HOUSE FILE 2398
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 656)

(As Amended and Passed by the House March 2, 2022)

[= New Language by the House

* = Language Stricken by the House

A BILL FOR

* [An Act relating to certain specified employees of school districts, accredited nonpublic schools, and charter schools, including renewal requirements associated with licenses issued by the board of educational examiners to practitioners with master's or doctoral degrees, fees associated with the review of certain specified records, and background checks for employees of school districts, accredited nonpublic schools, and charter schools.]

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

[Section 1. Section 256E.7, subsection 1, Code 2022, is amended by adding the following new paragraph:

NEW PARAGRAPH. *0i.* Be subject to and comply with sections 279.13 and 279.69 relating to state criminal history checks for teachers and registry checks for school employees in the same manner as a school district.]

Sec. 2. Section 272.2, subsection 1, paragraph a, Code 2022, is amended to read as follows:

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

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

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

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

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

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

(a) The failure of a practitioner to fulfill contractual obligations under section 279.13~~, the~~.

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

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

(d) The refusal of a practitioner to implement provisions of an individualized education program or behavioral intervention plan~~, and habitual~~.

(e) Habitual nonparticipation in professional development~~;~~

~~and develop~~.

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

[Sec. 3. Section 272.2, subsection 17, Code 2022, is amended to read as follows:

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

Sec. 4. Section 272.7, subsection 1, Code 2022, is amended to read as follows:

1. A license issued under board authority is valid for the period of time for which it is issued, unless the license is suspended or revoked. ~~No~~ Except as provided in section 272.2, subsection 1, paragraph "a", subparagraph (2),

permanent licenses shall not be issued. A person employed as a practitioner shall hold a valid license with an endorsement for the type of service for which the person is employed. This section does not limit the duties or powers of a school board to select or discharge practitioners or to terminate practitioners' contracts. A professional development program, except for a program offered by a practitioner preparation institution or area education agency and approved by the state board of education, must possess a valid license for the types of programs offered.

Sec. 5. Section 279.13, subsection 1, paragraph b, subparagraphs (1) and (2), Code 2022, are amended to read as follows:

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

(2) The school district or accredited nonpublic school may charge the applicant a fee not to exceed the actual cost charged the school district or accredited nonpublic school for the state and national criminal history checks and registry checks conducted pursuant to subparagraph (1).

Sec. 6. Section 279.69, Code 2022, is amended to read as follows:

279.69 School employees — background investigations.

1. Prior to hiring an applicant for a school employee position, a school district or accredited nonpublic school shall have access to and shall review the information in the Iowa court information system available to the general public, the sex offender registry information under section 692A.121 available to the general public, the central registry for child abuse information established under section 235A.14, and the central registry for dependent adult abuse information established under section 235B.5 for information regarding the applicant. A school district shall follow the same procedure by June 30, 2014, for each school employee employed by the school district as of July 1, 2013. A school district or accredited nonpublic school shall implement a consistent policy to follow the same procedure for each school employee employed by the school district or accredited nonpublic school on or after July 1, 2013, at least every five years after the school employee's initial date of hire. A school district or accredited nonpublic school shall not charge an employee for the cost of the registry checks conducted pursuant to this subsection. A school district or accredited nonpublic school shall maintain documentation demonstrating compliance with this subsection.

2. Being listed in the sex offender registry established under chapter 692A, the central registry for child abuse information established under section 235A.14, or the central registry for dependent adult abuse information established under section 235B.5 shall constitute grounds for the immediate suspension from duties of a school employee, pending a termination hearing by the board of directors of a school district or the authorities in charge of an accredited nonpublic school. A termination hearing conducted pursuant to this subsection shall be limited to the question of whether the school employee was incorrectly listed in the registry.

3. For purposes of this section, "*school employee*" means

an individual employed by a school district or an accredited nonpublic school, as applicable, including a part-time, substitute, or contract employee. *"School employee"* does not include an individual subject to a background investigation pursuant to section 272.2, subsection 17, section 279.13, subsection 1, paragraph *"b"*, or section 321.375, subsection 2.]