

REPRINTED

FILED FEB 25 1999

SENATE FILE 228  
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SF 69)

Passed Senate, Date 3/25/99 (P. 801) Passed House, Date 3/23/00 (P. 966)  
Vote: Ayes 45 Nays 3 Vote: Ayes 99 Nays 0  
Approved March 3, 2000

(P. 1051)  
4/6/00 Re Passed 4/6/00  
Vote 47-0

A BILL FOR

1 An Act authorizing school districts and nonpublic schools to  
2 perform certain criminal and abuse record checks.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SENATE FILE 228

S-3051

- 1 Amend Senate File 228 as follows:
- 2 1. Page 1, line 18, by inserting after the word
- 3 "positions." the following: "The policy shall
- 4 identify the types of volunteer positions covered by
- 5 the policy."
- 6 2. Page 1, line 19, by inserting before the word
- 7 "If" the following: "Criminal and child and dependent
- 8 adult abuse record checks shall be performed on
- 9 persons filling positions that are subject to the
- 10 adopted policy."

By MIKE CONNOLLY  
DONALD B. REDFERN

*Adopted*  
3/25/99 (P. 801)  
S-3051 FILED MARCH 10, 1999

SF 228

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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 a public school district or  
5 nonpublic school for purposes of a record check authorized  
6 pursuant to section 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 a public school district or  
10 nonpublic school for purposes of a record check authorized  
11 pursuant to section 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 and  
16 implement a policy providing for the performance of criminal  
17 and child and dependent adult abuse record checks of persons  
18 filling volunteer positions.

19 2. If the person has been convicted of a crime under a law  
20 of any state or has a record of founded child or dependent  
21 adult abuse, an evaluation shall be performed to determine  
22 whether the crime or founded child or dependent adult abuse  
23 warrants prohibition of the person filling the position with  
24 the school district or nonpublic school. The evaluation shall  
25 be performed by the district or the nonpublic school in  
26 accordance with procedures adopted for this purpose by the  
27 department of education.

28 EXPLANATION

29 This bill authorizes school districts and nonpublic schools  
30 to perform criminal and abuse record checks of persons filling  
31 volunteer positions.

32 Code section 235A.15, relating to the child abuse registry.  
33 is amended to provide a public school district or nonpublic  
34 school with access to founded child abuse information for  
35 purposes of performing the record check.

1 Code section 235B.6, relating to the dependent adult abuse  
2 registry, is amended to provide a public school district or  
3 nonpublic school with access to founded child abuse  
4 information for purposes of performing the record check.

5 New Code section 280.27 amends the uniform school  
6 requirements chapter. The board of directors of a public  
7 school district and the authorities in charge of a nonpublic  
8 school are authorized to adopt a policy providing for the  
9 performance of criminal and child and dependent adult abuse  
10 record checks of persons filling volunteer positions.

11 If a criminal or abuse record exists, an evaluation shall  
12 be performed by the district or the nonpublic school to  
13 determine whether the crime or founded child or dependent  
14 adult abuse warrants prohibition of the person filling the  
15 position with the school district or nonpublic school. The  
16 evaluation is to be performed in accordance with procedures  
17 adopted for this purpose by the department of education.

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**SENATE FILE 228  
FISCAL NOTE**

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A fiscal note for Senate File 228 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

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Senate File 228 authorized school districts and nonpublic schools to perform criminal and abuse record checks of persons filling volunteer positions.

**BACKGROUND**

Background checks for school districts are currently done by the Department of Public Safety on a fee basis. Thirty school districts have established accounts with the Department for this service and thirty to thirty-five other districts use the service on a pay as you go basis. The current fee for doing background checks is \$13. However, the fee schedule is under review and will likely be revised downward at the beginning of the next fiscal year due to improved efficiency as more checks are done. The number of checks done for the 30 school districts with established accounts through February of the current fiscal year is 3,427. The Department of Public Safety does not maintain records on whether a background check is for a job applicant or for a volunteer.

**ASSUMPTIONS**

1. The fee for volunteer background checks is \$5.
2. The number of volunteer background checks during FY 2000 will be 3,750, and the number of background checks during FY 2001 will be 4,500.
3. The cost of background checks will be the responsibility of local school districts and nonpublic schools.
4. The legislation will take effect July 1, 1999.

**FISCAL IMPACT**

Senate File 228 will result in an increase in fee revenues to the General Fund of approximately \$19,000 for FY 2000 and \$23,000 for FY 2001. The fee revenue to the General Fund will be paid by local school districts and nonpublic schools.

(LSB 1622SV, MAL)

FILED MARCH 10, 1999

BY DENNIS PROUTY, FISCAL DIRECTOR

H. 3/26/99 Education  
H. 4/1/99 Amend/Do Pass w/H. 1365  
H. 2/15/00 Amend/Do Pass w/H. 8036

SENATE FILE 228  
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SF 69)

(AS AMENDED AND PASSED BY THE SENATE MARCH 25, 1999)  
\_\_\_\_\_ - New Language by the Senate

Passed Senate, Date 4/6/00 Passed House, Date 3/23/00  
Vote: Ayes 47 Nays 0 Vote: Ayes 99 Nays 0  
Approved March 3, 2000

**A BILL FOR**

1 An Act authorizing school districts and nonpublic schools to  
2 perform certain criminal and abuse record checks.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
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S.F. 228

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 a public school district or  
5 nonpublic school for purposes of a record check authorized  
6 pursuant to section 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 a public school district or  
10 nonpublic school for purposes of a record check authorized  
11 pursuant to section 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 and  
16 implement a policy providing for the performance of criminal  
17 and child and dependent adult abuse record checks of persons  
18 filling volunteer positions. The policy shall identify the  
19 types of volunteer positions covered by the policy.

20 2. Criminal and child and dependent adult abuse record  
21 checks shall be performed on persons filling positions that  
22 are subject to the adopted policy. If the person has been  
23 convicted of a crime under a law of any state or has a record  
24 of founded child or dependent adult abuse, an evaluation shall  
25 be performed to determine whether the crime or founded child  
26 or dependent adult abuse warrants prohibition of the person  
27 filling the position with the school district or nonpublic  
28 school. The evaluation shall be performed by the district or  
29 the nonpublic school in accordance with procedures adopted for  
30 this purpose by the department of education.

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HOUSE AMENDMENT TO  
SENATE FILE 228

S-5240

- 1 Amend Senate File 228, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 2, by inserting after the word
- 4 "Code" the following: "Supplement".
- 5 2. Page 1, by striking lines 4 through 6 and
- 6 inserting the following:
- 7 "NEW SUBPARAGRAPH. (16) To the superintendent, or
- 8 the superintendent's designee, of a school district or
- 9 to the authorities in charge of an accredited
- 10 nonpublic school for purposes of a volunteer or
- 11 employment record check."
- 12 3. Page 1, line 7, by inserting after the word
- 13 "Code" the following: "Supplement".
- 14 4. Page 1, by striking lines 9 through 11 and
- 15 inserting the following:
- 16 "NEW SUBPARAGRAPH. (8) To the superintendent, or
- 17 the superintendent's designee, of a school district or
- 18 to the authorities in charge of an accredited
- 19 nonpublic school for purposes of a volunteer or
- 20 employment record check."
- 21 5. Page 1, by striking lines 12 through 30.
- 22 6. Title page, line 2, by striking the words
- 23 "criminal and".
- 24 7. By renumbering as necessary.

RECEIVED FROM THE HOUSE

S-5240 FILED MARCH 23, 2000

*Senate Concurred*  
*4/6/00*  
*(P.1051)*

SENATE FILE 228

H-8036

- 1 Amend Senate File 228, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 1, line 2, by inserting after the word  
4 "Code" the following: "Supplement".  
5 2. Page 1, by striking lines 4 through 6 and  
6 inserting the following:  
7 "NEW SUBPARAGRAPH. (16) To the superintendent, or  
8 the superintendent's designee, of a school district or  
9 to the authorities in charge of an accredited  
10 nonpublic school for purposes of a volunteer or  
11 employment record check."  
12 3. Page 1, line 7, by inserting after the word  
13 "Code" the following: "Supplement".  
14 4. Page 1, by striking lines 9 through 11 and  
15 inserting the following:  
16 "NEW SUBPARAGRAPH. (8) To the superintendent, or  
17 the superintendent's designee, of a school district or  
18 to the authorities in charge of an accredited  
19 nonpublic school for purposes of a volunteer or  
20 employment record check."  
21 5. Page 1, by striking lines 12 through 30.  
22 6. Title page, line 2, by striking the words  
23 "criminal and".  
24 7. By renumbering as necessary.

By COMMITTEE ON EDUCATION  
GRUNDBERG of Polk, Chairperson

H-8036 FILED FEBRUARY 15, 2000

*Adopted*  
*3/23/00*  
*(P. 966)*

SENATE FILE 228

H-1365

- 1 Amend Senate File 228, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 1, by striking lines 5 and 6 and  
4 inserting the following: "nonpublic school for  
5 purposes of a volunteer or employment record check."  
6 2. Page 1, by striking lines 10 and 11 and  
7 inserting the following: "nonpublic school for  
8 purposes of a volunteer or employment record check."  
9 3. Page 1, by striking lines 12 through 30.

By COMMITTEE ON EDUCATION  
GRUNDBERG of Polk, Chairperson

H-1365 FILED APRIL 1, 1999

*W/D*  
*3/23/00*  
*(P. 965)*



authorities in charge of an accredited nonpublic school for purposes of a volunteer or employment record check.

SENATE FILE 228

AN ACT

AUTHORIZING SCHOOL DISTRICTS AND NONPUBLIC SCHOOLS TO PERFORM CERTAIN ABUSE RECORD CHECKS.

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

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

NEW SUBPARAGRAPH. (16) To the superintendent, or the superintendent's designee, of a school district or to the authorities in charge of an accredited nonpublic school for purposes of a volunteer or employment record check.

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

NEW SUBPARAGRAPH. (8) To the superintendent, or the superintendent's designee, of a school district or to the

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MARY E. KRAMER  
President of the Senate

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BRENT SIEGRIST  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 228, Seventy-eighth General Assembly.

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MICHAEL E. MARSHALL  
Secretary of the Senate

Approved March 3, 2000

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THOMAS J. VILSACK  
Governor