

HSB 608

Proposed By
○ 2482

EDUCATION

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HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
EDUCATION BILL BY
CHAIRPERSON GRUNDBERG)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act expanding the board of educational examiners' authority
2 with regard to licensee disciplinary investigations and
3 proceedings.

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

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1 Section 1. Section 272.2, subsection 4, Code Supplement
2 2001, is amended to read as follows:

3 4. Enforce rules adopted by the board through revocation
4 or suspension of a license, or by other disciplinary action
5 against a practitioner or professional development program
6 licensed by the board of educational examiners. The board
7 shall designate who may or shall initiate a licensee
8 disciplinary investigation and a licensee disciplinary
9 proceeding, and who shall prosecute a disciplinary proceeding
10 and under what conditions, and shall state the procedures for
11 review by the board of findings of fact if a majority of the
12 board does not hear the disciplinary proceeding.

13 EXPLANATION

14 This bill provides the board of educational examiners with
15 the same authority currently allowed to other licensing boards
16 established in the Code, to designate who may or shall
17 initiate a licensee disciplinary investigation or proceeding,
18 and who shall prosecute a disciplinary proceeding and under
19 what conditions.

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S. 3/11/02 Education
S. 3/13/02 Do Pass

FEB 21 2002
Place On Calendar

HOUSE FILE 2482
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 608)

Passed House, (p.698) Date 3-11-02 Passed Senate, (p.807) Date 3-26-02
Vote: Ayes 92 Nays 0 Vote: Ayes 50 Nays 0
Approved April 5, 2002

A BILL FOR

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3 proceedings.

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HF 2482

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9 proceeding, and who shall prosecute a disciplinary proceeding
10 and under what conditions, and shall state the procedures for
11 review by the board of findings of fact if a majority of the
12 board does not hear the disciplinary proceeding. However, in
13 a case alleging failure of a practitioner to fulfill
14 contractual obligations, the person who files a complaint with
15 the board, or the complainant's designee, shall represent the
16 complainant in a disciplinary hearing conducted in accordance
17 with this chapter.

18 EXPLANATION

19 This bill provides the board of educational examiners with
20 the same authority currently allowed to other licensing boards
21 established in the Code, to designate who may or shall
22 initiate a licensee disciplinary investigation or proceeding,
23 and who shall prosecute a disciplinary proceeding and under
24 what conditions. However, the bill provides that in a case
25 alleging failure of a practitioner to fulfill contractual
26 obligations, the complainant, or the complainant's designee,
27 must represent the complainant in a disciplinary hearing.

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Legislative Fiscal Bureau

Fiscal Note

HF 2482 - School Disciplinary Hearing Request (LSB 5452 HV)
Analyst: Robin Madison (Phone: (515) 281-5270) (robin.madison@legis.state.ia.us)
Fiscal Note Version - New

Description

House File 2482 authorizes the Board of Educational Examiners to designate who may or shall initiate a disciplinary investigation of a licensee. The Bill further authorizes the Board to designate who shall be responsible for prosecuting a disciplinary proceeding in the event an investigation finds one is warranted.

Under current law, only other licensees, school boards, and parents of affected students may file complaints to initiate disciplinary investigations. Once an investigation finds a disciplinary proceeding is warranted, the complainant bears the responsibility and cost of prosecuting the case.

Assumptions

1. The Board will designate the Attorney General to prosecute future disciplinary proceedings.
2. The Attorney General's office has indicated they will not increase the current annual charge of \$50,000 to the Board in FY 2003 and FY 2004, despite the possibility of increased caseload.
3. While the Board's administrative workload may increase if it accepts complaints from a broader public, it would not result in a significant increase in administrative costs. The increase would be absorbed without need of additional funding.
4. The Board conducts 35 to 37 disciplinary hearings annually, at an average cost to the prosecuting party of \$10,000 to \$11,000 per case.
5. School districts and school boards bear the cost of prosecuting 65.0% to 75.0% of the cases. The remainder are prosecuted by parents at their own expense.

Fiscal Impact

No General Fund fiscal impact is anticipated in FY 2003 and FY 2004 as a result of HF 2482.

Annual savings to school districts is estimated at \$260,000 to \$300,000.

Sources

Board of Educational Examiners
Attorney General

/s/ Dennis C Prouty

February 25, 2002

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

complainant in a disciplinary hearing conducted in accordance with this chapter.

HOUSE FILE 2482

AN ACT

EXPANDING THE BOARD OF EDUCATIONAL EXAMINERS' AUTHORITY WITH REGARD TO LICENSEE DISCIPLINARY INVESTIGATIONS AND PROCEEDINGS.

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

Section 1. Section 272.2, subsection 4, Code Supplement 2001, is amended to read as follows:

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

BRENT SIEGRIST
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2482, Seventy-ninth General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved 4/5, 2002

THOMAS J. VILSACK
Governor

H.F. 2482