

FEB 24 1999
HUMAN RESOURCES

HOUSE FILE 363
BY FOEGE

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

A BILL FOR

1 An Act providing authorization for school districts and nonpublic
2 schools to request the performance of criminal and abuse
3 record checks.

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

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HF 363

1 Section 1. Section 235A.15, subsection 2, paragraph e,
2 Code 1999, is amended by adding the following new
3 subparagraph:

4 NEW SUBPARAGRAPH. (16) To the department of education for
5 purposes of a record check authorized pursuant to section
6 280.27.

7 Sec. 2. Section 235B.6, subsection 2, paragraph e, Code
8 1999, is amended by adding the following new subparagraph:

9 NEW SUBPARAGRAPH. (8) To the department of education for
10 purposes of a record check authorized pursuant to section
11 280.27.

12 Sec. 3. NEW SECTION. 280.27 CRIMINAL AND ABUSE RECORD
13 CHECKS.

14 1. The board of directors of a public school district and
15 the authorities in charge of a nonpublic school may adopt a
16 policy providing for the performance of criminal and child and
17 dependent adult abuse record checks of persons filling
18 volunteer and support staff positions. Upon receiving an
19 authorized request from such district or nonpublic school, the
20 department of education shall conduct criminal and child and
21 dependent adult abuse record checks in this state and may
22 conduct these checks in other states.

23 2. If the person has been convicted of a crime under a law
24 of any state or has a record of founded child or dependent
25 adult abuse, an evaluation shall be performed to determine
26 whether the crime or founded child or dependent adult abuse
27 warrants prohibition of the person filling the position with
28 the school district or nonpublic school. The evaluation shall
29 be performed by the district or the nonpublic school in
30 accordance with procedures adopted for this purpose by the
31 department of education. Notwithstanding section 692.2, a
32 criminal record check conducted under this section is not
33 subject to a fee.

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EXPLANATION

35 This bill authorizes school districts and nonpublic schools

1 to request the performance of criminal and abuse record checks
2 of persons filling volunteer and support staff positions. The
3 department of education is to conduct the checks.

4 Code section 235A.15, relating to the child abuse registry,
5 is amended to provide the department of education with access
6 to founded child abuse information for purposes of performing
7 the record check.

8 Code section 235B.6, relating to the dependent adult abuse
9 registry, is amended to provide the department of education
10 with access to founded child abuse information for purposes of
11 performing the record check.

12 New Code section 280.27 amends the uniform school
13 requirements chapter. The board of directors of a public
14 school district and the authorities in charge of a nonpublic
15 school are authorized to adopt a policy providing for the
16 performance of criminal and child and dependent adult abuse
17 record checks of persons filling volunteer and support staff
18 positions. If such a policy is adopted the district or
19 nonpublic school may request the department of education to
20 conduct the records check. The records check is to be
21 conducted in this state and may be conducted in other states.

22 If a criminal or abuse record exists, an evaluation shall
23 be performed by the district or the nonpublic school to
24 determine whether the crime or founded child or dependent
25 adult abuse warrants prohibition of the person filling the
26 position with the school district or nonpublic school. The
27 evaluation is to be performed in accordance with procedures
28 adopted for this purpose by the department of education. A
29 criminal records check conducted under the bill is not subject
30 to a fee by the department of public safety.

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