

Background Check Requirements for School Districts

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2013 Law Text: SF 452 & ISFIS Notation

Division XVII of SF 452 Standing Appropriations

SCHOOL EMPLOYEES — BACKGROUND INVESTIGATIONS
Sec. 137. NEW SECTION. 279.69 School employees — background investigations.

1. Prior to hiring an applicant for a school employee position, a school district shall have access to and shall review the information in the Iowa court information system available to the general public, the sex offender registry information under section 692A.121 available to the general public, the central registry for child abuse information established under section 235A.14, and the central registry for dependent adult abuse information established under section 235B.5 for information regarding the applicant. A school district shall follow the same procedure by June 30, 2014, for each school employee employed by the school district as of July 1, 2013. A school district shall implement a consistent policy to follow the same procedure for each school employee employed by the school district on or after July 1, 2013, at least every five years after the school employee's initial date of hire. A school district shall not charge an employee for the cost of the registry checks conducted pursuant to this subsection. A school district shall maintain documentation demonstrating compliance with this subsection.

2. Being listed in the sex offender registry established under chapter 692A, the central registry for child abuse information established under section 235A.14, or the central registry for dependent adult abuse information established under section 235B.5 shall constitute grounds for the immediate suspension from duties of a school employee, pending a termination hearing by the board of directors of a school district. A termination hearing conducted pursuant to this subsection shall be limited to the question of whether the school employee was incorrectly listed in the registry.

3. For purposes of this section, "school employee" means an individual employed by a school district, including a part-time, substitute, or contract employee. "School employee" does not include an individual subject to a background investigation pursuant to section 272.2, subsection 17, section 279.13, subsection 1, paragraph "b", or section 321.375, subsection 2.

Changes in 2014: SF 2347, Education Appropriations, 2014 Session, specifically requires that AEAs are subject to background check requirements above, Iowa Code Chapter 279.69.

District must check registries and court records prior to hiring employees, beginning July 1, 2013.

District must be able to document that existing employees were checked by June 30, 2014.

District must have a consistent policy for the same procedure to recheck every 5 years, based on employees

If there's a positive hit on one of the registries, it constitutes grounds for immediate suspension of duties, pending a termination hearing. Defines school employee: individual employed by the district, including part-time, substitute or contract employee. Exempts employees under Iowa Code chapters 272.2(17) (BOEE governed regulated applicants for licensure), 279.13(1)(b) (licensed teachers that aren't initial teachers but are required to be checked upon hire by the district, administrators, substitute teachers, non-teaching coaches), and bus drivers (because they are regulated under another Code section). Requires rechecks every five years based on anniversary date of hire.

Note about BOEE licensure exception Code 272.2(17): BOEE rechecks for licensure are done for initial applicants and licensure renewal for teachers, substitute teachers (both licensed and authorized), administrators, school business officials, school administration managers, paraprofessionals and non-teaching coaches. These are the positions that are not required to be rechecked every five years at the district level, since they are subject to BOEE authorization under 272.2(17) for either initial licensure or renewal. Teachers on permanent professional license do not go through a renewal process so are not exempted via Chapter 272.2(17). We advise they be checked by June 30, 2014 and every five years based on their anniversary date of hire.

Relevant Code Sections and FAQ from BOEE web site regarding background checks follows:

Iowa Code 272.2(17) BOEE background check requirements

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, 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.

Iowa Code 279.13 Contracts with teachers — automatic continuation — initial background investigations.

1. a. Contracts with teachers, which for the purpose of this section means all licensed employees of a school district and nurses employed by the board, excluding superintendents, assistant superintendents, principals, and assistant principals, shall be in writing and shall state the number of contract days, the annual compensation to be paid, and any other matters as may be mutually agreed upon. The contract may include employment for a term not exceeding the ensuing school year, except as otherwise authorized.

b. (1) Prior to entering into an initial contract with a teacher who holds a license other than an initial license issued by the board of educational examiners under chapter 272, the school district shall initiate a state criminal history record check of the applicant through the division of criminal investigation of the department of public safety, submit the applicant's fingerprints to the division for submission to the federal bureau of investigation for a national criminal history record check, and review the sex offender registry information under section 692A.121 available to the general public, the central registry for child abuse information established under section 235A.14, and the central registry for dependent adult abuse information established under section 235B.5 for information regarding the applicant for employment as a teacher

Iowa Code 321.375 (2) Bus Driver Background Check Requirements

2. Prior to hiring an applicant for a school bus driver position, including a contract position, an employer shall have access to and shall review the information in the Iowa court information system available to the general public, the sex offender registry information under section 692A.121 available to the general public, the central registry for child abuse information established under section 235A.14, and the central registry for dependent adult abuse information established under section 235B.5 for information regarding the applicant. An employer shall follow the same procedure every five years upon the renewal of an employee's or contract employee's school bus driver's license issued by the department of transportation valid for the operation of a school bus. An employer shall pay for the cost of the registry checks conducted pursuant to this subsection. An employer shall maintain documentation demonstrating compliance with this subsection

The following table describes the various levels of background check required and the relevant Code section which applies. Although not all levels of check are mandated for all positions, BOEE suggests it is good practice for school districts to also conduct a check for hiring purposes (question 7 highlighted below in BOEE FAQ). For information about the ISFIS background check service, contact Sean Gibson at sean.gibson@isfis.net or [Click Here](#) to visit our background check web site.

Position	Iowa Code Section	District Check on Initial Hire	May Charge Employee for Check	Fingerprint Required by the District	Registry Check Required	Iowa Criminal Court Records	National Criminal History Check	Recheck Mandated
Teacher with initial license (1-2 years)	272.2(17)	Not Mandated (best practice)		No	Not Mandated, but best practice	Not Mandated, but best practice	Not Mandated, but best practice	n/a
Teacher with standard license	272.2(17) 279.13(1)(b)	Yes	allowed	Yes	yes	yes	yes	No – BOEE rechecks w/renewal
Master Teacher with standard license	272.2(17) 279.13(1)(b)	Yes	allowed	Yes	yes	yes	yes	No – BOEE rechecks w/renewal
Teacher with permanent professional license	Unclear	yes on new hire	allowed	yes on new hire	yes on new hire	yes on new hire	yes on new hire	Yes: BOEE doesn't do a renewal check, and No: if district did a finger-print and check upon initial hire, then IC 279 exemption applies
Substitute Teacher (either license or authorization)	272.2(17)	must if offered 279 contract, best practice for all	allowed if offered a 279 contract	must if offered a 279 contract	must if offered a 279 contract	must if offered a 279 contract	must if offered a 279 contract	No – BOEE rechecks w/renewal for either sub license or authorization
School Nurse with SPR	272.2(17)	yes if offered a 279 contract	allowed if offered a 279 contract	must if offered a 279 contract	must if offered a 279 contract	must if offered a 279 contract	must if offered a 279 contract	No – BOEE rechecks w/renewal for either sub license or authorization
School Nurse without SPR	279.69	Yes	prohibited	No	yes	yes	Not mandated, but best practice	Yes, every 5 years in anniversary year of employment
Paraprofessional	272.2(17)	Yes		No	yes	yes	Not mandated, but best practice	No – BOEE rechecks w/renewal
Non-teacher Coaches	272.2(17)	Not mandated, but best practice		No	Not mandated, but best practice	Not mandated, but best practice	Not mandated, but best practice	No – BOEE rechecks w/renewal
Bus Driver	321.375	Yes	prohibited	No	yes	yes	Not mandated but best practice	Every 5 years, district does recheck when license is renewed pursuant to 321.375

Position	Iowa Code Section	District Check on Initial Hire	May Charge employee for check	Fingerprint Required	Registry Check Required	Iowa Criminal Court Records	National Criminal History Check	Recheck Mandated
Administrators	272.2(17)	Not Mandated, but best practice		No	Not Mandated, but best practice	Not Mandated, but best practice	Not Mandated, but best practice	No – BOEE rechecks w/renewal
Preschool Teacher	272.2(17), 279.13(1)(b) and DHS rules 441.109.9	Yes	yes	Yes	yes	yes	yes	No – BOEE rechecks w/renewal
All preschool employees other than teachers (<i>If preschool is licensed by DHS</i>) If not licensed by DHS, new requirements and timelines apply.	DHS rules 441.109.9 and 279.69	If answer yes to any of 3 questions if person: is in ratio? direct responsibility for a child? has potential to be alone with a child?	prohibited	Yes: DHS form 595-1396 check must be done on initial hire and fingerprinted every 4 years.	Yes – different intervals if DHS licensed facility.	Yes: Rechecked every two years if PK is a DHS licensed facility.	Yes: Rechecked every four years if PK is a DHS licensed facility.	Every 5 years if person is a district employee and facility isn't licensed by DHS.
School business official or school administration manager*	256.7(30) and 272.2(17)	Not Mandated, but best practice		No	*for those SBO's and SAMs working toward certification, a district-generate background check is recommended.			BOEE rechecks w/renewal
Subcontracted employees/services	272.2(17) may apply	Unclear definition of how "subcontracted employees" differs from subcontracted services. DE is advising schools to contact their attorneys.						
Including, but not limited to: cooks, custodians, secretaries, painters, mechanics, bus monitors, substitute or temporary employees, nurse without SPR	279.69	Yes	prohibited	No	yes	yes	Not mandated but best practice	Every 5 years in anniversary year of employment

Position	Iowa Code Section	District Check on Initial Hire	May Charge employee for check	Fingerprint Required	Registry Check Required	Iowa Criminal Court Records	National Criminal History Check	Recheck Mandated
Volunteers	Not regulated	Not Mandated, but best practice (consider connection to the school and opportunity to be alone with students)	Consider thoughtfully – no law regulates volunteers	No	Not mandated but best practice	Not mandated but best practice	Not mandated but best practice	Not mandated but best practice
Student Teachers	Covered by university prior to practicum experience (and they are not an employee of the district, so no district mandate to investigate)							