

House File 2200 - Introduced

HOUSE FILE _____
BY TYMESON

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

A BILL FOR

1 An Act requiring a school employee to report an arrest to the
2 board of educational examiners or the principal and making a
3 penalty applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 5136YH 82
6 jm/nh/8

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1 1 Section 1. Section 256.11, subsection 10, paragraph b,
1 2 subparagraph (1), Code Supplement 2007, is amended by adding
1 3 the following new subparagraph subdivision:
1 4 NEW SUBPARAGRAPH SUBDIVISION. (f) In response to
1 5 notification from the board of educational examiners or a
1 6 principal that an arrest of a school employee has been
1 7 reported pursuant to section 280.29.
1 8 Sec. 2. Section 272.2, subsection 14, paragraph a, Code
1 9 Supplement 2007, is amended to read as follows:
1 10 a. The board may deny a license to or revoke the license
1 11 of a person upon the board's finding by a preponderance of
1 12 evidence that either the person has been convicted of a crime
1 13 or that there has been a founded report of child abuse against
1 14 the person. Rules adopted in accordance with this paragraph
1 15 shall provide that in determining whether a person should be
1 16 denied a license or that a practitioner's license should be
1 17 revoked, the board shall consider the nature and seriousness
1 18 of the founded abuse or crime in relation to the position
1 19 sought, the time elapsed since the crime was committed, the
1 20 degree of rehabilitation which has taken place since the
1 21 incidence of founded abuse or the commission of the crime, the
1 22 likelihood that the person will commit the same abuse or crime
1 23 again, and the number of founded abuses committed by or
1 24 criminal convictions of the person involved. In addition, the
1 25 board may revoke the license of a person upon the board's
1 26 finding by a preponderance of the evidence that the person
1 27 failed to report an arrest as provided in section 280.29.
1 28 Sec. 3. NEW SECTION. 280.29 REPORTING == ARREST.
1 29 1. A school employee who has been arrested for a criminal
1 30 offense shall report the arrest to the board of educational
1 31 examiners within seven days of the arrest. A school employee
1 32 who is not licensed or certified by the board of educational
1 33 examiners, or who does not have a statement of professional
1 34 recognition issued by the board of educational examiners,
1 35 shall report the arrest to the principal of the school within
2 1 seven days of the arrest.
2 2 2. When an arrest is reported pursuant to subsection 1,
2 3 the board of educational examiners or the principal of the
2 4 school who received the report shall notify the department of
2 5 education and the department shall proceed as provided in
2 6 section 256.11, subsection 10, paragraph b, subparagraph (1),
2 7 subparagraph subdivision (f).
2 8 3. The school employee may be subject to disciplinary
2 9 action pursuant to section 272.2, subsection 14, paragraph
2 10 "a".

EXPLANATION

2 11 This bill requires a school employee to report an arrest to
2 12 the board of educational examiners or the principal.
2 13 Under the bill, a school employee who has been arrested for
2 14 a criminal offense shall report the arrest to the board of
2 15 educational examiners within seven days of the arrest. A
2 16 school employee who is not licensed or certified by the board
2 17 of educational examiners, or who does not have a statement of
2 18 professional recognition issued by the board of educational
2 19

2 20 examiners shall report the arrest to the principal within
2 21 seven days of the arrest.
2 22 The bill also provides that the license of a teacher may be
2 23 revoked for failing to report an arrest.
2 24 The bill requires the board of educational examiners or the
2 25 principal who received the report to notify the department of
2 26 education about the arrest. Upon notification of the arrest,
2 27 the bill requires the department of education to send an
2 28 accreditation committee to conduct an on-site visit to the
2 29 school or school district that employs the arrested school
2 30 employee.
2 31 LSB 5136YH 82
2 32 jm/nh/8