



STATE OF IOWA • DEPARTMENT OF PUBLIC INSTRUCTION

GRIMES STATE OFFICE BUILDING • DES MOINES, IOWA 50319

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DECLARATORY RULING #23
(Cite as 1 D.P.I. Dec. Rul. 49)

July 21, 1978

Mr. John A. Bohy, Business Manager
Bellevue Community School District
R. R. 1
Bellevue, Iowa 50231

Dear Mr. Bohy:

Your request for a Declaratory Ruling on behalf of the Bellevue Community School District was filed in my office on May 31, 1978. In your request you raise three questions regarding renewal of teacher certification. The text of those questions is as follows:

1. Does any teacher meeting the qualifications of section 294.2 have to meet the human relations requirements?
2. Does a teacher meeting the qualifications of section 294.2 have to meet the requirement of six hours of additional credit every ten years?
3. If the answers to the above are in the "affirmative" could we be directed to that section of the Code pertaining in clarifying these questions to our interested teachers.

The text of Section 294.2, The Code 1977, is as follows:

294.2 Experience in teaching recognized. No regulations or orders by the state superintendent of public instruction or the board of educational examiners with reference to the qualifications of teachers, in regard to having taken certain high school or collegiate courses or teachers training courses, shall be retroactive so as to apply to any teacher who has had at least three years' successful experience in teaching; and no teacher once approved for teaching in any kind of school shall be prevented by such regulations or orders from continuing to teach in the same kind of school for which he has previously been approved; provided, however, that this section shall not be construed as limiting the duties or powers of any school board in the selection of teachers, or in the dismissal of teachers for inefficiency or for any legal cause.

After reviewing Section 294.2 and other pertinent legal sources, I have concluded that I must respond to questions one and two in the affirmative. Provisions for the completion of six hours additional credit and human relations training are requirements of rules of this Department regarding renewal of certificates, and I see no conflict between those rules and Section 294.2. Section 294.2 prohibits the retroactive application of rules of this Department regarding certification. All rules regarding renewal of teacher certification are applied prospectively, not retroactively. A recent Iowa Attorney General's Opinion, (Nolan to Benton, 7-14-77) ruled that holders of permanent professional certificates could not be required to take additional course work to meet the recently established human relations requirement. This is obviously true because holders of permanent professional certificates are not required to renew them on a regular basis as is required of any other types of teaching certificate.

I am certain that the Iowa legislature did not intend to preclude the renewal of teacher certificates through the enactment of Section 294.2. That Section first appeared in the Code in 1924. Also appearing in the Code for the first time in 1924 were Sections 260.11 and 260.13 which discuss various types of certificate tenure and renewal. Section 260.21 originally appeared in the Code at the same time as Sections 292.4, 260.11 and 260.13 and authorizes the charging of a fee for renewal of teacher certificates. Section 260.12 first appeared in the 1935 Code and discusses types of certificates and their renewal period.

The specific terms of Sections 260.11 through 260.13 have been largely superseded by the State Board of Public Instruction's specific rule-making authority found in Section 257.10, subsection 11. That subsection was enacted in 1953 and its terms read as follows:

257.10 Specific powers and duties. It shall be the responsibility of the state board to exercise the following specific powers and perform the following duties: . . .

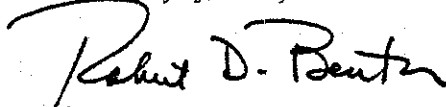
11. Constitute the board for the certification of administrative, supervisory and instructional personnel for the public school systems of the state; prescribe types and classes of certificates to be issued, the subjects and fields and positions which such certificates shall cover and determine the requirements for certificates; establish standards for the acceptance of degrees, credits, courses, and other evidences of training and preparation from institutions of higher learning, junior colleges, normal schools, or other training institutions, both public and private, within or without the state, for the certification of their students. The state board shall have and exercise all the powers and perform all the duties imposed upon the board of educational examiners under the provisions of chapter 270. The minimum requirements for awarding a permanent professional certificate shall be:

1. A professional certificate,
2. Four years of successful teaching experience, and
3. A master's degree or a professional degree beyond the baccalaureate degree.

July 21, 1978

As you can readily see, Section 257.10, subsection 11, grants broad authority to the State Board regarding certification of professional educators in the State of Iowa. That authority has been exercised, in part, through the creation of classes of certificates which are valid for set terms and must, therefore, be renewed on a regular basis. Six hours of additional credit and the human relations requirement of Departmental Rule 670--13.18(2), Iowa Administrative Code, are two of the prerequisites for the renewal of many classes of teaching certificates.

Sincerely yours,



Robert D. Benton, Ed.D.

State Superintendent of Public Instruction

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