

Brunkhorst  
Sunderbruch  
Mascher

HSB 539

EDUCATION

Succeeded By  
SF/HF 2/15

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
EDUCATION/BOARD OF EDUCATIONAL  
EXAMINERS BILL)

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

**A BILL FOR**

1 An Act relating to the authority of the board of educational  
2 examiners over certification and licensing of para-educators  
3 and practitioners.

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

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1 Section 1. Section 272.1, Code 1999, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 2A. "Certificate" means limited  
4 recognition to perform instruction and instruction-related  
5 duties in school, other than those duties for which  
6 practitioners are licensed. A certificate is nonexclusive  
7 recognition and does not confer the exclusive authority of a  
8 license.

9 Sec. 2. Section 272.1, subsections 4 and 5, Code 1999, are  
10 amended to read as follows:

11 4. "License" means the authority that is given to allow a  
12 person to legally serve as a practitioner, a school, an  
13 institution, or a course of study to legally offer  
14 professional development programs, other than those programs  
15 offered by practitioner preparation schools, institutions,  
16 courses of study, or area education agencies. A license is  
17 the exclusive authority to perform these functions.

18 5. "Para-educator" means a person who is ~~licensed~~  
19 certified to assist a teacher in the performance of  
20 instructional tasks to support and assist classroom  
21 instruction and related school activities.

22 Sec. 3. Section 272.6, Code 1999, is amended to read as  
23 follows:

24 272.6 QUALIFICATIONS FOR PRACTITIONERS.

25 1. The board shall determine whether an applicant is  
26 qualified to perform the duties for which a license is sought.  
27 Applicants shall be disqualified for any of the following  
28 reasons:

29 ~~1-~~ a. The applicant is less than twenty-one years of age.  
30 However, a student enrolled in a practitioner preparation  
31 program who meets board requirements for a temporary, limited-  
32 purpose license who is seeking to teach as part of a practicum  
33 or internship may be less than twenty-one years of age.

34 ~~2-~~ b. The applicant has been convicted of child abuse or  
35 sexual abuse of a child.

1 3- c. The applicant has been convicted of a felony.

2 4- d. The applicant's application is fraudulent.

3 5- e. The applicant's license or certification from  
4 another state is suspended or revoked.

5 6- f. The applicant fails to meet board standards for  
6 application for an initial or renewed license.

7 2. Qualifications or criteria for the granting or  
8 revocation of a license or the determination of an  
9 individual's professional standing shall not include  
10 membership or nonmembership in any teachers' organization.

11 3. An applicant for a license or certificate under this  
12 chapter shall demonstrate that the requirements of the license  
13 or certificate have been met and the burden of proof shall be  
14 on the applicant.

15 Sec. 4. Section 272.12, Code 1999, is amended by striking  
16 the section and inserting in lieu thereof the following:

17 272.12. PARA-EDUCATOR CERTIFICATES.

18 The board of educational examiners shall adopt rules  
19 pursuant to chapter 17A relating to a voluntary certification  
20 system for para-educators. The rules shall specify rights,  
21 responsibilities, levels, and qualifications for the  
22 certificate. Applicants shall be disqualified for any reason  
23 specified in section 272.6 or in administrative rule. A  
24 person holding a para-educator certificate shall not perform  
25 the duties of a licensed practitioner. A certificate issued  
26 pursuant to this chapter shall not be considered a teacher or  
27 administrator license for any purpose specified by law,  
28 including the purposes specified under this chapter or chapter  
29 279.

30 EXPLANATION

31 This bill broadens the authority of the board of  
32 educational examiners and provides for the certification,  
33 rather than licensing, of a para-educator.

34 The bill strikes Code language specifying the various types  
35 of para-educator licenses available, the qualifications

1 necessary to achieve a para-educator license, and the list of  
2 reasons for which an applicant would be disqualified for a  
3 license. However, the bill provides for the disqualification  
4 of an applicant for a certificate for any reason specified in  
5 Code section 272.6, which currently relates only to applicants  
6 for a practitioner's license. The bill authorizes the board  
7 to adopt rules relating to a voluntary certification system  
8 for para-educators, and to the rights, responsibilities,  
9 levels, and qualifications for a certificate.

10 The bill also provides that an applicant for a license or  
11 certificate can be disqualified for reasons specified in  
12 administrative rule. The applicant is responsible for  
13 demonstrating that the requirements of the license or  
14 certificate have been met and, as provided in the bill, the  
15 burden of proof is on the applicant.

16 The bill defines "certificate" to mean limited recognition  
17 to perform instruction and instruction-related duties in  
18 school, other than those duties for which practitioners are  
19 licensed. Under the definition, a certificate is nonexclusive  
20 recognition and does not confer the exclusive authority of a  
21 license. The bill further defines "license" to provide that a  
22 license is the exclusive authority to legally serve as a  
23 practitioner, a school, an institution, or a course of study  
24 to legally offer professional development programs.

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100 Edu  
5-2/16/00 Do Pass  
5-3/23/00 Unfinished Business  
Calendar

FEB 3 2000  
Place On Calendar

HOUSE FILE **2146**  
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 539)

Passed House, <sup>(p.292)</sup> Date 2/14/00 Passed Senate, <sup>(p.861)</sup> Date 3-27-00  
Vote: Ayes 92 Nays 0 Vote: Ayes 48 Nays 0  
Approved 4-14-00

(P.1028) Re Passed 3-29-00  
Vote 94-0

**A BILL FOR**

1 An Act relating to the authority of the board of educational  
2 examiners over certification and licensing of para-educators  
3 and practitioners.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

**HOUSE FILE 2146**

**S-5244**

1 Amend House File 2146, as passed by the House, as  
2 follows:  
3 1. Page 1, by inserting before line 1 the  
4 following:  
5 "Section 1. Section 256.7, Code 1999, is amended  
6 by adding the following new subsection:  
7 NEW SUBSECTION. 22. Adopt rules and a procedure  
8 for the approval of para-educator preparation programs  
9 offered by a public school district, area education  
10 agency, community college, institution of higher  
11 education under the state board of regents, or an  
12 accredited private institution as defined in section  
13 261.9, subsection 1. The programs shall train and  
14 recommend individuals for para-educator certification  
15 under section 272.12."  
16 2. By renumbering as necessary.

By MIKE SEXTON

**S-5244 FILED MARCH 27, 2000**  
**ADOPTED** (p. 863)

HF 2146

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1 Section 1. Section 272.1, Code 1999, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 2A. "Certificate" means limited  
4 recognition to perform instruction and instruction-related  
5 duties in school, other than those duties for which  
6 practitioners are licensed. A certificate is nonexclusive  
7 recognition and does not confer the exclusive authority of a  
8 license.

9 Sec. 2. Section 272.1, subsections 4 and 5, Code 1999, are  
10 amended to read as follows:

11 4. "License" means the authority that is given to allow a  
12 person to legally serve as a practitioner, a school, an  
13 institution, or a course of study to legally offer  
14 professional development programs, other than those programs  
15 offered by practitioner preparation schools, institutions,  
16 courses of study, or area education agencies. A license is  
17 the exclusive authority to perform these functions.

18 5. "Para-educator" means a person who is ~~licensed~~  
19 certified to assist a teacher in the performance of  
20 instructional tasks to support and assist classroom  
21 instruction and related school activities.

22 Sec. 3. Section 272.6, Code 1999, is amended to read as  
23 follows:

24 272.6 QUALIFICATIONS FOR PRACTITIONERS.

25 1. The board shall determine whether an applicant is  
26 qualified to perform the duties for which a license is sought.  
27 Applicants shall be disqualified for any of the following  
28 reasons:

29 ~~1-~~ a. The applicant is less than twenty-one years of age.  
30 However, a student enrolled in a practitioner preparation  
31 program who meets board requirements for a temporary, limited-  
32 purpose license who is seeking to teach as part of a practicum  
33 or internship may be less than twenty-one years of age.

34 ~~2-~~ b. The applicant has been convicted of child abuse or  
35 sexual abuse of a child.



1 necessary to achieve a para-educator license, and the list of  
2 reasons for which an applicant would be disqualified for a  
3 license. However, the bill provides for the disqualification  
4 of an applicant for a certificate for any reason specified in  
5 Code section 272.6, which currently relates only to applicants  
6 for a practitioner's license. The bill authorizes the board  
7 to adopt rules relating to a voluntary certification system  
8 for para-educators, and to the rights, responsibilities,  
9 levels, and qualifications for a certificate.

10 The bill also provides that an applicant for a license or  
11 certificate can be disqualified for reasons specified in  
12 administrative rule. The applicant is responsible for  
13 demonstrating that the requirements of the license or  
14 certificate have been met and, as provided in the bill, the  
15 burden of proof is on the applicant.

16 The bill defines "certificate" to mean limited recognition  
17 to perform instruction and instruction-related duties in  
18 school, other than those duties for which practitioners are  
19 licensed. Under the definition, a certificate is nonexclusive  
20 recognition and does not confer the exclusive authority of a  
21 license. The bill further defines "license" to provide that a  
22 license is the exclusive authority to legally serve as a  
23 practitioner, a school, an institution, or a course of study  
24 to legally offer professional development programs.

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## HOUSE FILE 2146

H-8014

1 Amend House File 2146 as follows:  
2 1. Page 1, by inserting before line 1 the  
3 following:  
4 "Section 1. Section 235A.15, subsection 2,  
5 paragraph e, Code Supplement 1999, is amended by  
6 adding the following new subparagraph:  
7 NEW SUBPARAGRAPH. (16) To a public school  
8 district or nonpublic school for purposes of a record  
9 check authorized pursuant to section 280.27.  
10 Sec. \_\_\_\_\_. Section 235B.6, subsection 2, paragraph  
11 e, Code Supplement 1999, is amended by adding the  
12 following new subparagraph:  
13 NEW SUBPARAGRAPH. (8) To a public school district  
14 or nonpublic school for purposes of a record check  
15 authorized pursuant to section 280.27."  
16 2. Page 2, by inserting after line 29 the  
17 following:  
18 "Sec. \_\_\_\_\_. NEW SECTION. 280.27 CRIMINAL AND  
19 ABUSE RECORD CHECKS.  
20 1. The board of directors of a public school  
21 district and the authorities in charge of a nonpublic  
22 school shall adopt and implement a policy providing  
23 for the performance of criminal and child and  
24 dependent adult abuse record checks of a person  
25 filling a position as an unlicensed, noncertified  
26 educational assistant.  
27 2. Criminal and child and dependent adult abuse  
28 record checks shall be performed on persons filling  
29 positions that are subject to the adopted policy. If  
30 the person has been convicted of a crime under a law  
31 of any state or has a record of founded child or  
32 dependent adult abuse, an evaluation shall be  
33 performed to determine whether the crime or founded  
34 child or dependent adult abuse warrants prohibition of  
35 the person filling the position with the school  
36 district or nonpublic school. The evaluation shall be  
37 performed by the district or the nonpublic school in  
38 accordance with procedures adopted for this purpose by  
39 the department of education."  
40 3. Title page, by striking lines 1 through 3 and  
41 inserting the following: "An Act relating to para-  
42 educators and educational assistants."

By KREIMAN of Davis

H-8014 FILED FEBRUARY 8, 2000

*Withdrawn 2/14/00 (p. 202)*

SENATE AMENDMENT TO HOUSE FILE 2146

H-8577

1 Amend House File 2146, as passed by the House, as  
2 follows:

3 1. Page 1, by inserting before line 1 the  
4 following:

5 "Section 1. Section 256.7, Code 1999, is amended  
6 by adding the following new subsection:

7 NEW SUBSECTION. 22. Adopt rules and a procedure  
8 for the approval of para-educator preparation programs  
9 offered by a public school district, area education  
10 agency, community college, institution of higher  
11 education under the state board of regents, or an  
12 accredited private institution as defined in section  
13 261.9, subsection 1. The programs shall train and  
14 recommend individuals for para-educator certification  
15 under section 272.12."

16 2. By renumbering as necessary.

RECEIVED FROM THE SENATE

H-8577 FILED MARCH 28, 2000

*House Concurred*

*3-29-00 (P. 1127)*

HOUSE FILE 2146

AN ACT

RELATING TO THE AUTHORITY OF THE BOARD OF EDUCATIONAL  
EXAMINERS OVER CERTIFICATION AND LICENSING OF PARA-EDUCATORS  
AND PRACTITIONERS.

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

Section 1. Section 256.7, Code 1999, is amended by adding the following new subsection:

NEW SUBSECTION. 22. Adopt rules and a procedure for the approval of para-educator preparation programs offered by a public school district, area education agency, community college, institution of higher education under the state board of regents, or an accredited private institution as defined in section 261.9, subsection 1. The programs shall train and recommend individuals for para-educator certification under section 272.12.

Sec. 2. Section 272.1, Code 1999, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. "Certificate" means limited recognition to perform instruction and instruction-related duties in school, other than those duties for which practitioners are licensed. A certificate is nonexclusive recognition and does not confer the exclusive authority of a license.

Sec. 3. Section 272.1, subsections 4 and 5, Code 1999, are amended to read as follows:

4. "License" means the authority that is given to allow a person to legally serve as a practitioner, a school, an institution, or a course of study to legally offer professional development programs, other than those programs offered by practitioner preparation schools, institutions, courses of study, or area education agencies. A license is the exclusive authority to perform these functions.

5. "Para-educator" means a person who is licensed certified to assist a teacher in the performance of instructional tasks to support and assist classroom instruction and related school activities.

Sec. 4. Section 272.6, Code 1999, is amended to read as follows:

272.6 QUALIFICATIONS FOR PRACTITIONERS.

1. The board shall determine whether an applicant is qualified to perform the duties for which a license is sought. Applicants shall be disqualified for any of the following reasons:

1- a. The applicant is less than twenty-one years' of age. However, a student enrolled in a practitioner preparation program who meets board requirements for a temporary, limited-purpose license who is seeking to teach as part of a practicum or internship may be less than twenty-one years of age.

2- b. The applicant has been convicted of child abuse or sexual abuse of a child.

3- c. The applicant has been convicted of a felony.

4- d. The applicant's application is fraudulent.

5- e. The applicant's license or certification from another state is suspended or revoked.

6- f. The applicant fails to meet board standards for application for an initial or renewed license.

2. Qualifications or criteria for the granting or revocation of a license or the determination of an individual's professional standing shall not include membership or nonmembership in any teachers' organization.

3. An applicant for a license or certificate under this chapter shall demonstrate that the requirements of the license or certificate have been met and the burden of proof shall be on the applicant.

Sec. 5. Section 272.12, Code 1999, is amended by striking the section and inserting in lieu thereof the following:

272.12 PARA-EDUCATOR CERTIFICATES.

The board of educational examiners shall adopt rules pursuant to chapter 17A relating to a voluntary certification system for para-educators. The rules shall specify rights, responsibilities, levels, and qualifications for the certificate. Applicants shall be disqualified for any reason specified in section 272.6 or in administrative rule. A person holding a para-educator certificate shall not perform the duties of a licensed practitioner. A certificate issued pursuant to this chapter shall not be considered a teacher or administrator license for any purpose specified by law, including the purposes specified under this chapter or chapter 279.

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BRENT SIEGRIST  
Speaker of the House

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MARY E. KRAMER  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2146, Seventy-eighth General Assembly.

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ELIZABETH ISAACSON  
Chief Clerk of the House

Approved 4/14, 2000

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THOMAS J. VILSACK  
Governor