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SENATE FILE
BY GRONSTAL

Passed Senate, Date ^(p.160) 1/25/01 Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act requiring school districts to perform national and state
2 criminal history background checks on applicants for certain
3 school district employment.

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

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SF 43
EDUCATION

1 Section 1. NEW SECTION. 279.59 CRIMINAL RECORDS CHECKS
2 ON SCHOOL DISTRICT EMPLOYMENT APPLICANTS.

3 1. Beginning July 1, 2001, if the board of directors of a
4 school district is considering employing a person to fill a
5 position involving direct responsibility for a child or with
6 access to a child when the child is alone, the board shall
7 facilitate state and national criminal history records checks
8 on the applicant, unless the board of educational examiners
9 has facilitated a criminal records check on the applicant as
10 required under rules adopted by the board. The board may
11 charge the person a fee for the records checks that shall not
12 exceed the fee charged by the federal or state agency
13 conducting the records check.

14 2. Beginning July 1, 2001, a board shall inform all
15 persons prior to employment regarding the performance of the
16 records checks and shall obtain, from the persons, a signed
17 acknowledgment of the receipt of the information.
18 Additionally, the board shall include the following inquiry in
19 an application for employment: "Have you ever been convicted
20 of a crime in this state or any other state?"

21 3. If the person has been convicted of a crime, the board
22 shall perform an evaluation to determine whether the crime
23 warrants prohibition of employment. In an evaluation, the
24 board shall consider the nature and seriousness of the crime
25 in relation to the position sought or held, the time elapsed
26 since the commission of the crime, the circumstances under
27 which the crime was committed, the degree of rehabilitation,
28 the likelihood that the person will commit the crime again,
29 and the number of crimes committed by the person involved.

30 EXPLANATION

31 This bill requires the board of directors of a school
32 district, effective July 1, 2001, to facilitate national and
33 state criminal history records checks of persons who are being
34 considered for employment involving direct responsibility for,
35 or access to, a child, unless the applicant is licensed as a

1 practitioner on or after October 1, 2000, and has already
2 submitted to a criminal records check as required under rules
3 adopted by the board of educational examiners. The bill
4 permits the school board to assess the applicant for the fee
5 charged by the agency conducting the investigation.

6 The bill also requires the board to inform applicants that
7 a records check will be performed, obtain a signed
8 acknowledgment for that information, and include on the
9 employment application a question directly asking whether the
10 applicant has a criminal record. If the person has a criminal
11 record, the board must determine whether the crime warrants
12 prohibition of employment, based upon determinants set forth
13 under the bill.

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