

**272.2 Board of examiners created.**

The board of educational examiners is created to exercise the exclusive authority to:

1. a. License practitioners, which includes the authority to establish criteria for the licenses; establish issuance and renewal requirements, provided that a continuing education requirement may be completed by electronic means; create application and renewal forms; create licenses that authorize different instructional functions or specialties; develop a code of professional rights and responsibilities, practices, and ethics, which shall, among other things, address the failure of a practitioner to fulfill contractual obligations under [section 279.13](#), the failure of an administrator to protect the safety of staff and students, the failure of an administrator to meet mandatory reporter obligations, the refusal of a practitioner to implement provisions of an individualized education program or behavioral intervention plan, and habitual nonparticipation in professional development; and develop 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.

b. Provide annually to any person who holds a license, certificate, authorization, or statement of recognition issued by the board, training relating to the knowledge and understanding of the board's code of professional conduct and ethics. The board shall develop a curriculum that addresses the code of professional conduct and ethics and shall annually provide regional training opportunities throughout the state.

c. Rules adopted pursuant to [this subsection](#) establishing licensure renewal requirements shall provide that up to half of the units needed for licensure renewal may be earned upon the successful completion of an individualized professional development plan as verified by the supervising licensed evaluator, or by successful completion of professional development courses or programs offered by a professional development program licensed by the board, or by a practitioner preparation institution or area education agency approved by the state board of education.

2. Establish, collect, and refund fees for a license.

3. Enter into reciprocity agreements with other equivalent state boards or a national certification board to provide for licensing of applicants from other states or nations.

4. Enforce rules adopted by the board through revocation or suspension of a license, or by other disciplinary action against a practitioner or professional development program licensed by the board of educational examiners. The board shall designate who may or shall initiate a licensee disciplinary investigation and a licensee disciplinary proceeding, and who shall prosecute a disciplinary proceeding and under what conditions, and shall state the procedures for review by the board of findings of fact if a majority of the board does not hear the disciplinary proceeding. However, in a case alleging failure of a practitioner to fulfill contractual obligations, the person who files a complaint with the board, or the complainant's designee, shall represent the complainant in a disciplinary hearing conducted in accordance with [this chapter](#).

5. Apply for and receive federal or other funds on behalf of the state for purposes related to its duties.

6. Evaluate and conduct studies of board standards.

7. Hire legal counsel and other personnel and control the personnel administration of persons employed by the board.

8. Hear appeals regarding application, renewal, suspension, or revocation of a license. Board action is final agency action for purposes of [chapter 17A](#).

9. Establish standards for the determination of whether an applicant is qualified to perform the duties required for a given license.

10. Issue statements of professional recognition to school service personnel who have attained a minimum of a baccalaureate degree and who are licensed by another professional licensing board, including but not limited to athletic trainers licensed under [chapter 152D](#).

11. Make recommendations to the state board of education concerning standards for the approval of professional development programs.

12. Adopt, under [chapter 17A](#), rules necessary to carry out board duties, and establish a budget request.

13. Adopt rules to provide for nontraditional preparation options for licensing persons who hold a bachelor's degree from an accredited college or university, who do not meet other requirements for licensure.

14. Adopt rules to determine whether an applicant is qualified to perform the duties for which a license is sought. The rules shall include all of the following:

a. The board may deny a license to or revoke the license of a person upon the board's finding by a preponderance of evidence that either the person has been convicted of an offense and the offense directly relates to the duties and responsibilities of the profession or that there has been a founded report of child abuse against the person. Rules adopted in accordance with this paragraph shall provide that in determining whether a person should be denied a license or that a practitioner's license should be revoked, the board shall consider the nature and seriousness of the founded abuse or offense in relation to the position sought, the time elapsed since the offense was committed, the degree of rehabilitation which has taken place since the incidence of founded abuse or the commission of the offense, the likelihood that the person will commit the same abuse or offense again, and the number of founded abuses committed by or criminal convictions of the person involved.

b. Notwithstanding paragraph "a", the rules shall require the board to disqualify an applicant for a license or to revoke the license of a person for any of the following reasons:

(1) The person entered a plea of guilty to, or has been found guilty of, any of the following offenses, whether or not a sentence is imposed:

(a) Any of the following forcible felonies included in [section 702.11](#): child endangerment, assault, murder, sexual abuse, or kidnapping.

(b) Any of the following sexual abuse offenses, as provided in [chapter 709](#), involving a child:

(i) First, second, or third degree sexual abuse committed on or with a person who is under the age of eighteen years.

(ii) Lascivious acts with a child.

(iii) Assault with intent to commit sexual abuse.

(iv) Indecent contact with a child.

(v) Sexual exploitation by a counselor.

(vi) Lascivious conduct with a minor.

(vii) Sexual exploitation by a school employee.

(c) Enticing a minor under [section 710.10](#).

(d) Human trafficking under [section 710A.2](#).

(e) Incest involving a child under [section 726.2](#).

(f) Dissemination and exhibition of obscene material to minors under [section 728.2](#).

(g) Telephone dissemination of obscene material to minors under [section 728.15](#).

(h) Any offense specified in the laws of another jurisdiction, or any offense that may be prosecuted in federal, military, or foreign court, that is comparable to an offense listed in this subparagraph (1).

(i) Any offense under prior laws of this state or another jurisdiction, or any offense under prior law that was prosecuted in a federal, military, or foreign court, that is comparable to an offense listed in this subparagraph (1).

(2) The applicant is less than twenty-one years of age except as provided in [section 272.31, subsection 1](#). 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.

(3) The applicant's application is fraudulent.

(4) The applicant's license or certification from another state is suspended or revoked.

(5) The applicant fails to meet board standards for application for an initial or renewed license. However, this subparagraph shall not apply to a person who applies for an initial one-year license and submits to the board a waiver issued by the director of the department of education in accordance with [section 256.16, subsection 3](#).

c. 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.

d. 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. However, if the executive director of the board receives notice from the director of the department of education under [section 256.9, subsection 17](#), that an error in the basic education data survey submission resulted in an incorrect determination relating to licensure of a practitioner, the executive director shall initiate corrective action with the board and the findings of the director of the department of education shall be sufficient evidence to correct such error.

e. The board may deny a license to or revoke the license of a person upon the board's finding by a preponderance of evidence that the person knowingly and intentionally discriminated against a student in violation of [section 261H.2, subsection 3](#), or [section 279.73](#).

15. 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.

16. Adopt criteria for administrative endorsements that allow a person to achieve the endorsement authorizing the person to serve as an elementary or secondary principal without regard to the grade level at which the person accrued teaching experience.

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.

18. May adopt rules for practitioners who are not eligible for a statement of professional recognition under [subsection 10](#), but have received a baccalaureate degree and provide a service to students at any or all levels from prekindergarten through grade twelve for a school district, accredited nonpublic school, area education agency, or preschool program established pursuant to [chapter 256C](#).

19. Adopt rules to provide in the board's code of professional conduct and ethics that any licensee of the board, who commits or solicits any sexual conduct as defined in [section 709.15, subsection 3](#), paragraph "a", subparagraph (2), or solicits, encourages, or consummates a romantic relationship with any individual who was a student within ninety days prior to any such conduct alleged in a complaint initiated with the board, if the licensee taught the individual or supervised the individual in any school activity when the individual was a student, engages in unprofessional and unethical conduct that may result in disciplinary action by the board.

20. Adopt rules pursuant to [chapter 17A](#) establishing endorsements and authorizations for computer science instruction, including traditional and nontraditional pathways for obtaining such endorsements or authorizations.

21. Adopt rules under [chapter 17A](#) to prohibit the suspension or revocation of a license issued by the board to a person who is in default or is delinquent on repayment or a service

obligation under federal or state postsecondary educational loans or public or private services-conditional postsecondary tuition assistance solely on the basis of such default or delinquency.

22. Adopt rules pursuant to [chapter 17A](#) to create a nonrenewable initial one-year license for an applicant who obtains a waiver issued by the director of the department of education in accordance with [section 256.16, subsection 3](#), and presents the waiver within thirty days of issuance to the board of educational examiners. Such an applicant must also provide an affidavit from the administrator of a school district or an accredited nonpublic school verifying that an offer of a teaching contract has been made and the school district or accredited nonpublic school has made every reasonable and good faith effort to employ a teacher licensed under [chapter 272](#) for the specified subject and is unable to employ such a teacher. For purposes of [this subsection](#), “good faith effort” means the same as defined in [section 279.19A, subsection 9](#).

23. By July 1, 2021, adopt rules pursuant to [chapter 17A](#), developed in collaboration with the Iowa reading research center, establishing an advanced dyslexia specialist endorsement. The endorsement shall require a strong understanding of structured literacy instruction; the neurobiological nature, cognitive-linguistic correlates, developmental indicators, compensatory behaviors, potential psychological factors, and co-occurring disorders of dyslexia; demonstrated skill in administering informal and formal assessments related to dyslexia; demonstrated skill in delivery of explicit, systematic literacy intervention; demonstrated skill in developing and supporting services for students with characteristics of dyslexia including those who are eligible for services under [chapter 256B](#) or section 504 of the federal Rehabilitation Act of 1973, 29 U.S.C. §794, as amended; demonstrated skill in the design and implementation of accommodations and modifications; demonstrated competence in creating a dyslexia-friendly learning environment; and demonstrated skill in the use and integration of assistive technology. This endorsement shall, at a minimum, require three years of prior teaching experience and completion of a supervised practical experience.

24. Establish, collect, and refund fees from an administrator for the administrative costs of processing complaints and conducting hearings if the administrator is the respondent in a complaint for violation of the code of professional conduct and ethics, developed pursuant to [subsection 1](#), for which final board action results in a sanction against the administrator.

25. By August 1, 2021, adopt rules pursuant to [chapter 17A](#), developed in consultation with the department, establishing a statement of professional recognition for behavior analysts licensed under [chapter 154D](#).

26. By January 1, 2022, adopt rules pursuant to [chapter 17A](#) establishing a statement of professional recognition for mental health professionals as defined in [section 228.1](#). The rules shall require that any mental health professional who provides mental health services to students for a school obtain such a statement unless a professional service license or endorsement relating to mental health services has been issued to the mental health professional by the board.

[C97, §2629; S13, §2629; C24, 27, 31, §3863; C35, §3858-e1; C39, §3858.1; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §260.2]

[86 Acts, ch 1245, §1442; 89 Acts, ch 265, §2; 90 Acts, ch 1249, §5, 6](#)

[C93, §272.2](#)

[96 Acts, ch 1189, §1; 96 Acts, ch 1215, §46; 2001 Acts, ch 103, §1; 2001 Acts, ch 161, §15, 16; 2001 Acts, ch 177, §13, 15; 2002 Acts, ch 1084, §1; 2002 Acts, ch 1128, §1; 2003 Acts, ch 108, §48; 2003 Acts, ch 180, §14, 15; 2006 Acts, ch 1152, §9; 2007 Acts, ch 108, §9; 2008 Acts, ch 1008, §2; 2009 Acts, ch 119, §39; 2009 Acts, ch 177, §32, 33; 2010 Acts, ch 1043, §1; 2011 Acts, ch 35, §1, 2; 2011 Acts, ch 132, §93, 106; 2014 Acts, ch 1045, §1; 2015 Acts, ch 4, §1; 2015 Acts, ch 10, §1; 2016 Acts, ch 1066, §1; 2017 Acts, ch 106, §2; 2018 Acts, ch 1026, §87; 2019 Acts, ch 13, §1; 2019 Acts, ch 24, §36; 2019 Acts, ch 30, §5, 6; 2020 Acts, ch 1048, §4; 2020 Acts, ch 1062, §94; 2020 Acts, ch 1093, §3, 4; 2020 Acts, ch 1103, §22, 31, 39, 51; 2020](#)

Acts, ch 1108, §8; 2021 Acts, ch 80, §144; 2021 Acts, ch 87, §1, 3; 2021 Acts, ch 111, §1; 2021 Acts, ch 130, §4; 2021 Acts, ch 170, §29

Referred to in §232.69, 235B.16, 256.7, 261E.3, 272.10, 272.12, 272.15, 272.31, 279.43, 279.69, 279.73, 284.6A

Subsection 1, NEW paragraph c

Subsection 14, paragraph a amended

Subsection 14, NEW paragraph e

NEW subsections 24 - 26