**Iowa Background Check Requirements for Schools**

Iowa law requires a school district to check the background of potential teacher employees before signing the employment contract. Districts are not required to conduct a background investigation of new teachers operating with an initial license since the BOEE conducts the check upon issuing the initial license. Backgrounds of all other teacher applicants, defined as licensed employees with a 279.13 contract, are required to be checked. These teachers include nurses, librarians, speech therapists, in addition to classroom teachers, and do not include substitutes who are not issued a 279.13 contract.

The requirement applies to school districts, AEAs and Community Colleges. There is not, however, a prohibition against checking the backgrounds of all other employees, including administrators. Additionally, Iowa Code section 279.69 requires that all school district employees have a background check conducted in compliance with various Iowa laws by July 1, 2014. That law covers those school employees (part-time, substitutes, or other contract employees) who are not already covered by other statutes. School districts need to do background checks on all non-certified employees, but the fingerprint requirement only applies to teachers under certain circumstances, further explained below. Districts may also consider background checks of volunteers or offer the services of the program to construction and other contractors which might be on school property. If contractors are on school grounds, the school contract with the vendor might require that the employer conduct the background check and is responsible for any damages pursuant to that individual.

**Who has to be checked by the district?** Teacher is defined as a licensed employee (other than one with an initial license) given a 279.13 contract. Substitutes who are not given contracts are not included, but nurses, consultants, librarians, speech therapists, etc. who have the same contracts as teachers are covered. The Board of Educational Examiners conducts the background check for new teachers applying for an initial license, so districts are not required to check beginning teachers’ criminal or registry backgrounds.

**When must the district check?** Before a teaching contract can be signed, the district must first initiate a state criminal history record check, including fingerprinting, through the Division of Criminal Investigation (DCI) of the Iowa Department of Public Safety. The forms and information can be found on the DCI web site at <http://www.dps.state.ia.us/DCI/index.shtml>.

**What other background must be checked?** Districts are required to review the [Iowa sex offender registry](http://www.iowasexoffender.com/), [the Iowa child abuse registry](http://www.dhs.state.ia.us/Consumers/Safety_and_Protection/Abuse_Reporting/ChildAbuse.html), and the [Iowa dependent adult abuse registry.](http://www.dhs.state.ia.us/Consumers/Safety_and_Protection/Abuse_Reporting/DependentAdultAbuse.html) You can either take these steps on your own or contract with a vendor to conduct the searches for you. We recommend districts consider 3rdDegreeScreening, an Iowa based company, as they have electronic interface and tools that understand and support schools. Contact them here <http://www.3rddegreescreening.com/>

**When do employees have to be rechecked?** Iowa Code 279.69 requires that school employees not licensed by the BOEE must have their background rechecked at least every five years. Text of that code section follows below. Teachers are not required by law to have their background rechecked because the BOEE conducts the recheck during the teacher’s licensure renewal. They are not allowed to share the results of the recheck with the employer, so districts may choose to conduct rechecks of teachers, administrators, or anyone else licensed by the BOEE, on the 5-year cycle similar to other employees.

**Additional Background: What the law says:**

During the 2008 legislative session, the law was changed to require DCI fingerprint checks and other background checks. The language is now part of the Iowa Code, found in Chapter [279.13](http://www.legis.iowa.gov/DOCS/ACO/IC/LINC/Section.279.13.pdf) [<http://www.legis.iowa.gov/DOCS/ACO/IC/LINC/Section.279.13.pdf>]

The specific subsection states: 279.13 Contracts with teachers — automatic continuation — initial background investigations.

1. a. Contracts with teachers, which for the purpose of [this section](http://search.legis.state.ia.us/nxt/gateway.dll?f=xhitlist$xhitlist_x=Advanced$xhitlist_vpc=first$xhitlist_vps=1$xhitlist_mh=1$xhitlist_xsl=querylink.xsl$xhitlist_sel=title;path;content-type;home-title;item-bookmark$xhitlist_d=%7bIowaCode%7d$xhitlist_q=%5bfield%20279.13%5d) 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](http://search.legis.state.ia.us/nxt/gateway.dll?f=xhitlist$xhitlist_x=Advanced$xhitlist_vpc=first$xhitlist_vps=1$xhitlist_mh=1$xhitlist_xsl=querylink.xsl$xhitlist_sel=title;path;content-type;home-title;item-bookmark$xhitlist_d=%7bIowaCode%7d$xhitlist_q=%5bfield%20272%5d) , 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](http://search.legis.state.ia.us/nxt/gateway.dll?f=xhitlist$xhitlist_x=Advanced$xhitlist_vpc=first$xhitlist_vps=1$xhitlist_mh=1$xhitlist_xsl=querylink.xsl$xhitlist_sel=title;path;content-type;home-title;item-bookmark$xhitlist_d=%7bIowaCode%7d$xhitlist_q=%5bfield%20692A.121%5d) available to the general public, the central registry for child abuse information established under section [235A.14](http://search.legis.state.ia.us/nxt/gateway.dll?f=xhitlist$xhitlist_x=Advanced$xhitlist_vpc=first$xhitlist_vps=1$xhitlist_mh=1$xhitlist_xsl=querylink.xsl$xhitlist_sel=title;path;content-type;home-title;item-bookmark$xhitlist_d=%7bIowaCode%7d$xhitlist_q=%5bfield%20235A.14%5d) , and the central registry for dependent adult abuse information established under section [235B.5](http://search.legis.state.ia.us/nxt/gateway.dll?f=xhitlist$xhitlist_x=Advanced$xhitlist_vpc=first$xhitlist_vps=1$xhitlist_mh=1$xhitlist_xsl=querylink.xsl$xhitlist_sel=title;path;content-type;home-title;item-bookmark$xhitlist_d=%7bIowaCode%7d$xhitlist_q=%5bfield%20235B.5%5d) for information regarding the applicant for employment as a teacher.

 (2) The school district may charge the applicant a fee not to exceed the actual cost charged the school district for the state and national criminal history checks and registry checks conducted pursuant to subparagraph (1).

**In 2013, the Legislature mandated background checks for all other employees:**

**Iowa Code** [**279.69**](https://www.legis.iowa.gov/docs/code/279.69.pdf) **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. 2013 Acts, ch 140, §137 Referred to in §273.3

**Bus Driver Background Check Requirements** Iowa Code [321.375](https://www.legis.iowa.gov/docs/code/321.375.pdf) (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 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

**Child Care Providers:** DHS regulations regarding child care centers (and some public school preschools are colocated or run by DHS licensed child care centers) require a background check of employees every 2 years and a fingerprint check every 4 years.  Here's the page with the DHS regulation <http://dhs.iowa.gov/childcare/provider-record-checks>

### **Licensure Background Check:** **powered by**[**NASDTEC**](http://www.nasdtec.net/?page=About) **now a member benefit of RSAI**

Local Education Agency (LEA) access was approved by the NASDTEC membership on June 30, 2016. LEAs (public and private) can now access information in the Clearinghouse records. LEAS will have an online lookup page and can access information through a dedicated secure FTP download. The rationale for having access is related to the need for schools and school districts to confirm that all staff, certified and non-certified, are safe to practice.  Given that all educator misconduct cases don't result in criminal cases that are reported through typical background checks, every district needs to practice due diligence by checking every employee against the NASDTEC Clearinghouse.

Clearinghouse members report the status of the action taken (i.e. certificate/license denied or invalidated annulled, revoked, suspended, and/or voluntarily surrendered) and the nature of the denial/invalidation. Reasons for action vary depending on the laws and regulations of the reporting member state or jurisdiction. The type of action reported can range from violent felonies to sexual misconduct to illegal use of controlled substances; from breach of contract to incompetence.