

MAR 3 2006  
Place On Calendar

HOUSE FILE 2623  
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 735)

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

**A BILL FOR**

1 An Act relating to the membership, authority, and duties of the  
2 board of educational examiners.

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

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HF 2623

1 Section 1. Section 235A.15, subsection 2, paragraph e,  
2 subparagraph (9), Code Supplement 2005, is amended to read as  
3 follows:

4 (9) To the board of educational examiners created under  
5 chapter 272 for purposes of determining whether a  
6 practitioner's license, certificate, or authorization should  
7 be issued, denied, or revoked.

8 Sec. 2. Section 235B.6, subsection 2, paragraph e, Code  
9 Supplement 2005, is amended by adding the following new  
10 subparagraph:

11 NEW SUBPARAGRAPH. (12) To the board of educational  
12 examiners created under chapter 272 for purposes of  
13 determining whether a license, certificate, or authorization  
14 should be issued, denied, or revoked.

15 Sec. 3. Section 272.2, subsection 15, Code 2005, is  
16 amended to read as follows:

17 15. Adopt rules that require specificity in written  
18 complaints that are filed by individuals who have personal  
19 knowledge of an alleged violation and which are accepted by  
20 the board, provide that the jurisdictional requirements as set  
21 by the board in administrative rule are met on the face of the  
22 complaint before initiating an investigation of allegations,  
23 provide that any investigation be limited to the allegations  
24 contained on the face of the complaint, provide for an  
25 adequate interval between the receipt of a complaint and  
26 public notice of the complaint, permit parties to a complaint  
27 to mutually agree to a resolution of the complaint filed with  
28 the board, allow the respondent the right to review any  
29 investigative report upon a finding of probable cause for  
30 further action by the board, require that the conduct  
31 providing the basis for the complaint occurred within three  
32 years of discovery of the event by the complainant unless good  
33 cause can be shown for an extension of this limitation, and  
34 require investigation of complaints to-be-resolved and  
35 determination of probable cause by the board within one

1 hundred eighty twenty days unless good cause can be shown for  
2 an extension of this limitation.

3 Sec. 4. Section 272.2, Code 2005, is amended by adding the  
4 following new subsection:

5 NEW SUBSECTION. 17. Adopt rules to require that a  
6 background investigation be conducted by the division of  
7 criminal investigation of the department of public safety on  
8 all initial applicants for licensure. The board shall also  
9 require all initial applicants to submit a completed  
10 fingerprint packet and shall use the packet to facilitate a  
11 national criminal history background check. The board shall  
12 have access to, and shall review the sex offender registry  
13 information under section 692A.13, the central registry for  
14 child abuse information established under chapter 235A, and  
15 the dependent adult abuse records maintained under chapter  
16 235B for information regarding applicants for license renewal.

17 Sec. 5. Section 272.3, unnumbered paragraph 1, Code 2005,  
18 is amended to read as follows:

19 The board of educational examiners consists of eleven  
20 members. Two must be members of the general public and the  
21 remaining nine must be licensed practitioners. One of the  
22 public members shall ~~also be the director of the department of~~  
23 education, or the director's designee ~~have served on a school~~  
24 board. The ~~other public member~~ members shall ~~be a person who~~  
25 ~~does not hold~~ never have held a practitioner's license, but  
26 ~~has~~ shall have a demonstrated interest in education. One of  
27 the licensed practitioners shall be the director of the  
28 department of education or the director's designee. The ~~nine~~  
29 remaining eight practitioners shall be selected from the  
30 following areas and specialties of the teaching profession:

31 Sec. 6. Section 272.3, unnumbered paragraph 2, Code 2005,  
32 is amended to read as follows:

33 A majority of the licensed practitioner members shall be  
34 nonadministrative practitioners. Four of the members shall be  
35 administrators. Membership of the board shall comply with the

1 requirements of sections 69.16 and 69.16A. A quorum of the  
2 board shall consist of six members. ~~The director of the~~  
3 ~~department of education~~ Members shall ~~serve as the~~ elect a  
4 chairperson of the board. Members, except for the director of  
5 the department of education, shall be appointed by the  
6 governor ~~and the appointments are~~ subject to confirmation by  
7 the senate.

8 Sec. 7. Section 272.29, Code Supplement 2005, is amended  
9 to read as follows:

10 272.29 ANNUAL ADMINISTRATIVE RULES REVIEW.

11 The executive director shall annually review the  
12 administrative rules adopted pursuant to this chapter and  
13 related state laws. The executive director shall ~~annually~~  
14 submit the executive director's findings and recommendations  
15 in a report every three years to the board and the  
16 chairpersons and ranking members of the senate and house  
17 standing committees on education and the joint appropriations  
18 subcommittee on education by January 15.

19 Sec. 8. TRANSITIONAL PROVISION -- MEMBERS' TERMS ON THE  
20 BOARD OF EDUCATIONAL EXAMINERS. The two public members  
21 serving on the board of educational examiners on the effective  
22 date of this Act shall continue to serve as public members of  
23 the board until April 30, 2007. On May 1, 2007, the director  
24 of the department of education shall commence service on the  
25 board as a licensed practitioner.

26 EXPLANATION

27 This bill amends a number of provisions related to the  
28 membership, authority, and duties of the board of educational  
29 examiners.

30 The bill requires the board of educational examiners to  
31 adopt rules to require that a background investigation be  
32 conducted on an initial applicant for a license by the  
33 division of criminal investigation of the department of public  
34 safety. The bill also requires the board to review the sex  
35 offender registry, and the child and dependent adult abuse

1 registries for information regarding applicants for license  
2 renewal. The bill also requires the board to access sex  
3 offender registry information. The bill authorizes access to  
4 the various registries by the board for purposes of issuing,  
5 renewing, and revoking licenses, certificates, and  
6 authorizations.

7 The bill eliminates the time by which the board of  
8 educational examiners must resolve a written complaint filed  
9 by an individual who has knowledge of an alleged violation of  
10 regulations imposed on teachers and other educational  
11 practitioners. Currently, the Code requires that complaints  
12 be resolved within 180 days. The bill requires that the board  
13 investigate such complaints and determine probable cause  
14 within 120 days. Under both the current Code and the bill, if  
15 good cause can be shown, the time limitations may be extended.

16 The bill changes the composition of the membership of the  
17 board of educational examiners by striking language that  
18 requires that the director of the department of education  
19 serve as the chairperson of the board. The bill requires that  
20 the director or the director's designee serve as one of the  
21 nine licensed practitioners on the board. The bill requires  
22 that the board's two public members shall never have held a  
23 practitioner's license, and one of the public members shall  
24 have served on a school board. The bill provides transitional  
25 language to provide that the two public members serving  
26 currently serve until April 30, 2007, and to provide that the  
27 director of the department shall commence service on the board  
28 as a licensed practitioner on May 1, 2007.

29 The bill also extends the interval, from annually to once  
30 every three years, between successive administrative rules  
31 review reports the executive director of the board is required  
32 to provide to the chairpersons and ranking members of the  
33 standing education committees and the joint appropriations  
34 subcommittee on education.

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Chambers - CH

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HSB 735

EDUCATION

Succeeded By

HOUSE FILE \_\_\_\_\_

02623

BY (PROPOSED COMMITTEE ON

EDUCATION BILL BY

CHAIRPERSON TYMESON)

Passed House, Date \_\_\_\_\_

Passed Senate, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

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