



PEI

PROFESSIONAL EDUCATORS OF IOWA



Happy Easter from Professional Educators of Iowa

Dear PEI Supporter,

The entire staff of Professional Educators of Iowa wishes you a Happy Easter. With this holiday so important in our beliefs and heritage we especially hope you enjoy time with your families. The office will be closed April 18 in observance of Good Friday, but will be open again on Monday April 21.

Jim Hawkins, Director



What is going on in our districts? How can the school be demanding that I give them my personal information? Why does the district need to know my driver's license number?

I have been in this district for 15 years and now they are invading my privacy. How is that right?

These are some of the questions that we are receiving from members from varieties of districts. In a nutshell, under Iowa Code section 279.69, the Legislature has closed the gap on the requirement for school district employees to have background checks. The newly passed law requires that all school district employees have a background check conducted in compliance with various Iowa laws by July 1, 2014. This legislation also includes other school employees such as paraprofessionals, cooks, custodians, and administrators who are not licensed with the Board of Educational Examiners. These employees must have a background check upon initially being hired and then every five years on the anniversary date of the employee. The law requires the school district to review information in the [Iowa court information system](#), [the sex offender registry](#), [the child abuse registry](#), and [the central registry for dependent adult abuse](#) for information regarding the applicant. The school district must pay the costs of the checks and maintain documentation of compliance with this law.



Background

Investigations

IA Code 279.69



Here is the law in its entirety.

279.69. School employees--background investigations
Effective: July 1, 2013
[Currentness](#)

[Iowa Code Annotated](#)

[Title VII. Education and Cultural Affairs \[Chs. 256-305B\]](#)

[Subtitle 6. School Districts \[Chs. 273-302\]](#)

[Chapter 279. Directors--Powers and Duties \(Refs & Annos\)](#)

[I.C.A. § 279.69](#)

279.69. School employees--background investigations

Effective: July 1, 2013

[Currentness](#)

<[Text subject to final changes by the Iowa Code Editor for Code Supp. 2013.]>

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](#).

Credits

Added by [Acts 2013 \(85 G.A.\) ch. 140, S.F. 452, § 137](#).

I. C. A. § 279.69, IA ST § 279.69

Current with legislation from the 2013 Reg.Sess

We asked Attorney Jim Gilliam why there seemed to be such a difference in district management of the checking system. Under the code the district has all the information it needs to do a check. Here is Mr. Gilliam's response which we support:

"The statute says the schools must check four databases: The online court records, the child abuse registry, the adult abuse registry and the sex offender registry. The school could do the checks itself without the need for the teacher's signature.

However, most schools are using vendors to do this task for them rather than try to do it themselves. Federal law requires employers who use outside vendors (including schools) to get signed authorization from the employee and provide a complete notice of what databases will be searched. The vendors' attorneys are drafting these releases to include everything imaginable, even if those databases aren't checked. The schools are simply using the releases provided by the vendors when they need something much narrower.

If a teacher wants to limit the consent to only those four areas identified in the statute, they can do so. A school should not threaten discipline if a teacher refuses to provide a broader authorization then is needed. I suggest the teacher simply line through the things they don't want to agree to and sign the document."

JAMES H. GILLIAM

LONG & GILLIAM, AN ASSOCIATION OF SOLE PRACTITIONERS

As the dead line for the background checking grows closer there may be additional issues come forward. Make sure you feel free to consult with us on those details.