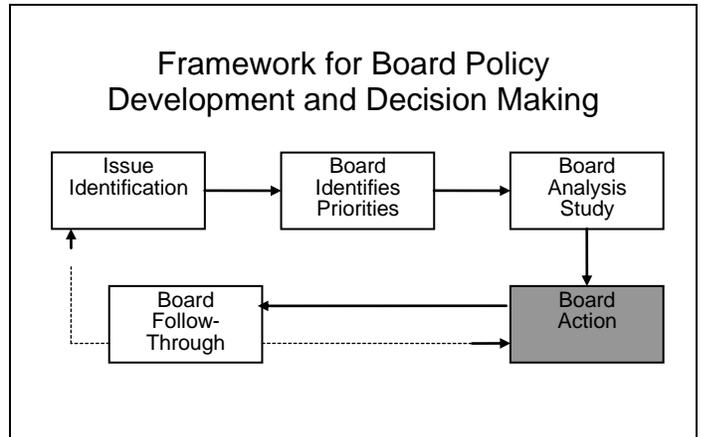


Iowa State Board of Education

Executive Summary

September 15, 2011



Agenda Item: Rules: Chapter 102 - Procedures for Charging and Investigating Incidents of Abuse of Students by School Employees (Notice)

Iowa Goal: All K-12 students will achieve at a high level.

Equity Impact Statement: These rule amendments make adjustments so that affected students are more equitably impacted.

Presenter: None (consent agenda)

Attachments: 1

Recommendation: It is recommended that the State Board give public notice of its intent to amend Chapter 102.

Background: The proposed amendment conforms to recent legislation that requires schools to place an employee on administrative leave once the employee is under investigation for an allegation of abuse under these rules.

EDUCATION DEPARTMENT[281]

Notice of Intended Action

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education hereby proposes to amend Chapter 102, “Procedures for Charging and Investigating Incidents of Abuse of Students by School Employees,” Iowa Administrative Code.

The proposed amendment conforms to 2011 Iowa Acts, House File 645, section 95, requiring certain duties of the board of directors of a school district and the authorities in charge of a nonpublic school when an employee is under investigation for an allegation of abuse under these rules and when a finding is made that an employee’s conduct constitutes a crime.

After analysis and review of this rule making, no impact on jobs has been found.

An agencywide waiver provision is provided in 281—Chapter 4.

Interested individuals may make written comments on the proposed amendments on or before October 25, 2011, at 4:30 p.m. Comments on the proposed amendments should be directed to Carol Greta, Office of the Director, Iowa Department of Education, Second Floor, Grimes State Office Building, Des Moines, Iowa 50319–0146; telephone (515)281–8661; E–mail carol.greta@iowa.gov; or fax (515)281–4122.

A public hearing will be held on October 25, 2011, from 3 to 4 p.m., at the State Board Room, second floor, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa, at which time persons may present their views either orally or in writing. Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact and advise the Department of Education of their specific needs by calling (515)281-5295.

These amendments are intended to implement 2011 Iowa Acts, House File 645, section 95.

The following amendment is proposed.

Adopt the following new subrules **102.5(5)** and **102.5(6)**:

102.5(5) Place on administrative leave a school employee who is the subject of an investigation of an alleged incident of physical or sexual abuse under this chapter, once the Level One investigator has determined that the written complaint is investigable under rule 281—102.3(280).

102.5(6) Report the results to the board of educational examiners of an investigation that finds that the school employee's conduct constitutes a crime.