HOUSE FILE 2567
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HF 2505)
(SUCCESSOR TO HSB 702)

(As Amended and Passed by the House March 24, 2022)

[= New Language by the House
* = Language Stricken by the House

A BILL FOR

* [An Act relating to education, including requirements related to mandatory reporters, a process for investigating complaints against licensed practitioners, and the responsibilities of the department of education, school districts, charter schools, accredited nonpublic schools, and the board of educational examiners.]

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

Section 1. Section 232.69, subsection 1, unnumbered paragraph 1, Code 2022, is amended to read as follows:

The classes of persons enumerated in this subsection shall make a report within twenty-four hours and as provided in section 232.70, of cases of child abuse. In addition, the classes of persons enumerated in this subsection shall make a report of abuse of a child ~~who is under twelve years of age and may make a report of abuse of a child who is twelve years of age or older,~~ which would be defined as child abuse under section 232.68, subsection 2, paragraph "*a*", subparagraph (3) or (5), except that the abuse resulted from the acts or omissions of a person other than a person responsible for the care of the child.

[Sec. 2. Section 232.69, subsection 1, paragraph b, subparagraph (4), Code 2022, is amended to read as follows:

(4) A licensed school employee, certified para-educator, holder of a coaching authorization issued under section 272.31, full-time school employee who is eighteen years of age or older, or an instructor employed by a community college.]

Sec. 3. Section 232.70, subsection 6, Code 2022, is amended by adding the following new paragraph:

NEW PARAGRAPH. *0f.* If the person making the report is a licensed school employee who reasonably believes the person responsible for the injury is a licensed school employee, the identity of the licensed school employee the person making the report believes is responsible for the injury.

* [Sec. 4. Section 256.9, Code 2022, is amended by adding the following new subsection:

NEW SUBSECTION. 65. *a.* Develop and implement a process for the reporting and investigation of any incident that arises that may reasonably lead to the conclusion that an individual with a license, endorsement, certification, authorization, or statement of recognition issued by the board of educational examiners who is employed by the board of directors of a school district or the authorities in charge of an accredited

nonpublic school has committed a felony or has engaged in conduct described in section 272.15, subsection 1, paragraph "a", subparagraph (1), subparagraph divisions (a) through (d).

b. The process shall prohibit the boards of directors of a school district and the authorities in charge of an accredited nonpublic school from entering into any of the following:

(1) A written or oral agreement that prohibits the board of directors of the school district or the authorities in charge of an accredited nonpublic school, an employee of the school district or the accredited nonpublic school, or a contractor of the school district or the accredited nonpublic school from discussing an incident, past performance or actions, past allegations leading to discipline or adverse employment action, or employee resignation with any governmental agent, governmental officer, or any potential employer.

(2) A written or oral agreement that waives the liability of an individual with a license, endorsement, certification, authorization, or statement of recognition issued by the board of educational examiners related to or arising from an incident, past performance or action, or past allegations of wrongdoing.

c. The board of directors of a school district or the authorities in charge of an accredited nonpublic school and contractors of the school district or the accredited nonpublic school shall be immune from any civil liability arising from discussing an incident, past performance or actions, past allegations leading to discipline or adverse employment action, or employee resignation with any governmental agent, governmental officer, or any potential employer.

d. If the board of educational examiners finds that the board of directors of a school district or the authorities in charge of an accredited nonpublic school has intentionally failed to follow the process established by this subsection regarding an incident, or the reporting requirements established pursuant to section 272.15, the

board of educational examiners shall assess a fine against an administrator of the school district or the accredited nonpublic school who failed to ensure compliance with the process of not less than five hundred dollars and not more than five thousand dollars. Payments of the fine provided in this paragraph shall be remitted to the treasurer of the state for deposit in the general fund of the state.]

e. If the board of educational examiners finds that the board of directors of a school district or the authorities in charge of an accredited nonpublic school has intentionally concealed, or attempted to conceal from any governmental agent, governmental officer, or potential employer a founded incident, or any conduct required to be reported pursuant to section 272.15, the board of educational examiners shall assess a fine against an administrator of the school district or the accredited nonpublic school who assisted in the concealment, or attempted concealment, of an incident, or any conduct required to be reported pursuant to section 272.15, of not more than ten thousand dollars. Payments of the fine provided in this paragraph shall be remitted to the treasurer of the state for deposit in the general fund of the state.

[Sec. 5. Section 256E.7, subsection 2, Code 2022, is amended by adding the following new paragraph:

NEW PARAGRAPH. *0i.* Be subject to and comply with the requirements of section 280.32 in the same manner as a school district.

Sec. 6. Section 272.2, subsection 14, paragraph b, subparagraph (1), unnumbered paragraph 1, Code 2022, is amended to read as follows:

The person entered a plea of guilty to, ~~or~~ has been found guilty of, or the board has found by a preponderance of the evidence that the person committed, any of the following offenses, whether or not a sentence is imposed:]

Sec. 7. Section 272.2, subsection 15, Code 2022, is amended to read as follows:

15. *a.* Adopt rules that require specificity in written complaints that are filed by individuals who have personal knowledge of an alleged violation and which are accepted by the board, provide that the jurisdictional requirements as set by the board in administrative rule are met on the face of the complaint before initiating an investigation of allegations, provide that any investigation be limited to the allegations contained on the face of the complaint, provide for an adequate interval between the receipt of a complaint and public notice of the complaint, permit parties to a complaint to mutually agree to a resolution of the complaint filed with the board, allow the respondent the right to review any investigative report upon a finding of probable cause for further action by the board, require that the conduct providing the basis for the complaint occurred within three years of discovery of the event by the complainant unless good cause can be shown for an extension of this limitation, and require complaints to be resolved within one hundred eighty days unless good cause can be shown for an extension of this limitation.

b. Adopt rules that require the collection and retention of written complaints that are filed. If the board determines a written complaint is not founded, the complaint and all records related to the complaint shall be kept confidential and are not subject to chapter 22.

c. Adopt rules that require the board to notify the school that employs, or is seeking to employ, a [licensed practitioner] who is the subject of an [ongoing] investigation initiated under paragraph "*a*", of the existence and nature of the written complaint filed against [the licensed practitioner. This paragraph shall not be construed to require the board to disclose unfounded, closed investigations initiated under paragraph "*a*".]

d. Adopt rules that require the evaluation of complaints that did not result in any discipline or sanction if similar [complaints are filed against the same licensed practitioner.]

[*e.* Adopt rules that require the board to investigate an administrator who is employed by the school that employs a licensed practitioner who is the subject of an investigation initiated under paragraph *"a"*. The rules shall require the board to investigate whether the administrator filed a written complaint pursuant to this subsection and whether the administrator was required to report to the board pursuant to section 272.15.]

Sec. 8. Section 279.69, Code 2022, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. Prior to hiring an individual who [has been issued a license, endorsement, certification, authorization, or statement of recognition by the board of educational examiners, a school district shall contact the board of educational examiners to determine if the individual is the subject of an ongoing investigation initiated pursuant to section 272.2, subsection 15, if a complaint has been filed against the individual pursuant to section 272.2, subsection 15, if a report has been filed against the individual pursuant to section 272.15, or if the individual surrendered a license, endorsement, certification, authorization, or statement of recognition prior to the final disposition of an investigation. Information provided pursuant to this subsection shall be kept confidential, is not subject to chapter 22, and may only be shared with individuals directly involved in the hiring process. This subsection shall not be construed to require the board of educational examiners to disclose unfounded, closed investigations.]

Sec. 9. NEW SECTION. **280.32 Incidents related to licensed practitioners — reporting and investigation.**

The board of directors of a school district and the authorities in charge of each accredited nonpublic school shall follow the process created by the department of education pursuant to section 256.9, subsection 65, related to the [reporting and investigation of an incident involving the

possible commission of a felony by any person who has been issued a license, endorsement, certification, authorization, or statement of recognition by the board of educational examiners.]