

House File 389 - Introduced

HOUSE FILE 389
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HF 186)

A BILL FOR

1 An Act relating to child abuse and employees and agents of public
2 schools and nonpublic schools.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 232.68, Code 2025, is amended by adding
2 the following new subsections:

3 NEW SUBSECTION. 7A. "Nonpublic school" means the same as
4 defined in section 280.2.

5 NEW SUBSECTION. 8A. "Public school" means the same as
6 defined in section 280.2.

7 Sec. 2. Section 232.68, subsection 8, Code 2025, is amended
8 by adding the following new paragraph:

9 NEW PARAGRAPH. e. An employee or agent of any public school
10 or nonpublic school.

11 Sec. 3. Section 232.71B, Code 2025, is amended by adding the
12 following new subsection:

13 NEW SUBSECTION. 21. *Board of educational examiners —*
14 *notice.* The department shall report the results of a child
15 abuse assessment to the board of educational examiners created in
16 section 256.146 if all of the following circumstances apply:

17 a. The alleged perpetrator is an employee or agent of any
18 public school or nonpublic school.

19 b. The alleged perpetrator holds a license, certificate,
20 authorization, or statement of recognition issued by the board of
21 educational examiners.

22 c. The department issues a finding that the alleged child
23 abuse meets the definition of child abuse.

24 Sec. 4. NEW SECTION. **232.71E School procedures —**
25 **rulemaking authority.**

26 1. The department of health and human services, in
27 consultation with the department of education, shall adopt rules
28 pursuant to chapter 17A prescribing procedures each board of
29 directors of a school district and each authority in charge of a
30 nonpublic school shall adopt, pursuant to section 280.17, for the
31 handling of reports of child abuse alleged to have been committed
32 by an employee or agent of a public school or nonpublic school.

33 2. Rules adopted under this section shall include but not be
34 limited to all of the following:

35 a. A public school or nonpublic school shall report child

1 abuse alleged to have been committed by an employee or agent of a
2 public school or nonpublic school to the department of health and
3 human services.

4 b. If child abuse alleged to have been committed by an
5 employee or agent of a public school or a nonpublic school would,
6 if true, constitute a criminal act harming a child, the public
7 school or nonpublic school shall also report the alleged child
8 abuse to law enforcement.

9 Sec. 5. Section 280.17, Code 2025, is amended by striking the
10 section and inserting in lieu thereof the following:

11 **280.17 Procedures for handling child abuse reports.**

12 1. For purposes of this section:

13 a. "Child abuse" means the same as defined in section 232.68.

14 b. "Child abuse assessment" means a child abuse assessment
15 under section 232.71B.

16 2. a. The board of directors of a school district and the
17 authorities in charge of a nonpublic school shall prescribe
18 procedures in accordance with rules adopted by the department
19 of health and human services under section 232.71E for handling
20 reports of child abuse alleged to have been committed by an
21 employee or agent of the public school or nonpublic school.

22 b. The board of directors of a school district and the
23 authorities in charge of a nonpublic school shall exercise
24 due diligence in assisting the department of health and human
25 services, as requested by the department of health and human
26 services, with a child abuse assessment related to child abuse
27 alleged to have been committed by an employee or agent of the
28 public school or nonpublic school.

29 3. The board of directors of a school district and the
30 authorities in charge of a nonpublic school shall place on
31 administrative leave an employee or agent of the public school
32 or nonpublic school who is the subject of an ongoing child abuse
33 assessment. The employee or agent shall also be prohibited from
34 entering school property while subject to an ongoing child abuse
35 assessment.

EXPLANATION

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

This bill relates to child abuse and employees and agents of public schools and nonpublic schools.

Under current law, the definition of "child abuse" in Code section 232.68 is used for reporting child abuse to the department of health and human services (HHS), for performing assessments of child abuse reports, and for making determinations as to whether a person committed child abuse. With one exception, the acts or omissions which meet the definition of "child abuse" only qualify as child abuse when a person responsible for the care of a child commits the act or omission. Under current law, the definition of "a person responsible for the care of a child" does not include an employee or agent of a public school or nonpublic school.

The bill defines "public school" and "nonpublic school" for purposes of child abuse reporting, and adds employees and agents of a public school or nonpublic school to the definition of "a person responsible for the care of a child".

The bill requires HHS to report the results of a child abuse assessment to the board of educational examiners if the alleged perpetrator is an employee or agent (employee) of any public school or nonpublic school (school); the alleged perpetrator holds a license, certificate, authorization, or statement of recognition issued by the board of educational examiners; and HHS issues a finding that the alleged child abuse meets the definition of child abuse.

The bill requires HHS to adopt rules, in consultation with the department of education, to develop minimum procedures each board of directors of a school district (board) and each authority in charge of a nonpublic school (authority) must adopt for the handling of reports of child abuse alleged to have been committed by an employee of a school. Such rules must include but not be limited to requiring schools to report all child abuse alleged

1 to have been committed by an employee of a school to HHS; and
2 requiring schools to also report to law enforcement child abuse
3 alleged to have been committed by an employee of the school if
4 the alleged child abuse, if true, would constitute a criminal act
5 harming a child.

6 The bill requires each board and authority to prescribe
7 procedures, in accordance with rules adopted by HHS, for the
8 handling of reports of child abuse alleged to have been committed
9 by an employee of the school.

10 The bill requires each board and authority to place an
11 employee on administrative leave if the employee is the subject
12 of an ongoing child abuse assessment. The employee shall also
13 be prohibited from entering school property while the employee is
14 subject to an ongoing child abuse assessment.

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