

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
EDUCATION BILL)

**A BILL FOR**

1 An Act relating to education by modifying provisions related  
2 to a process for investigating complaints against school  
3 employees and the responsibilities of the department of  
4 education and the board of educational examiners.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 256.9, subsection 67, Code 2024, is  
2 amended by striking the subsection.

3 Sec. 2. Section 256.146, Code 2024, is amended by adding the  
4 following new subsection:

5 NEW SUBSECTION. 25. *a.* Develop and implement a process  
6 for the reporting and investigation of any incident that arises  
7 that may reasonably lead to the conclusion that any individual  
8 who is employed by the board of directors of a school district,  
9 the authorities in charge of an accredited nonpublic school,  
10 or the governing board of a charter school, including an  
11 individual with a license, endorsement, certification,  
12 authorization, or statement of recognition issued by the  
13 board of educational examiners, has committed a felony or,  
14 in the case of an individual with a license, endorsement,  
15 certification, authorization, or statement of recognition  
16 issued by the board of educational examiners, has engaged in  
17 conduct described in section 256.160, subsection 1, paragraph  
18 "a", subparagraph (1).

19 *b.* The process shall prohibit the board of directors of a  
20 school district, the authorities in charge of an accredited  
21 nonpublic school, and the governing board of a charter school  
22 from entering into any of the following:

23 (1) A written or oral agreement that prohibits the board  
24 of directors of the school district, the authorities in charge  
25 of an accredited nonpublic school, the governing board of  
26 a charter school, an employee of the school district, the  
27 accredited nonpublic school, or the charter school, or a  
28 contractor of the school district, the accredited nonpublic  
29 school, or the charter school from discussing an incident, past  
30 performance or actions, past allegations leading to discipline  
31 or adverse employment action, or employee resignation with any  
32 governmental agent, governmental officer, or any potential  
33 employer.

34 (2) A written or oral agreement that waives the liability  
35 of an individual with a license, endorsement, certification,

1 authorization, or statement of recognition issued by the  
2 board of educational examiners related to or arising from an  
3 incident, past performance or action, or past allegations of  
4 wrongdoing.

5     *c.* (1) The process shall require the board of directors  
6 of a school district, the authorities in charge of an  
7 accredited nonpublic school, and the governing board of a  
8 charter school to provide all documentation and information  
9 related to the incident to the board of educational examiners  
10 for investigation if the employee who is the subject of the  
11 incident and who has a license, endorsement, certification,  
12 authorization, or statement of recognition issued by the board  
13 of educational examiners resigns or the employee's contract is  
14 terminated during the school district's, accredited nonpublic  
15 school's, or charter school's investigation of the incident.

16     (2) The process shall require the board of directors of a  
17 school district, the authorities in charge of an accredited  
18 nonpublic school, and the governing board of a charter school  
19 to finalize the investigation of the incident even if the  
20 employee who is the subject of the incident and who does not  
21 have a license, endorsement, certification, authorization, or  
22 statement of recognition issued by the board of educational  
23 examiners resigns or the employee's contract is terminated  
24 during the school district's, accredited nonpublic school's, or  
25 charter school's investigation of the incident.

26     *d.* The process shall require that, prior to hiring an  
27 applicant for any position, the board of directors of a  
28 school district, the authorities in charge of an accredited  
29 nonpublic school, and the governing board of a charter school  
30 must conduct a review of the applicant's employment history,  
31 including by contacting the applicant's previous employers  
32 listed on the application for employment and by viewing the  
33 board of educational examiners' public license information to  
34 determine if the applicant has a case pending with a finding of  
35 probable cause or any licensure sanction.

1 e. The process shall require the board of directors of a  
2 school district, the authorities in charge of an accredited  
3 nonpublic school, and the governing board of a charter school  
4 to maintain on forms prescribed by the board of educational  
5 examiners reference information related to all employees of  
6 the school district, accredited nonpublic school, or charter  
7 school, and respond to any request for such information from  
8 a potential employer. This paragraph shall not be construed  
9 to require the board of directors of a school district, the  
10 authorities in charge of an accredited nonpublic school, or  
11 the governing board of a charter school to disclose unfounded,  
12 closed investigations. The board of directors of a school  
13 district, the authorities in charge of an accredited nonpublic  
14 school, or the governing board of a charter school shall be  
15 immune from any criminal or civil liability arising from the  
16 disclosure of reference information under this paragraph if the  
17 school district, accredited nonpublic school, or charter school  
18 does not knowingly disclose false information.

19 f. The board of directors of a school district, the  
20 authorities in charge of an accredited nonpublic school, or  
21 the governing board of a charter school, and contractors of  
22 the school district, the accredited nonpublic school, or the  
23 charter school shall be immune from any civil liability arising  
24 from discussing an incident, past performance or actions,  
25 past allegations leading to discipline or adverse employment  
26 action, or employee resignation with any governmental agent,  
27 governmental officer, or any potential employer.

28 g. If, after investigation, the board of educational  
29 examiners determines that the board of directors of a  
30 school district, the authorities in charge of an accredited  
31 nonpublic school, or the governing board of a charter school  
32 has intentionally failed to follow the process established  
33 by this subsection regarding an incident, or the reporting  
34 requirements established pursuant to section 256.160, related  
35 to an employee who holds a license, endorsement, certification,

1 authorization, or statement of recognition issued by the board  
2 of educational examiners, any administrator of the school  
3 district, the accredited nonpublic school, or the charter  
4 school who intentionally failed to ensure compliance with the  
5 process shall be subject to a hearing conducted by the board of  
6 educational examiners.

7 *h.* If, after investigation, the board of educational  
8 examiners determines that the board of directors of a school  
9 district, the authorities in charge of an accredited nonpublic  
10 school, or the governing board of a charter school has  
11 intentionally failed to follow the process established by  
12 this subsection regarding an incident related to an employee  
13 who does not hold a license, endorsement, certification,  
14 authorization, or statement of recognition issued by the board  
15 of educational examiners, any administrator of the school  
16 district, the accredited nonpublic school, or the charter  
17 school who intentionally failed to ensure compliance with the  
18 process shall be subject to a hearing conducted by the board of  
19 educational examiners.

20 *i.* If, after investigation, the board of educational  
21 examiners determines that the board of directors of a school  
22 district, the authorities in charge of an accredited nonpublic  
23 school, or the governing board of a charter school has  
24 intentionally concealed, or attempted to conceal from any  
25 governmental agent, governmental officer, or potential employer  
26 a founded incident, or any conduct required to be reported  
27 pursuant to section 256.160, related to an employee who holds  
28 a license, endorsement, certification, authorization, or  
29 statement of recognition issued by the board of educational  
30 examiners, any administrator of the school district, the  
31 accredited nonpublic school, or the charter school who  
32 intentionally assisted in the concealment, or attempted  
33 concealment, of an incident, or any conduct required to be  
34 reported pursuant to section 256.160, shall be subject to a  
35 hearing conducted by the board of educational examiners.

1     *j.* If, after investigation, the board of educational  
2 examiners finds that the board of directors of a school  
3 district, the authorities in charge of an accredited nonpublic  
4 school, or the governing board of a charter school has  
5 intentionally concealed, or attempted to conceal from any  
6 governmental agent, governmental officer, or potential employer  
7 a founded incident related to an employee who does not hold  
8 a license, endorsement, certification, authorization, or  
9 statement of recognition issued by the board of educational  
10 examiners, any administrator of the school district, the  
11 accredited nonpublic school, or the charter school who  
12 intentionally assisted in the concealment, or attempted  
13 concealment, of an incident shall be subject to a hearing  
14 conducted by the board of educational examiners.

15     *k.* (1) Annually, on or before June 30 of each year, the  
16 board of educational examiners shall submit to the general  
17 assembly a report that contains information related to all of  
18 the following:

19         (a) The number and types of disciplinary hearings before the  
20 board of educational examiners.

21         (b) Any trends in the number or types of disciplinary  
22 hearings before the board of educational examiners.

23         (c) The number of board of educational examiners  
24 investigations of the employees of school districts, accredited  
25 nonpublic schools, or charter schools who do not hold a  
26 license, endorsement, certification, authorization, or  
27 statement of recognition issued by the board of educational  
28 examiners, that the board of educational examiners referred to  
29 a law enforcement agency.

30         (d) Any other information deemed relevant by the board of  
31 educational examiners in order to inform the general assembly  
32 of the status of the enforcement of the board of educational  
33 examiners' rules.

34     (2) The report shall not include any personally  
35 identifiable information related to investigations referred to

1 a law enforcement agency.

2 Sec. 3. Section 280.34, Code 2024, is amended to read as  
3 follows:

4 **280.34 Incidents related to licensed practitioners —**  
5 **reporting and investigation.**

6 The board of directors of a school district and the  
7 authorities in charge of each accredited nonpublic school shall  
8 follow the process created by the ~~department of education board~~  
9 of educational examiners pursuant to section ~~256.9, subsection~~  
10 ~~67~~ 256.146, subsection 25, related to the reporting and  
11 investigation of an incident involving the possible commission  
12 of a felony by any employee of the board of directors of the  
13 school district or the authorities in charge of the accredited  
14 nonpublic school.

15 Sec. 4. REPEAL. Section 256.158A, Code 2024, is repealed.

16 EXPLANATION

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

19 This bill relates to education by modifying provisions  
20 related to a process for investigating complaints against  
21 school employees and the responsibilities of the department of  
22 education (DE) and the board of educational examiners (BOEE).

23 Current law requires the director of DE to develop and  
24 implement a process for the reporting and investigation of  
25 any incident that arises that may reasonably lead to the  
26 conclusion that any individual who is employed by the board  
27 of directors of a school district, the authorities in charge  
28 of an accredited nonpublic school, or the governing board of  
29 a charter school has committed a felony or, in the case of  
30 an individual with a license, endorsement, certification,  
31 authorization, or statement of recognition issued by the  
32 BOEE, has engaged in other prohibited conduct. Current law  
33 also establishes required elements of this process, including  
34 prohibiting schools from entering into certain agreements,  
35 requiring schools to provide documentation related to

1 certain incidents to the BOEE, requiring schools to conduct  
2 a review of an applicant's employment history and public  
3 license information, requiring schools to maintain reference  
4 information related to employees and respond to requests  
5 for such information from potential employers, establishing  
6 immunities for disclosure of certain information by schools,  
7 and establishing enforcement mechanisms. The bill transfers  
8 all of the authority related to developing and implementing  
9 this process from DE to the BOEE.

10 The bill requires that the BOEE include in its annual  
11 report to the general assembly information related to the  
12 number of BOEE investigations of school employees who do not  
13 hold a license, endorsement, certification, authorization,  
14 or statement of recognition that the BOEE referred to a law  
15 enforcement agency. The bill establishes that the BOEE's  
16 annual report shall not include any personally identifiable  
17 information related to investigations referred to a law  
18 enforcement agency.