

# House Study Bill 735

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
EDUCATION BILL BY  
CHAIRPERSON TYMESON)

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:  
4 TLSB 6453YC 81  
5 kh/cf/24

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

1 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.

1 8 Sec. 2. Section 235B.6, subsection 2, paragraph e, Code  
1 9 Supplement 2005, is amended by adding the following new  
1 10 subparagraph:

1 11 NEW SUBPARAGRAPH. (12) To the board of educational  
1 12 examiners created under chapter 272 for purposes of  
1 13 determining whether a license, certificate, or authorization  
1 14 should be issued, denied, or revoked.

1 15 Sec. 3. Section 272.2, subsection 15, Code 2005, is  
1 16 amended to read as follows:

1 17 15. Adopt rules that require specificity in written  
1 18 complaints that are filed by individuals who have personal  
1 19 knowledge of an alleged violation and which are accepted by  
1 20 the board, provide that the jurisdictional requirements as set  
1 21 by the board in administrative rule are met on the face of the  
1 22 complaint before initiating an investigation of allegations,  
1 23 provide that any investigation be limited to the allegations  
1 24 contained on the face of the complaint, provide for an  
1 25 adequate interval between the receipt of a complaint and  
1 26 public notice of the complaint, permit parties to a complaint  
1 27 to mutually agree to a resolution of the complaint filed with  
1 28 the board, allow the respondent the right to review any  
1 29 investigative report upon a finding of probable cause for  
1 30 further action by the board, require that the conduct  
1 31 providing the basis for the complaint occurred within three  
1 32 years of discovery of the event by the complainant unless good  
1 33 cause can be shown for an extension of this limitation, and  
1 34 require investigation of complaints to be resolved and  
1 35 determination of probable cause by the board within one

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

2 3 Sec. 4. Section 272.2, Code 2005, is amended by adding the  
2 4 following new subsection:

2 5 NEW SUBSECTION. 17. Adopt rules to require that a  
2 6 background investigation be conducted by the division of  
2 7 criminal investigation of the department of public safety on  
2 8 all initial applicants for licensure. The board shall also  
2 9 require all initial applicants to submit a completed  
2 10 fingerprint packet and shall use the packet to facilitate a  
2 11 national criminal history background check. The board shall  
2 12 have access to, and shall review the sex offender registry  
2 13 information under section 692A.13, the central registry for  
2 14 child abuse information established under chapter 235A, and  
2 15 the dependent adult abuse records maintained under chapter  
2 16 235B for information regarding applicants for license renewal.

2 17 Sec. 5. Section 272.3, unnumbered paragraph 1, Code 2005,  
2 18 is amended to read as follows:

2 19 The board of educational examiners consists of eleven  
2 20 members. Two must be members of the general public and the  
2 21 remaining nine must be licensed practitioners. One of the  
2 22 public members shall ~~also be the director of the department of~~  
~~2 23 education, or the director's designee~~ have served on a school  
~~2 24 board.~~ The ~~other public member~~ members shall ~~be a person who~~  
~~2 25 does not hold~~ never have held a practitioner's license, but  
2 26 ~~has~~ shall have a demonstrated interest in education. One of  
2 27 the licensed practitioners shall be the director of the  
2 28 department of education or the director's designee. The nine

2 29 remaining eight practitioners shall be selected from the  
2 30 following areas and specialties of the teaching profession:

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

2 33 A majority of the licensed practitioner members shall be  
2 34 nonadministrative practitioners. Four of the members shall be  
2 35 administrators. Membership of the board shall comply with the  
3 1 requirements of sections 69.16 and 69.16A. A quorum of the  
3 2 board shall consist of six members. ~~The director of the~~

~~3 3 department of education~~ Members shall ~~serve as the elect a~~  
3 4 chairperson of the board. Members, except for the director of  
3 5 the department of education, shall be appointed by the  
3 6 governor ~~and the appointments are~~ subject to confirmation by  
3 7 the senate.

3 8 Sec. 7. Section 272.29, Code Supplement 2005, is amended  
3 9 to read as follows:

3 10 272.29 ANNUAL ADMINISTRATIVE RULES REVIEW.

3 11 The executive director shall annually review the  
3 12 administrative rules adopted pursuant to this chapter and  
3 13 related state laws. The executive director shall ~~annually~~  
3 14 submit the executive director's findings and recommendations  
3 15 in a report every three years to the board and the  
3 16 chairpersons and ranking members of the senate and house  
3 17 standing committees on education and the joint appropriations  
3 18 subcommittee on education by January 15.

#### 3 19 EXPLANATION

3 20 This bill amends a number of provisions related to the  
3 21 membership, authority, and duties of the board of educational  
3 22 examiners.

3 23 The bill requires the board of educational examiners to  
3 24 adopt rules to require that a background investigation be  
3 25 conducted on an initial applicant for a license by the  
3 26 division of criminal investigation of the department of public  
3 27 safety. The bill also requires the board to review the sex  
3 28 offender registry, and the child and dependent adult abuse  
3 29 registries for information regarding applicants for license  
3 30 renewal. The bill also requires the board to access sex  
3 31 offender registry information. The bill authorizes access to  
3 32 the various registries by the board for purposes of issuing,  
3 33 renewing, and revoking licenses, certificates, and  
3 34 authorizations.

3 35 The bill eliminates the time by which the board of  
4 1 educational examiners must resolve a written complaint filed  
4 2 by an individual who has knowledge of an alleged violation of  
4 3 regulations imposed on teachers and other educational  
4 4 practitioners. Currently, the Code requires that complaints  
4 5 be resolved within 180 days. The bill requires that the board  
4 6 investigate such complaints and determine probable cause  
4 7 within 120 days. Under both the current Code and the bill, if  
4 8 good cause can be shown, the time limitations may be extended.

4 9 The bill changes the composition of the membership of the  
4 10 board of educational examiners by striking language that  
4 11 requires that the director of the department of education  
4 12 serve as the chairperson of the board. The bill requires that  
4 13 the director or the director's designee serve as one of the  
4 14 nine licensed practitioners on the board. The bill requires  
4 15 that the board's two public members shall never have held a  
4 16 practitioner's license, and one of the public members shall  
4 17 have served on a school board.

4 18 The bill also extends the interval, from annually to once  
4 19 every three years, between successive administrative rules  
4 20 review reports the executive director of the board is required  
4 21 to provide to the chairpersons and ranking members of the  
4 22 standing education committees and the joint appropriations  
4 23 subcommittee on education.

4 24 LSB 6453YC 81  
4 25 kh:rj/cf/24.1