

House File 224 - Introduced

HOUSE FILE 224

BY MOORE

A BILL FOR

1 An Act relating to certain specified employees of school
2 districts, accredited nonpublic schools, and charter
3 schools, including renewal requirements associated with
4 licenses issued by the board of educational examiners
5 to practitioners with master's or doctoral degrees, fees
6 associated with the review of certain specified records,
7 and background checks for employees of school districts,
8 accredited nonpublic schools, and charter schools.
9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 256E.7, subsection 2, Code 2023, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. *Oj.* Be subject to and comply with sections
4 279.13 and 279.69 relating to state criminal history checks for
5 teachers and registry checks for school employees in the same
6 manner as a school district.

7 Sec. 2. Section 272.2, subsection 1, paragraph a, Code 2023,
8 is amended to read as follows:

9 a. License practitioners, which includes the authority to
10 ~~establish~~ do all of the following:

11 (1) Establish criteria for the licenses; ~~establish.~~

12 (2) Establish issuance and renewal requirements, provided
13 that a continuing education requirement may be completed
14 by electronic means; ~~create,~~ and there shall be no renewal
15 requirement for a practitioner who has been employed as
16 a practitioner for at least ten years and who possesses a
17 master's or doctoral degree, unless the practitioner holds an
18 evaluator approval endorsement, which must be renewed at least
19 once every ten years.

20 (3) Create application and renewal forms; ~~create.~~

21 (4) Create licenses that authorize different instructional
22 functions or specialties; ~~develop.~~

23 (5) Develop a code of professional rights and
24 responsibilities, practices, and ethics, which shall, among
25 other things, address ~~the~~ all of the following:

26 (a) The failure of a practitioner to fulfill contractual
27 obligations under [section 279.13](#); ~~the.~~ In addressing the
28 failure of a practitioner to fulfill contractual obligations,
29 the board shall consider factors beyond the practitioner's
30 control.

31 (b) The failure of an administrator to protect the safety of
32 staff and students; ~~the.~~

33 (c) The failure of an administrator to meet mandatory
34 reporter obligations; ~~the.~~

35 (d) The refusal of a practitioner to implement provisions of

1 an individualized education program or behavioral intervention
2 plan, ~~and habitual.~~

3 (e) Habitual nonparticipation in professional development,
4 ~~and develop.~~

5 (f) The development of any other classifications,
6 distinctions, and procedures which may be necessary to exercise
7 licensing duties. In addressing the failure of a practitioner
8 to fulfill contractual obligations, the board shall consider
9 factors beyond the practitioner's control.

10 Sec. 3. Section 272.2, subsection 17, Code 2023, is amended
11 to read as follows:

12 17. Adopt rules to require that a background investigation
13 be conducted by the division of criminal investigation of the
14 department of public safety on all initial applicants for
15 licensure. The board shall also require all initial applicants
16 to submit a completed fingerprint packet and shall use the
17 packet to facilitate a national criminal history background
18 check. The board shall have access to, and shall review
19 the sex offender registry information under [section 692A.121](#)
20 available to the general public, information in the Iowa court
21 information system available to the general public, the central
22 registry for child abuse information established under chapter
23 235A, and the dependent adult abuse records maintained under
24 chapter 235B for information regarding applicants for license
25 renewal and, every five years, for practitioners who are not
26 subject to renewal requirements pursuant to subsection 1,
27 paragraph "a", subparagraph (2). The board may charge such
28 a practitioner who is not subject to renewal requirements a
29 reasonable fee for the review of the sex offender registry
30 information, information in the Iowa court information system,
31 the central registry for child abuse information, and the
32 dependent adult abuse records.

33 Sec. 4. Section 272.7, subsection 1, Code 2023, is amended
34 to read as follows:

35 1. A license issued under board authority is valid

1 for the period of time for which it is issued, unless the
2 license is suspended or revoked. ~~No~~ Except as provided in
3 section 272.2, subsection 1, paragraph "a", subparagraph (2),
4 permanent licenses shall not be issued. A person employed as
5 a practitioner shall hold a valid license with an endorsement
6 for the type of service for which the person is employed.
7 This section does not limit the duties or powers of a school
8 board to select or discharge practitioners or to terminate
9 practitioners' contracts. A professional development program,
10 except for a program offered by a practitioner preparation
11 institution or area education agency and approved by the state
12 board of education, must possess a valid license for the types
13 of programs offered.

14 Sec. 5. Section 279.13, subsection 1, paragraph b,
15 subparagraphs (1) and (2), Code 2023, are amended to read as
16 follows:

17 (1) Prior to entering into an initial contract with a
18 teacher who holds a license other than an initial license
19 issued by the board of educational examiners under chapter
20 272, the school district or accredited nonpublic school
21 shall initiate a state criminal history record check of the
22 applicant through the division of criminal investigation
23 of the department of public safety, submit the applicant's
24 fingerprints to the division for submission to the federal
25 bureau of investigation for a national criminal history record
26 check, and review the sex offender registry information under
27 section 692A.121 available to the general public, the central
28 registry for child abuse information established under section
29 235A.14, and the central registry for dependent adult abuse
30 information established under [section 235B.5](#) for information
31 regarding the applicant for employment as a teacher.

32 (2) The school district or accredited nonpublic school
33 may charge the applicant a fee not to exceed the actual cost
34 charged the school district or accredited nonpublic school for
35 the state and national criminal history checks and registry

1 checks conducted pursuant to subparagraph (1).

2 Sec. 6. Section 279.69, Code 2023, is amended to read as
3 follows:

4 **279.69 School employees — background investigations.**

5 1. Prior to hiring an applicant for a school employee
6 position, a school district or accredited nonpublic school
7 shall have access to and shall review the information in the
8 Iowa court information system available to the general public,
9 the sex offender registry information under [section 692A.121](#)
10 available to the general public, the central registry for
11 child abuse information established under [section 235A.14](#), and
12 the central registry for dependent adult abuse information
13 established under [section 235B.5](#) for information regarding the
14 applicant. A school district shall follow the same procedure
15 by June 30, 2014, for each school employee employed by the
16 school district as of July 1, 2013. A school district or
17 accredited nonpublic school shall implement a consistent
18 policy to follow the same procedure for each school employee
19 employed by the school district or accredited nonpublic school
20 on or after July 1, 2013, at least every five years after the
21 school employee's initial date of hire. A school district or
22 accredited nonpublic school shall not charge an employee for
23 the cost of the registry checks conducted pursuant to this
24 subsection. A school district or accredited nonpublic school
25 shall maintain documentation demonstrating compliance with this
26 subsection.

27 2. Being listed in the sex offender registry established
28 under [chapter 692A](#), the central registry for child abuse
29 information established under [section 235A.14](#), or the central
30 registry for dependent adult abuse information established
31 under [section 235B.5](#) shall constitute grounds for the immediate
32 suspension from duties of a school employee, pending a
33 termination hearing by the board of directors of a school
34 district or the authorities in charge of an accredited
35 nonpublic school. A termination hearing conducted pursuant to

1 this subsection shall be limited to the question of whether the
2 school employee was incorrectly listed in the registry.

3 3. For purposes of [this section](#), "school employee" means
4 an individual employed by a school district or an accredited
5 nonpublic school, as applicable, including a part-time,
6 substitute, or contract employee. "School employee" does not
7 include an individual subject to a background investigation
8 pursuant to [section 272.2, subsection 17](#), [section 279.13](#),
9 [subsection 1, paragraph "b"](#), or [section 321.375, subsection 2](#).

10

EXPLANATION

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

13 This bill relates to certain specified employees of school
14 districts, accredited nonpublic schools, and charter schools,
15 including renewal requirements associated with licenses issued
16 by the board of educational examiners (BOEE) to practitioners
17 with master's or doctoral degrees, fees associated with the
18 review of certain specified records, and background checks for
19 employees of school districts, accredited nonpublic schools,
20 and charter schools.

21 Current law authorizes the BOEE to establish renewal
22 requirements for licensed practitioners. The bill provides
23 that there shall be no renewal requirement for a practitioner
24 who has been employed as a practitioner for at least 10 years
25 and who possesses a master's or doctoral degree, unless the
26 practitioner holds an evaluator approval endorsement, which
27 must be renewed at least once every 10 years. The bill
28 requires the BOEE to conduct certain criminal history registry
29 checks related to such practitioners every five years, and
30 authorizes the BOEE to charge the practitioner a reasonable fee
31 for the review of the criminal history registry checks. The
32 bill makes conforming changes, including changes to authorize
33 permanent licensure for practitioners who satisfy these
34 requirements. The bill does not affect the BOEE's ability to
35 deny or revoke a license under Code section 272.2(14).

1 Current law requires school districts to initiate state
2 and national criminal history registry checks of teachers
3 who hold a license other than an initial license issued by
4 the BOEE prior to entering into an initial contract with the
5 teacher. Current law authorizes school districts to charge the
6 teacher a fee not to exceed the actual cost for the criminal
7 history registry check. The bill applies these provisions to
8 accredited nonpublic schools and charter schools.

9 Current law requires school districts to perform criminal
10 history registry checks of applicants for a school employee
11 position prior to hiring the applicant. Current law also
12 requires the school district to perform this criminal history
13 registry check at least every five years after the employee's
14 initial date of hire and maintain documentation demonstrating
15 compliance with this requirement. Current law prohibits
16 school districts from charging employees for the costs of
17 these registry checks. Current law provides that if a school
18 employee is listed in certain criminal history registries,
19 the school district is required to immediately suspend the
20 employee pending a termination hearing. The bill applies these
21 provisions to accredited nonpublic schools and charter schools.