

House File 242 - Introduced

HOUSE FILE 242

BY MASCHER

A BILL FOR

1 An Act relating to a review of the sex offender registry, the
2 child abuse registry, or the dependent adult abuse registry
3 for information regarding instructors and prospective
4 instructors for certain courses at community colleges and
5 institutions under the control of the state board of regents
6 and including applicability provisions.

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

1 Section 1. Section 235B.6, subsection 2, paragraph e, Code
2 2015, is amended by adding the following new subparagraphs:

3 NEW SUBPARAGRAPH. (19) To the superintendent of the Iowa
4 braille and sight saving school if the data concerns a person
5 employed or being considered for employment or living in the
6 school.

7 NEW SUBPARAGRAPH. (20) To the superintendent of the school
8 for the deaf if the data concerns a person employed or being
9 considered for employment or living in the school.

10 Sec. 2. NEW SECTION. **260C.41 Instructors — sex offender**
11 **registry review — termination.**

12 1. Prior to hiring an instructor to teach a course in
13 which one or more high school students are or likely will be
14 enrolled under chapter 261E and in which the instructor will
15 have personal contact, as defined in section 708.7, subsection
16 1, paragraph "b", with such students, a community college shall
17 review the sex offender registry information under section
18 692A.121 available to the general public for information
19 regarding the applicant. A community college shall conduct the
20 same review by June 30, 2016, for each instructor employed by
21 the community college as of July 1, 2015, to teach a course in
22 which one or more high school students are or likely will be
23 enrolled under chapter 261E and in which the instructor will
24 have personal contact, as defined in section 708.7, subsection
25 1, paragraph "b", with such students. A community college
26 shall implement a consistent policy to review the sex offender
27 registry information under section 692A.121 for information
28 regarding each instructor employed to teach such a course by
29 the community college on or after July 1, 2015, at least every
30 five years after the instructor's initial date of hire. A
31 community college shall not charge an applicant or instructor
32 for the cost of the registry check conducted pursuant to this
33 subsection. A community college shall maintain documentation
34 demonstrating compliance with this section.

35 2. Being listed on the sex offender registry established

1 under chapter 692A shall constitute grounds for the immediate
2 suspension from duties of an instructor, pending a termination
3 hearing by the board of directors of the community college.
4 A termination hearing conducted pursuant to this subsection
5 shall be limited to the question of whether the instructor was
6 incorrectly listed in the registry.

7 3. For purposes of this section, "instructor" means an
8 individual employed by a community college, including a
9 part-time, adjunct, or contract employee. "Instructor" does
10 not include an individual subject to a background investigation
11 pursuant to section 272.2, subsection 17, or section 279.13,
12 subsection 1, paragraph "b".

13 **Sec. 3. NEW SECTION. 262.76 Instructors — sex offender**
14 **registry review — termination.**

15 1. Prior to hiring an instructor to teach a course in
16 which one or more high school students are or likely will be
17 enrolled under chapter 261E and in which the instructor will
18 have personal contact, as defined in section 708.7, subsection
19 1, paragraph "b", with such students, an institution of higher
20 learning under the control of the board shall review the sex
21 offender registry information under section 692A.121 available
22 to the general public for information regarding the applicant.
23 The institution shall conduct the same review by June 30, 2016,
24 for each instructor employed by the institution as of July
25 1, 2015, to teach a course in which one or more high school
26 students are or likely will be enrolled under chapter 261E
27 and in which the instructor will have personal contact, as
28 defined in section 708.7, subsection 1, paragraph "b", with such
29 students. The institution shall implement a consistent policy
30 to review the sex offender registry information under section
31 692A.121 for information regarding each instructor employed
32 to teach such a course by the institution on or after July 1,
33 2015, at least every five years after the instructor's initial
34 date of hire. The institution shall not charge an applicant
35 or instructor for the cost of the registry check conducted

1 pursuant to this subsection. The institution shall maintain
2 documentation demonstrating compliance with this section.

3 2. Being listed in the sex offender registry established
4 under chapter 692A shall constitute grounds for the immediate
5 suspension from duties of an instructor.

6 3. The provisions of section 279.69 apply to employees of
7 the Iowa braille and sight saving school and the state school
8 for the deaf.

9 4. For purposes of this section, "*instructor*" means an
10 individual employed by an institution of higher learning under
11 the control of the state board of regents as a professor
12 or instructor, including a part-time, adjunct, or contract
13 employee. "*Instructor*" does not include an individual subject
14 to a background investigation pursuant to section 272.2,
15 subsection 17, or section 279.13, subsection 1, paragraph "b".

16 Sec. 4. APPLICABILITY. Pursuant to section 262.76,
17 subsection 3, as enacted by this Act, the Iowa braille and
18 sight saving school and the state school for the deaf shall
19 establish a background investigation procedure, in accordance
20 with section 279.69, for each school employee employed by each
21 school by June 30, 2016, for each employee employed by the
22 school as of July 1, 2015, and shall implement a consistent
23 policy to follow the same procedure for each school employee
24 employed by the school on or after July 1, 2015, at least every
25 five years after the school employee's initial date of hire.

26 EXPLANATION

27 The inclusion of this explanation does not constitute agreement with
28 the explanation's substance by the members of the general assembly.

29 This bill requires community colleges and regents
30 universities to review the sex offender registry information
31 available to the general public for information regarding an
32 instructor or prospective instructor for a course in which one
33 or more high school students are or likely will be enrolled
34 under the senior year plus program, and in which the instructor
35 will have personal contact with such students. The bill

1 provides that the background investigation provisions regarding
2 individuals employed by school districts apply to employees of
3 the Iowa braille and sight saving school and the state school
4 for the deaf.

5 The community colleges and regents universities must conduct
6 the same review by June 30, 2016, for each instructor employed
7 as of July 1, 2015, for a course in which one or more high
8 school students are or likely will be enrolled under Code
9 chapter 261E and in which the instructor will have personal
10 contact, as defined in Code section 708.7, subsection 1,
11 paragraph "b", with such students. The community colleges and
12 regents universities must also implement a consistent policy
13 to review the sex offender registry for information regarding
14 each instructor employed on or after July 1, 2015, for such a
15 course at least every five years after the instructor's initial
16 date of hire, and must maintain documentation demonstrating
17 compliance with the provisions of the bill. Applicants and
18 instructors shall not be charged for the cost of the registry
19 check.

20 Being listed in the sex offender registry shall constitute
21 grounds for the immediate suspension from duties of an
22 instructor, pending, if the instructor is employed by a
23 community college, a termination hearing by the administration
24 of the community college. The termination hearing is limited
25 to the question of whether the instructor was incorrectly
26 listed in the registry.

27 The bill defines "instructor" to mean instructors,
28 professors, part-time, adjunct, or contract employees.
29 "Instructor" does not include practitioners who are subject to
30 a background investigation under other Code provisions. The
31 bill defines "personal contact" the same as Code section 708.7,
32 which provides that personal contact means an encounter in
33 which two or more people are in visual or physical proximity to
34 each other, and does not require a physical touching or oral
35 communication, although it may include these types of contacts.

1 Under the bill, the Iowa braille and sight saving school and
2 the state school for the deaf under the control of the state
3 board of regents are subject to the provisions of Code section
4 279.69, which require school districts, prior to hiring an
5 applicant for a school employee position, to review the state
6 sex offender registry, the state central registry for child
7 abuse information, and the state central registry for dependent
8 adult abuse information for information regarding any applicant
9 for a school employee position before an applicant is hired,
10 and to follow the same procedure for each school employee
11 currently employed by the school district and to recheck every
12 five years upon the anniversary of each school employee's
13 year of hire. The school district cannot charge an employee
14 for the cost of the registry checks. A school district must
15 document compliance with the requirements. Being listed on any
16 of the registries is grounds for the immediate suspension of a
17 school employee, pending a termination hearing by the school
18 board, limited to the question of whether a school employee was
19 incorrectly listed in one of the registries.

20 The bill amends Code section 235B.6 to provide limited
21 access to the dependent adult abuse registry information to the
22 Iowa braille and sight saving school and the state school for
23 the deaf.