

# **ARC 6395B**

## **EDUCATIONAL EXAMINERS**

### **BOARD[282]**

#### **Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 272.2, the Board of Educational Examiners hereby gives Notice of Intended Action to amend Chapter 25, "Code of Professional Conduct and Ethics," Iowa Administrative Code.

The following amendment to subrule 25.3(6) reflects changes made in legislation to Iowa Code section 272.15 as amended by 2007 Iowa Acts, Senate File 588, section 33, and 2007 Iowa Acts, Senate File 588, section 35. The statute has been amended to expand the scope of professional conduct and ethics. Teachers and administrators will now be required to report when there have been assignments that do

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not match licensure and also when teachers are teaching without the appropriate endorsements.

A waiver provision is not included. The Board has adopted a uniform waiver rule.

Any interested party or persons may present their views either orally or in writing at the public hearing that will be held Wednesday, November 28, 2007, at 1 p.m. in Room 3 Southwest, Third Floor, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa.

At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendment. Persons who wish to make oral presentations at the public hearing may contact the Executive Director, Board of Educational Examiners, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa 50319-0147, or at (515)281-5849, prior to the date of the public hearing.

Any person who intends to attend the public hearing and requires special accommodations for specific needs, such as a sign language interpreter, should contact the office of the Executive Director at (515)281-5849.

Any interested person may make written comments or suggestions on the proposed amendment before 4 p.m. on Friday, November 30, 2007. Written comments and suggestions should be addressed to Marcia J. Henderson, Board Secretary, Board of Educational Examiners, at the above address, or sent by E-mail to [marcia.henderson@iowa.gov](mailto:marcia.henderson@iowa.gov), or by fax to (515)281-7669.

This amendment is intended to implement Iowa Code section 272.15 as amended by 2007 Iowa Acts, Senate File 588, section 33, and 2007 Iowa Acts, Senate File 588, section 35.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendment is proposed.

Amend subrule **25.3(6)** as follows:

Amend paragraph "**o**" as follows:

o. Performing services beyond the authorized scope of practice for which the individual is licensed or prepared *or performing services without holding a valid license.*

Adopt **new** paragraphs "**p,**" "**q,**" and "**r**" as follows:

p. Falsifying, forging, or altering a license issued by the board.

q. Failure of the practitioner holding a contract under Iowa Code section 279.13 to disclose to the school official responsible for determining assignments a teaching assignment for which the practitioner is not properly licensed.

r. Failure of a school official responsible for assigning licensed practitioners holding contracts under Iowa Code section 279.13 to adjust an assignment if the practitioner discloses to the official that the practitioner is not properly licensed for an assignment.