

Senate File 2378 - Introduced

SENATE FILE 2378
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 3050)

A BILL FOR

1 An Act relating to the board of educational examiners,
2 including by modifying provisions related to the time in
3 which complaints concerning licensed school employees having
4 romantic or otherwise inappropriate relationships with
5 students can be investigated, the mandatory reporting of
6 licensed school employees who engage in grooming behavior
7 toward students or the abuse of students, and reporting
8 requirements related to the investigation of complaints
9 against licensees and unlicensed school employees.
10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 256.146, subsection 14, paragraph a,
2 Code 2024, is amended to read as follows:

3 a. Adopt rules that require specificity in written
4 complaints that are filed by individuals who have personal
5 knowledge of an alleged violation and which are accepted by
6 the board, provide that the jurisdictional requirements as set
7 by the board in administrative rule are met on the face of the
8 complaint before initiating an investigation of allegations,
9 provide that any investigation be limited to the allegations
10 contained on the face of the complaint, provide for an adequate
11 interval between the receipt of a complaint and public notice
12 of the complaint, permit parties to a complaint to mutually
13 agree to a resolution of the complaint filed with the board,
14 allow the respondent the right to review any investigative
15 report upon a finding of probable cause for further action
16 by the board, require that the conduct providing the basis
17 for the complaint occurred within three years of discovery of
18 the event by the complainant unless good cause can be shown
19 for an extension of this limitation or unless the conduct
20 constitutes conduct described in section 256.160, subsection
21 1, paragraph "a", subparagraph (1), subparagraph division (a),
22 require complaints to be resolved within one hundred eighty
23 days unless good cause can be shown for an extension of this
24 limitation, and require the board to finalize the investigation
25 of the written complaint even if the licensed practitioner
26 resigns or surrenders the licensed practitioner's license,
27 certificate, authorization, or statement of recognition during
28 the investigation.

29 Sec. 2. Section 256.158, subsection 3, Code 2024, is amended
30 to read as follows:

31 3. a. All Subject to paragraph "b", all complaint files,
32 investigation files, other investigation reports, and other
33 investigative information in the possession of the board or
34 its employees or agents, which relate to licensee discipline
35 or the investigation of nonlicensed school employees, are

1 privileged and confidential, and are not subject to discovery,
2 subpoena, or other means of legal compulsion for their release
3 to a person other than the respondent and the board and
4 its employees and agents involved in licensee discipline or
5 the investigation of nonlicensed school employees, and are
6 not admissible in evidence in a judicial or administrative
7 proceeding other than the proceeding involving licensee
8 discipline. A complaint, any amendment to a complaint, and
9 any supporting documents shall be provided to the respondent
10 immediately upon the board's determination that jurisdictional
11 requirements have been met and prior to the commencement of the
12 board's investigation of a licensee. Investigative information
13 in the possession of the board or its employees or agents which
14 relates to licensee discipline may be disclosed to appropriate
15 licensing authorities within this state, the appropriate
16 licensing authority in another state, the District of Columbia,
17 or a territory or country in which the licensee is licensed
18 or has applied for a license. A final written decision and
19 finding of fact of the board in a disciplinary proceeding is a
20 public record.

21 b. Notwithstanding paragraph "a", if the investigative
22 information in the possession of the board or its employees
23 or agents indicates that a felony has been committed by
24 either a licensee or a nonlicensed school employee, the board
25 shall report the investigative information to the proper law
26 enforcement agency.

27 Sec. 3. Section 256.160, subsection 1, paragraph a,
28 subparagraph (1), subparagraph division (a), Code 2024, is
29 amended by striking the subparagraph division and inserting in
30 lieu thereof the following:

31 (a) Soliciting, encouraging, or consummating any of the
32 following:

33 (i) A sexual or physical relationship with a student.

34 (ii) Grooming behavior toward a student.

35 (iii) An otherwise inappropriate relationship with a

1 student.

2 Sec. 4. Section 256.160, subsection 1, paragraph a,
3 subparagraph (1), Code 2024, is amended by adding the following
4 new subparagraph division:

5 NEW SUBPARAGRAPH DIVISION. (e) Abusing a student.

6 Sec. 5. Section 256.160, subsection 1, paragraph a,
7 subparagraph (2), Code 2024, is amended to read as follows:

8 (2) The board of directors of a school district or area
9 education agency, the superintendent of a school district,
10 the chief administrator of an area education agency, and
11 the authorities in charge of an accredited nonpublic school
12 shall report to the board the nonrenewal or termination, for
13 reasons of alleged or actual misconduct, of a person's contract
14 executed under [sections 279.12, 279.13, 279.15, 279.16, 279.18](#)
15 [through 279.21, 279.23, and 279.24](#), and the resignation of
16 a person who holds a license, certificate, or authorization
17 issued by the board as a result of or following an incident
18 or allegation of misconduct that, if proven, would constitute
19 a violation of the rules adopted by the board to implement
20 section 256.146, subsection 13, paragraph "b", subparagraph
21 (1); soliciting, encouraging, or consummating a romantic sexual
22 or physical relationship with a student, grooming behavior
23 toward a student, or an otherwise inappropriate relationship
24 with a student; falsifying student grades, test scores, or
25 other official information or material; ~~or~~ converting public
26 property or funds to the personal use of the school employee;
27 or abusing a student, when the board or reporting official
28 has a good faith belief that the incident occurred or the
29 allegation is true. The board may deny a license or revoke
30 the license of an administrator if the board finds by a
31 preponderance of the evidence that the administrator failed
32 to report the termination or resignation of a school employee
33 holding a license, certificate, statement of professional
34 recognition, or coaching authorization, for reasons of alleged
35 or actual misconduct, as defined by [this section](#).

1 Sec. 6. Section 256.160, subsection 1, paragraph c, Code
2 2024, is amended by striking the paragraph.

3 Sec. 7. Section 256.160, Code 2024, is amended by adding the
4 following new subsection:

5 NEW SUBSECTION. 5. For purposes of this section:

6 a. "*Grooming behavior*" means any behavior, which in light
7 of all relevant circumstances, constitutes actions to entice
8 or entrap a student or students with the intent to make such
9 student or students engage in a sex act.

10 b. "*Inappropriate relationship*" means any of the following:

11 (1) An unprofessional relationship for an educator to have
12 with a student.

13 (2) A sexual relationship.

14 (3) A relationship in which sexual harassment or any form of
15 physical or sexual abuse occurs.

16 (4) A relationship that is not in compliance with generally
17 accepted educational practices.

18 c. "*Misconduct*" means an action disqualifying an applicant
19 for a license or causing the license of a person to be revoked
20 or suspended in accordance with the rules adopted by the board
21 to implement section 256.146, subsection 13, paragraph "b",
22 subparagraph (1).

23 EXPLANATION

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

26 This bill relates to the board of educational examiners
27 (BOEE), including by modifying provisions related to the time
28 in which complaints concerning licensed school employees having
29 sexual, physical, or otherwise inappropriate relationships
30 with students can be investigated, the mandatory reporting
31 of licensed school employees who engage in grooming behavior
32 toward students or the abuse of students, and reporting
33 requirements related to the investigation of complaints against
34 licensees and unlicensed school employees.

35 Current law requires the BOEE to adopt rules related to the

1 filing of complaints against individuals who hold a license,
2 certificate, authorization, or statement of recognition issued
3 by the BOEE. Current law also requires that the conduct
4 providing the basis for the complaint to have occurred within
5 three years of discovery of the event by the complainant unless
6 good cause can be shown for an extension of the three-year
7 limitation. The bill provides that the three-year limitation
8 shall also not apply if the conduct constitutes soliciting,
9 encouraging, or consummating a sexual, physical, or otherwise
10 inappropriate relationship with a student or is grooming
11 behavior.

12 Current law provides that all investigative information
13 in the possession of the BOEE, which relates to licensee
14 discipline, is privileged and confidential, and is not subject
15 to discovery, subpoena, or other means of legal compulsion
16 for their release to a person other than the respondent and
17 the BOEE, and are not admissible in evidence in a judicial
18 or administrative proceeding other than the proceeding
19 involving licensee discipline. The bill provides that these
20 same protections apply to the investigation of a nonlicensed
21 school employee. Additionally, the bill establishes that,
22 notwithstanding these protections, if the investigative
23 information in the possession of the BOEE indicates that
24 a crime has been committed by either a licensee or a
25 nonlicensed school employee, the BOEE is required to report the
26 investigative information to the proper law enforcement agency.

27 Current law requires the board of directors of a school
28 district or area education agency, the superintendent of a
29 school district, the chief administrator of an area education
30 agency, and the authorities in charge of an accredited
31 nonpublic school to report to the BOEE any instance of
32 disciplinary action taken against a licensed school employee
33 for conduct constituting soliciting, encouraging, or
34 consummating a romantic or otherwise inappropriate relationship
35 with a student. The bill adds that such a report is also

1 required to be made for conduct that constitutes grooming
2 behavior toward a student or for conduct that constitutes
3 abusing a student. The bill changes references to a
4 romantic relationship in Code section 256.160(1) (reporting
5 requirements) to refer, instead, to a sexual or physical
6 relationship.

7 The bill defines "grooming behavior" as any behavior,
8 which in light of all relevant circumstances, constitutes
9 actions to entice or entrap a student or students with the
10 intent to make such student or students engage in a sex act.
11 Additionally, the bill defines "inappropriate relationship" as
12 an unprofessional relationship for an educator to have with a
13 student, a sexual relationship, a relationship in which sexual
14 harassment or any form of physical or sexual abuse occurs, or a
15 relationship that is not in compliance with generally accepted
16 educational practices.

17 The bill makes conforming changes, including by moving the
18 definition of "misconduct" within Code section 256.160.