

CHAPTER 1097**PUBLIC AND WORKPLACE SAFETY AND WAGE PAYMENT COLLECTION***S.F. 2307*

AN ACT relating to public and workplace safety and wage collection laws administered by the labor commissioner, including changes in the regulation of boilers in places of public assembly and of elevator installers, and of employers under the wage payment collection law.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 89.2, subsection 4, Code 1999, is amended by striking the subsection and inserting in lieu thereof the following:

4. "Public assembly" means the assembly of people in any of the following:

a. A building or structure primarily used as a theater, motion picture theater, museum, arena, exhibition hall, school, college, dormitory, bowling alley, physical fitness center, family entertainment center, lodge hall, union hall, pool hall, casino, place of worship, funeral home, institution of health and custodial care, hospital, or child care or adult day care.

b. A building or structure, a portion of which is primarily used for amusement, entertainment, or instruction.

c. A building or structure owned by or leased to the state or any of its agencies or political subdivisions.

However, for purposes of this chapter, "public assembly" does not include the assembly of people in buildings or structures containing only eating and drinking establishments or in any building used exclusively by an employer for training or instruction of its own employees.

Sec. 2. Section 89A.1, Code Supplement 1999, is amended by adding the following new subsection:

NEW SUBSECTION. 16A. "Owner" means the owner of a facility, unless the facility is a new installation or is undergoing major alterations, in which case the owner shall be considered the person responsible for the installation or alteration of the facility until the facility has passed final inspection by the division.

Sec. 3. **NEW SECTION.** 91A.14 FORMER EMPLOYEES.

The rights and obligations outlined in this chapter continue until they are fulfilled, even though the employer-employee relationship has been severed.

Approved April 14, 2000

CHAPTER 1098**REGULATION OF PARA-EDUCATORS AND EDUCATION PRACTITIONERS***H.F. 2146*

AN ACT relating to the authority of the board of educational examiners over certification and licensing of para-educators and practitioners.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 256.7, Code 1999, is amended by adding the following new subsection:

NEW SUBSECTION. 22. Adopt rules and a procedure for the approval of para-educator

preparation programs offered by a public school district, area education agency, community college, institution of higher education under the state board of regents, or an accredited private institution as defined in section 261.9, subsection 1. The programs shall train and recommend individuals for para-educator certification under section 272.12.

Sec. 2. Section 272.1, Code 1999, is amended by adding the following new subsection: NEW SUBSECTION. 2A. "Certificate" means limited recognition to perform instruction and instruction-related duties in school, other than those duties for which practitioners are licensed. A certificate is nonexclusive recognition and does not confer the exclusive authority of a license.

Sec. 3. Section 272.1, subsections 4 and 5, Code 1999, are amended to read as follows:

4. "License" means the authority that is given to allow a person to legally serve as a practitioner, a school, an institution, or a course of study to legally offer professional development programs, other than those programs offered by practitioner preparation schools, institutions, courses of study, or area education agencies. A license is the exclusive authority to perform these functions.

5. "Para-educator" means a person who is ~~licensed~~ certified to assist a teacher in the performance of instructional tasks to support and assist classroom instruction and related school activities.

Sec. 4. Section 272.6, Code 1999, is amended to read as follows:

272.6 QUALIFICATIONS FOR PRACTITIONERS.

1. The board shall determine whether an applicant is qualified to perform the duties for which a license is sought. Applicants shall be disqualified for any of the following reasons:

~~1-~~ a. The applicant is less than twenty-one years of age. However, a student enrolled in a practitioner preparation program who meets board requirements for a temporary, limited-purpose license who is seeking to teach as part of a practicum or internship may be less than twenty-one years of age.

~~2-~~ b. The applicant has been convicted of child abuse or sexual abuse of a child.

~~3-~~ c. The applicant has been convicted of a felony.

~~4-~~ d. The applicant's application is fraudulent.

~~5-~~ e. The applicant's license or certification from another state is suspended or revoked.

~~6-~~ f. The applicant fails to meet board standards for application for an initial or renewed license.

2. Qualifications or criteria for the granting or revocation of a license or the determination of an individual's professional standing shall not include membership or nonmembership in any teachers' organization.

3. An applicant for a license or certificate under this chapter shall demonstrate that the requirements of the license or certificate have been met and the burden of proof shall be on the applicant.

Sec. 5. Section 272.12, Code 1999, is amended by striking the section and inserting in lieu thereof the following:

272.12 PARA-EDUCATOR CERTIFICATES.

The board of educational examiners shall adopt rules pursuant to chapter 17A relating to a voluntary certification system for para-educators. The rules shall specify rights, responsibilities, levels, and qualifications for the certificate. Applicants shall be disqualified for any reason specified in section 272.6 or in administrative rule.¹ A person holding a para-educator certificate shall not perform the duties of a licensed practitioner. A certificate issued pursuant to this chapter shall not be considered a teacher or administrator license for any purpose specified by law, including the purposes specified under this chapter or chapter 279.

Approved April 14, 2000

¹ See chapter 1223, §31 herein