

Senate Study Bill 3148

Bill Text

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1 1 Section 1. Section [272.2](#), subsection 14, Code Supplement
1 2 2001, is amended by striking the subsection and inserting in
1 3 lieu thereof the following:
1 4 14. Adopt rules to determine whether an applicant is
1 5 qualified to perform the duties for which a license is sought.
1 6 The rules shall include all of the following:
1 7 a. The board shall deny a license to or revoke the license
1 8 of a person upon the board's finding by a preponderance of
1 9 evidence that either the person has been convicted of a crime
1 10 or that there has been a founded report of child abuse against
1 11 the person. Rules adopted in accordance with this paragraph
1 12 "a" shall provide that in determining whether a person should
1 13 be denied a license or that a practitioner's license should be
1 14 revoked, the board shall consider the nature and seriousness
1 15 of the founded abuse or crime committed, the degree of
1 16 rehabilitation which has taken place since the incidence of
1 17 founded abuse or the commission of the crime, the likelihood
1 18 that the person will commit the same abuse or crime again, and
1 19 the number of founded abuses committed or criminal convictions
1 20 by the person involved.
1 21 b. Notwithstanding paragraph "a", the rules shall require
1 22 the board to disqualify an applicant for a license or to
1 23 revoke the license of a person for any of the following
1 24 reasons:
1 25 (1) The person entered a plea of guilty to, or has been
1 26 found guilty of, any of the following offenses established
1 27 pursuant to Iowa law or offenses of a similar nature
1 28 established under the laws of any other state or of the United
1 29 States, or any other country, whether or not a sentence is
1 30 imposed:
1 31 (a) Any forcible felony as defined in section 702.11.
1 32 (b) Any of the following sexual abuse offenses, as
1 33 provided in chapter 709, involving a child:
1 34 (i) First, second, or third degree sexual abuse committed
1 35 on or with a person who is under the age of eighteen years.
2 1 (ii) Lascivious acts with a child.
2 2 (iii) Detention in a brothel.
2 3 (iv) Assault with intent to commit sexual abuse.
2 4 (v) Indecent contact with a child.
2 5 (vi) Sexual exploitation by a counselor.
2 6 (vii) Lascivious conduct with a minor.
2 7 (c) Any of the following offenses against family members
2 8 or dependents, as provided in chapter 726, involving a child:
2 9 (i) Incest.
2 10 (ii) Neglect or abandonment of a dependent person.
2 11 (iii) Child endangerment.
2 12 (iv) Wanton neglect of a resident of a health care
2 13 facility.
2 14 (d) Any of the following obscenity offenses, as provided
2 15 in chapter 728, involving a child:
2 16 (i) Dissemination or exhibition of obscene material to
2 17 minors.
2 18 (ii) Admitting minors to premises where obscene material
2 19 is exhibited.
2 20 (iii) Sexual exploitation of minors.
2 21 (iv) Telephone dissemination of obscene material to

2 22 minors.
2 23 (2) The applicant is less than twenty-one years of age.
2 24 However, a student enrolled in a practitioner preparation
2 25 program who meets board requirements for a temporary, limited-
2 26 purpose license who is seeking to teach as part of a practicum
2 27 or internship may be less than twenty-one years of age.
2 28 (3) The applicant's application is fraudulent.
2 29 (4) The applicant's license or certification from another
2 30 state is suspended or revoked.
2 31 (5) The applicant fails to meet board standards for
2 32 application for an initial or renewed license.
2 33 c. Qualifications or criteria for the granting or
2 34 revocation of a license or the determination of an
2 35 individual's professional standing shall not include
3 1 membership or nonmembership in any teachers' organization.
3 2 d. An applicant for a license or certificate under this
3 3 chapter shall demonstrate that the requirements of the license
3 4 or certificate have been met and the burden of proof shall be
3 5 on the applicant.
3 6 Sec. 2. Section [272.12](#), Code 2001, is amended to read as
3 7 follows:
3 8 272.12 PARA-EDUCATOR CERTIFICATES.
3 9 The board of educational examiners shall adopt rules
3 10 pursuant to chapter 17A relating to a voluntary certification
3 11 system for para-educators. The rules shall specify rights,
3 12 responsibilities, levels, and qualifications for the
3 13 certificate. Applicants shall be disqualified for any reason
3 14 specified in section

~~272.6~~
- [272.2, subsection 14](#), or in
3 15 administrative rule. Notwithstanding section

~~272.6~~
- [272.2](#),
3 16 subsection

~~1~~
- [14](#), paragraph

~~"a"~~
- ["b", subparagraph \(2\)](#), the
3 17 board may issue a para-educator certificate to a person who is
3 18 at least eighteen years of age. A person holding a para-
3 19 educator certificate shall not perform the duties of a
3 20 licensed practitioner. A certificate issued pursuant to this
3 21 chapter shall not be considered a teacher or administrator
3 22 license for any purpose specified by law, including the
3 23 purposes specified under this chapter or chapter 279.
3 24 Sec. 3. Section [272.6](#), Code 2001, is repealed.

EXPLANATION

3 26 This bill strikes, repeals, transfers, and rewrites
3 27 provisions of the Code relating to the board of educational
3 28 examiners' authority to adopt rules to determine whether an
3 29 applicant for licensure or renewal of licensure is qualified
3 30 for the license sought.

3 31 The Code currently authorizes the board to consider the
3 32 nature and seriousness of a founded abuse or crime committed
3 33 by the applicant, the time elapsed since the founded abuse or
3 34 crime was committed, the degree of rehabilitation that has
3 35 since taken place, the likelihood that the person will commit
4 1 the incidence of founded abuse or crime again, and the number
4 2 of founded abuses and crimes committed by the person. The
4 3 bill also authorizes the board to consider these
4 4 circumstances, but specifically lists certain crimes and
4 5 offenses and requires the board to deny or revoke a license if
4 6 the person seeking the license or renewal commits any of the

4 7 offenses or crimes enumerated by the bill.
4 8 The bill makes conforming changes to Code language relating
4 9 to para-educator certificates.
4 10 LSB 5710XC 79
4 11 kh/sh/8