17 RECORDS CHECK UPON EMPLOYMENT -- PROCEDURES FOR  
32 HANDLING CHILD ABUSE REPORTS.

33 1. The board of directors of a public school may adopt a  
34 policy requiring a records check of prospective employees of  
35 the public school who would have direct responsibility for a

1 child or access to a child when the child is alone. If  
2 adopted, the policy shall require the public school to conduct  
3 a criminal, sex offender, and child abuse records check of  
4 such employees. The policy shall provide for conducting the  
5 records check in this state and shall comply with applicable  
6 confidentiality provisions. The policy may provide for  
7 conducting a dependent adult abuse records check and for  
8 conducting a check of criminal, sex offender, child abuse, and  
9 dependent adult abuse records in other states.

10 2. a. If the records check indicates a person has  
11 committed a crime or has a record of founded child or  
12 dependent adult abuse, an evaluation shall be conducted by the  
13 department of human services and the public school to  
14 determine whether prohibition of the person's employment is  
15 warranted.

16 b. In an evaluation, the department of human services and  
17 the public school shall consider the nature and seriousness of  
18 the crime or founded abuse in relation to the position sought,  
19 the time elapsed since the commission of the crime or founded  
20 abuse, the circumstances under which the crime or founded  
21 abuse was committed, the degree of rehabilitation, the  
22 likelihood that the person will commit the crime or founded  
23 abuse again, and the number of crimes or founded abuses  
24 committed by the person involved. The public school may  
25 permit a person who is evaluated to be employed by the public  
26 school, if the person complies with the public school's  
27 conditions relating to the person's employment, which may  
28 include completion of additional training. The school has  
29 final authority in determining whether prohibition of the  
30 person's employment is warranted and in developing any  
31 conditional requirements under this paragraph.

32 c. If the evaluation determines that the person has  
33 committed a crime or has a record of founded abuse which  
34 warrants prohibition of employment, the person shall not be  
35 employed by the public school.



1 or has a record of founded child or dependent adult abuse.  
2 The evaluation is to be performed by the school district and  
3 the department of human services. The evaluation uses  
4 criteria specified in the bill to determine whether  
5 prohibition of the person's employment is warranted. The  
6 school district has the final decision in making the  
7 determination.

8 In new Code section 280.16A, the bill provides a procedure  
9 for eligible electors to petition for an election to require  
10 the district board of directors to adopt a records check  
11 policy. The petition must have a minimum number of  
12 signatures. If the board of directors receiving a petition  
13 adopts the policy within the time frames required under Code  
14 section 47.6, which provides election date requirements, an  
15 election is not required. Otherwise, the board of directors  
16 is to direct the commissioner of elections to place the  
17 question on the ballot for the next succeeding regular or  
18 special school election. If a majority of those voting  
19 approve, the board of directors must adopt and implement the  
20 policy within 28 days of the date of the election.

21 The bill amends Code sections 235A.15 and 235B.6 to provide  
22 a school district board of directors with access to the child  
23 abuse and dependent adult abuse registries for purposes of  
24 performing the checks.

25 The bill may include a state mandate as defined in Code  
26 section 25B.3. This bill makes inapplicable Code section  
27 25B.2, subsection 3, which would relieve a political  
28 subdivision from complying with a state mandate if funding for  
29 the cost of the state mandate is not provided or specified.  
30 Therefore, political subdivisions are required to comply with  
31 any state mandate included in this bill.

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