

Senate File 345 - Introduced

SENATE FILE 345

BY DVORSKY

A BILL FOR

1 An Act relating to misconduct by a school employee and
2 providing related duties, responsibilities, or civil and
3 criminal immunity for other persons, accredited public and
4 private schools, the department of education, and the board
5 of educational examiners.

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

1 Section 1. Section 272.2, subsection 1, paragraph b, Code
2 2011, is amended by striking the paragraph and inserting in
3 lieu thereof the following:

4 b. Provide annually to any person who holds a license,
5 certificate, authorization, or statement of recognition
6 issued by the board, training relating to the knowledge and
7 understanding of the board's code of professional conduct and
8 ethics. The board shall develop a curriculum that addresses
9 the code of professional conduct and ethics and shall annually
10 provide regional training opportunities throughout the state.

11 Sec. 2. Section 272.2, subsection 14, paragraph a, Code
12 2011, is amended to read as follows:

13 a. (1) The board may deny a license to or revoke the
14 license of a person upon the board's finding by a preponderance
15 of evidence that either the person has been convicted of a
16 crime or that there has been a founded report of child abuse
17 against the person. Rules adopted in accordance with this
18 ~~paragraph~~ subparagraph shall provide that in determining
19 whether a person should be denied a license or that a
20 practitioner's license should be revoked, the board shall
21 consider the nature and seriousness of the founded abuse or
22 crime in relation to the position sought, the time elapsed
23 since the crime was committed, the degree of rehabilitation
24 which has taken place since the incidence of founded abuse or
25 the commission of the crime, the likelihood that the person
26 will commit the same abuse or crime again, and the number of
27 founded abuses committed by or criminal convictions of the
28 person involved.

29 (2) The board may deny a license to or revoke the license
30 of an administrator if the board finds by a preponderance of
31 evidence that the administrator failed to report a suspected
32 case of child abuse, as required under section 232.69, which
33 was later determined to be founded child abuse. Rules adopted
34 in accordance with this subparagraph shall provide that in
35 determining whether an administrator should be denied a license

1 or that an administrator's license should be revoked, the board
2 shall consider the nature and seriousness of the founded abuse
3 or crime.

4 Sec. 3. Section 272.15, subsection 2, Code 2011, is amended
5 to read as follows:

6 2. a. If, in the course of performing official duties,
7 an employee of the department becomes aware of any alleged
8 misconduct by an individual licensed under this chapter, the
9 employee shall report the alleged misconduct to the board
10 of educational examiners under rules adopted pursuant to
11 subsection 1.

12 b. If the alleged misconduct by an individual specified in
13 paragraph "a" results in an investigation of an alleged incident
14 of abuse of a student conducted in accordance with 281 IAC 102,
15 a report of misconduct shall be filed as provided in paragraph
16 "a" whether or not the individual whose alleged misconduct is
17 the subject of the report resigns prior to the completion of
18 the investigation.

19 Sec. 4. Section 279.8, Code 2011, is amended to read as
20 follows:

21 **279.8 General rules — bonds of employees.**

22 1. The board shall make rules for its own government and
23 that of the directors, officers, employees, teachers, and
24 pupils, and for the care of the schoolhouse, grounds, and
25 property of the school corporation, and shall aid in the
26 enforcement of the rules, and require the performance of duties
27 imposed by law and the rules.

28 2. The board shall include in its rules provisions
29 regulating the loading and unloading of pupils from a school
30 bus stopped on the highway during a period of reduced highway
31 visibility caused by fog, snow, or other weather conditions.

32 3. The board shall have the authority to include in its
33 rules provisions allowing school corporation employees to
34 use school credit cards to pay for the actual and necessary
35 expenses incurred in the performance of work-related duties.

1 4. a. The board shall place on administrative leave a
2 school employee who is the subject of an investigation of an
3 alleged incident of abuse of a student conducted in accordance
4 with 281 IAC 102.

5 b. If the results of an investigation of abuse of a
6 student by a school employee who holds a license, certificate,
7 authorization, or statement of recognition issued by the board
8 of educational examiners finds that the school employee's
9 conduct constitutes a crime under any other statute, the board
10 shall report the results of the investigation to the board of
11 educational examiners.

12 5. Employees of a school corporation maintaining a
13 high school who have the custody of funds belonging to the
14 corporation or funds derived from extracurricular activities
15 and other sources in the conduct of their duties, shall be
16 required to furnish suitable bond indemnifying the corporation
17 or any activity group connected with the school against loss,
18 and employees who have the custody of property belonging to the
19 corporation or any activity group connected with the school may
20 be required to furnish such bond. Said bond or bonds may be in
21 such form and penalty as the board may approve and the premiums
22 on same shall be paid from the general fund of the corporation.

23 Sec. 5. Section 280.27, Code 2011, is amended to read as
24 follows:

25 **280.27 Reporting violence — immunity.**

26 An employee of a school district, an accredited nonpublic
27 school, or an area education agency who participates in good
28 faith and acts reasonably in the making of a report to, or
29 investigation by, an appropriate person or agency regarding
30 violence, threats of violence, physical or sexual abuse of
31 a student, or other inappropriate activity against a school
32 employee or student in a school building, on school grounds,
33 or at a school-sponsored function shall be immune from civil
34 or criminal liability relating to such action, as well as for
35 participating in any administrative or judicial proceeding

1 resulting from or relating to the report or investigation.

2

EXPLANATION

3 This bill makes changes relating to misconduct by a
4 school employee and provides for the related duties and
5 responsibilities of certain other persons, accredited public
6 and private schools, the department of education, and the board
7 of educational examiners.

8 The bill directs the board of educational examiners
9 to provide annually to any person who holds a license,
10 certificate, authorization, or statement of recognition
11 issued by the board, training relating to the knowledge and
12 understanding of the board's code of professional conduct and
13 ethics. The board shall develop a curriculum that addresses
14 the code of professional conduct and ethics and shall annually
15 provide regional training opportunities throughout the state.

16 The board is authorized to deny a license to or revoke the
17 license of an administrator upon the board's finding that the
18 administrator failed to report a suspected case of child abuse
19 which was later determined to be founded child abuse. In
20 determining whether an administrator should be denied a license
21 or have it revoked, the board shall consider the nature and
22 seriousness of the founded abuse or crime.

23 Current law provides that if, in the course of performing
24 official duties, an employee of the department of education
25 becomes aware of any alleged misconduct by a licensed
26 individual, the employee shall report the alleged misconduct to
27 the board. The bill provides that if the alleged misconduct
28 results in an investigation of an alleged incident of abuse
29 of a student under the rules of the department of education,
30 a report of misconduct shall be filed with the board whether
31 or not the individual whose alleged misconduct is the
32 subject of the report resigns prior to the completion of the
33 investigation.

34 The bill also requires a school board to place on
35 administrative leave a school employee who is the subject of

1 an investigation of an alleged incident of abuse of a student.
2 If the results of the investigation of a school employee who
3 holds a license, certificate, authorization, or statement of
4 recognition issued by the board of educational examiners find
5 that the school employee's conduct constitutes a crime under
6 any other statute, the school board shall report the results of
7 the investigation to the board of educational examiners.

8 The bill provides civil and criminal immunity to an employee
9 of a school district, an accredited nonpublic school, or an
10 area education agency who participates in good faith and acts
11 reasonably in the making of a report to, or investigation by,
12 an appropriate person or agency regarding physical or sexual
13 abuse of a student.