

DATE: January 7, 2014
TO: Education Stakeholders
FROM: Duane Magee, Executive Director, Iowa Board of Educational Examiners
SUBJECT: Mandatory Reporting of Ethics Violations Clarification

During the 2012 legislative session, the Iowa Legislature amended Iowa Code section 272.15 regarding mandatory reporting of ethics violations to the Board of Educational Examiners. This amendment was part of House File 2383. The current text of Iowa Code section 272.15 may be accessed here:
<https://www.legis.iowa.gov/docs/ico/section/2013/272.15.pdf>.

The main question that has been asked of the BOEE is what constitutes an “instance of disciplinary action”? After consulting with members of the committee who wrote this bill, the BOEE has determined that the employee discipline that must be reported to the BOEE includes written reprimands, written warnings, job separation agreements, resignations, nonrenewals, or terminations that resulted from employee misconduct covered by the mandatory reporting areas. The mandatory reporting discipline areas are listed below:

(a) Soliciting, encouraging, or consummating a romantic or otherwise inappropriate relationship with a student.

(b) Falsifying student grades, test scores, or other official information or material.

(c) Converting public property or funds to the personal use of the school employee.

The reporting requirement for administrators following nonrenewal or termination due to conduct that, if proven, constitutes a disqualifying criminal offense under Iowa Code section 272.2(14)(b)(1) remains in the statute. Disqualifying criminal offenses include: Forcible felonies including child endangerment, assault, murder, sexual abuse, and kidnapping; sexual abuse offenses, including lascivious acts with a child, assault with intent to commit sexual abuse, indecent contact with a child, sexual exploitation by a counselor or school employee, lascivious conduct with a minor; enticing a minor; human trafficking; incest; dissemination and exhibition of obscene material to minors; and telephone dissemination of obscene material to minors.

Administrators must report any disciplinary action against a BOEE-licensed employee for the behaviors listed above. Section 272.15 identifies the potential consequences for administrators who fail to follow this legislation:

The board may deny a license or revoke the license of an administrator if the board finds by a preponderance of the evidence that the administrator failed to report the termination or resignation of a school employee holding a license, certificate, statement of professional recognition, or coaching authorization, for reasons of alleged or actual misconduct, as defined by this section.

Ethics complaint forms may be obtained from the BOEE by contacting Darcy Lane at darcy.lane@iowa.gov. The BOEE Ethics handout may be accessed at: <http://www.boee.iowa.gov/doc/ethHndot.pdf>

If you have any questions about whether or not a disciplinary action should be reported to the BOEE, please contact me for clarification at Duane.Magee@iowa.gov.