

House File 142 - Introduced

HOUSE FILE 142

BY CHAMBERS

A BILL FOR

1 An Act requiring reports relating to disciplinary action
2 taken against a teacher to be submitted to the board of
3 educational examiners.

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

1 Section 1. Section 272.15, subsection 1, Code 2011, is
2 amended to read as follows:

3 1. The board of directors of a school district or area
4 education agency, the superintendent of a school district or
5 the chief administrator of an area education agency, and the
6 authorities in charge of a nonpublic school shall report to the
7 board the nonrenewal or termination, for reasons of alleged
8 or actual misconduct, of a person's contract executed under
9 sections 279.12, 279.13, 279.15 through 279.21, 279.23, and
10 279.24, and the resignation of a person who holds a license,
11 certificate, or authorization issued by the board as a result
12 of or following an incident or allegation of misconduct that,
13 if proven, would constitute a violation of the rules adopted by
14 the board to implement section 272.2, subsection 14, paragraph
15 "b", subparagraph (1), when the board or reporting official
16 has a good faith belief that the incident occurred or the
17 allegation is true. ~~Information reported to the board in~~
18 ~~accordance with this section is privileged and confidential,~~
19 ~~and except as provided in section 272.13, is not subject~~
20 ~~to discovery, subpoena, or other means of legal compulsion~~
21 ~~for its release to a person other than the respondent and~~
22 ~~the board and its employees and agents involved in licensee~~
23 ~~discipline, and is not admissible in evidence in a judicial or~~
24 ~~administrative proceeding other than the proceeding involving~~
25 ~~licensee discipline.~~ The board shall review the information
26 reported to determine whether a complaint should be initiated.
27 In making that determination, the board shall consider the
28 factors enumerated in section 272.2, subsection 14, paragraph
29 "a". For purposes of this section, unless the context otherwise
30 requires, "misconduct" means an action disqualifying an
31 applicant for a license or causing the license of a person to
32 be revoked or suspended in accordance with the rules adopted by
33 the board to implement section 272.2, subsection 14, paragraph
34 "b", subparagraph (1).

35 Sec. 2. Section 272.15, Code 2011, is amended by adding the

1 following new subsections:

2 NEW SUBSECTION. 4. The board of directors of a school
3 district or area education agency, the superintendent of a
4 school district or the chief administrator of an area education
5 agency, and the authorities in charge of an accredited
6 nonpublic school shall report to the board any instances of
7 disciplinary action taken against a teacher by the board of
8 directors of the school district or area education agency, the
9 superintendent of the school district or chief administrator
10 of the area education agency, or the authorities in charge of
11 the nonpublic school. The board shall review the information
12 reported to determine whether a complaint should be initiated.

13 NEW SUBSECTION. 5. Information reported to the board in
14 accordance with this section is privileged and confidential
15 and, except as provided in section 272.13, is not subject to
16 discovery, subpoena, or other means of legal compulsion for its
17 release to a person other than the respondent and the board and
18 its employees and agents involved in licensee discipline, and
19 is not admissible in evidence in a judicial or administrative
20 proceeding other than the proceeding involving licensee
21 discipline.

22 EXPLANATION

23 This bill requires the board of directors of a school
24 district or an area education agency (AEA), the superintendent
25 of a school district or the chief administrator of an AEA, and
26 the authorities in charge of an accredited nonpublic school
27 to report to the board of educational examiners any instances
28 of disciplinary action taken against a teacher by the boards,
29 administrators, or authorities. The information reported to
30 the board, with few exceptions, is privileged and confidential.
31 The bill provides that the board shall review the information
32 reported to determine whether a complaint should be initiated.