



IOWA ADMINISTRATIVE BULLETIN

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Pages 371 to 440

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PREFACE

The Iowa Administrative Bulletin is published biweekly pursuant to Iowa Code chapters 2B and 17A and contains Notices of Intended Action and rules adopted by state agencies.

It also contains Proclamations and Executive Orders of the Governor which are general and permanent in nature; Regulatory Analyses; effective date delays and objections filed by the Administrative Rules Review Committee; Agenda for monthly Administrative Rules Review Committee meetings; and other materials deemed fitting and proper by the Administrative Rules Review Committee.

The Bulletin may also contain public funds interest rates [12C.6]; usury rates [535.2(3)“a”]; agricultural credit corporation maximum loan rates [535.12]; and other items required by statute to be published in the Bulletin.

PLEASE NOTE: Underscore indicates new material added to existing rules; ~~strike-through~~ indicates deleted material.

JACK EWING, Administrative Code Editor
Publications Editing Office (Administrative Code)

Telephone: (515)281-6048
Telephone: (515)281-3355

Email: Jack.Ewing@legis.iowa.gov
Email: AdminCode@legis.iowa.gov

CITATION of Administrative Rules

The Iowa Administrative Code shall be cited as (agency identification number) IAC (chapter, rule, subrule, paragraph, subparagraph, or numbered paragraph).

This citation format applies only to external citations to the Iowa Administrative Code or Iowa Administrative Bulletin and does not apply to citations within the Iowa Administrative Code or Iowa Administrative Bulletin.

441 IAC 79	(Chapter)
441 IAC 79.1	(Rule)
441 IAC 79.1(1)	(Subrule)
441 IAC 79.1(1)“a”	(Paragraph)
441 IAC 79.1(1)“a”(1)	(Subparagraph)
441 IAC 79.1(1)“a”(1)“1”	(Numbered paragraph)

The Iowa Administrative Bulletin shall be cited as IAB (volume), (number), (publication date), (page number), (ARC number).

IAB Vol. XII, No. 23 (5/16/90) p. 2050, ARC 872A

NOTE: In accordance with Iowa Code section 2B.5A, a rule number within the Iowa Administrative Code includes a reference to the statute which the rule is intended to implement: 441—79.1(249A).

Schedule for Rule Making 2020

NOTICE† SUBMISSION DEADLINE	NOTICE PUB. DATE	HEARING OR COMMENTS 20 DAYS	FIRST POSSIBLE ADOPTION DATE 35 DAYS	ADOPTED FILING DEADLINE	ADOPTED PUB. DATE	FIRST POSSIBLE EFFECTIVE DATE	POSSIBLE EXPIRATION OF NOTICE 180 DAYS
Dec. 26 '19	Jan. 15 '20	Feb. 4 '20	Feb. 19 '20	Feb. 21 '20	Mar. 11 '20	Apr. 15 '20	July 13 '20
Jan. 8	Jan. 29	Feb. 18	Mar. 4	Mar. 6	Mar. 25	Apr. 29	July 27
Jan. 24	Feb. 12	Mar. 3	Mar. 18	Mar. 20	Apr. 8	May 13	Aug. 10
Feb. 7	Feb. 26	Mar. 17	Apr. 1	Apr. 3	Apr. 22	May 27	Aug. 24
Feb. 21	Mar. 11	Mar. 31	Apr. 15	Apr. 17	May 6	June 10	Sep. 7
Mar. 6	Mar. 25	Apr. 14	Apr. 29	May 1	May 20	June 24	Sep. 21
Mar. 20	Apr. 8	Apr. 28	May 13	**May 13**	June 3	July 8	Oct. 5
Apr. 3	Apr. 22	May 12	May 27	May 29	June 17	July 22	Oct. 19
Apr. 17	May 6	May 26	June 10	June 12	July 1	Aug. 5	Nov. 2
May 1	May 20	June 9	June 24	**June 24**	July 15	Aug. 19	Nov. 16
May 13	June 3	June 23	July 8	July 10	July 29	Sep. 2	Nov. 30
May 29	June 17	July 7	July 22	July 24	Aug. 12	Sep. 16	Dec. 14
June 12	July 1	July 21	Aug. 5	Aug. 7	Aug. 26	Sep. 30	Dec. 28
June 24	July 15	Aug. 4	Aug. 19	**Aug. 19**	Sep. 9	Oct. 14	Jan. 11 '21
July 10	July 29	Aug. 18	Sep. 2	Sep. 4	Sep. 23	Oct. 28	Jan. 25 '21
July 24	Aug. 12	Sep. 1	Sep. 16	Sep. 18	Oct. 7	Nov. 11	Feb. 8 '21
Aug. 7	Aug. 26	Sep. 15	Sep. 30	Oct. 2	Oct. 21	Nov. 25	Feb. 22 '21
Aug. 19	Sep. 9	Sep. 29	Oct. 14	Oct. 16	Nov. 4	Dec. 9	Mar. 8 '21
Sep. 4	Sep. 23	Oct. 13	Oct. 28	**Oct. 28**	Nov. 18	Dec. 23	Mar. 22 '21
Sep. 18	Oct. 7	Oct. 27	Nov. 11	**Nov. 12**	Dec. 2	Jan. 6 '21	Apr. 5 '21
Oct. 2	Oct. 21	Nov. 10	Nov. 25	Nov. 27	Dec. 16	Jan. 20 '21	Apr. 19 '21
Oct. 16	Nov. 4	Nov. 24	Dec. 9	**Dec. 9**	Dec. 30	Feb. 3 '21	May 3 '21
Oct. 28	Nov. 18	Dec. 8	Dec. 23	**Dec. 23**	Jan. 13 '21	Feb. 17 '21	May 17 '21
Nov. 12	Dec. 2	Dec. 22	Jan. 6 '21	**Jan. 6 '21**	Jan. 27 '21	Mar. 3 '21	May 31 '21
Nov. 27	Dec. 16	Jan. 5 '21	Jan. 20 '21	Jan. 22 '21	Feb. 10 '21	Mar. 17 '21	June 14 '21
Dec. 9	Dec. 30	Jan. 19 '21	Feb. 3 '21	Feb. 5 '21	Feb. 24 '21	Mar. 31 '21	June 28 '21
Dec. 23	Jan. 13 '21	Feb. 2 '21	Feb. 17 '21	Feb. 19 '21	Mar. 10 '21	Apr. 14 '21	July 12 '21

PRINTING SCHEDULE FOR IAB

<u>ISSUE NUMBER</u>	<u>SUBMISSION DEADLINE</u>	<u>ISSUE DATE</u>
7	Friday, September 4, 2020	September 23, 2020
8	Friday, September 18, 2020	October 7, 2020
9	Friday, October 2, 2020	October 21, 2020

PLEASE NOTE:

Rules will not be accepted by the Publications Editing Office after **12 o'clock noon** on the filing deadline unless prior approval has been received from the Administrative Rules Coordinator and the Administrative Code Editor.

If the filing deadline falls on a legal holiday, submissions made on the following Monday will be accepted.

†To allow time for review by the Administrative Rules Coordinator prior to the Notice submission deadline, Notices should generally be submitted in RMS four or more working days in advance of the deadline.

****Note change of filing deadline****

The Administrative Rules Review Committee will hold its regular, statutory meeting on Tuesday, September 8, 2020, at 9 a.m. in Room 103, State Capitol, Des Moines, Iowa. Instructions for telephonic participation have yet to be determined. For more information, contact Jack Ewing at Jack.Ewing@legis.iowa.gov. The following rules will be reviewed:

COLLEGE STUDENT AID COMMISSION[283]

EDUCATION DEPARTMENT[281]“umbrella”

- Loan repayment programs—refinancing eligible loans, loan repayment awards, 14.2(4), 24.2, 26.2 Notice **ARC 5124C** 8/12/20
- Future ready Iowa skilled workforce last-dollar scholarship program—student eligibility, continuous enrollment waiver, receipt of award in semester of credential completion, 15.2, 15.3(1), 15.5(1) Notice **ARC 5125C** 8/12/20
- Loan repayment programs—definition of “service commitment area,” 24.2, 25.2, 26.2 Filed **ARC 5137C**..... 8/12/20
- Rural veterinarian loan repayment program, ch 27 Notice **ARC 5123C**..... 8/12/20

CORRECTIONS DEPARTMENT[201]

- Community-based corrections; OWI program, 40.1, 40.2, 47.1(4), 47.2(3) Notice **ARC 5145C** 8/26/20

ECONOMIC DEVELOPMENT AUTHORITY[261]

- Welcome center program, ch 34 Filed **ARC 5138C** 8/12/20
- Workforce housing tax incentives program, 48.4(1), 48.5 to 48.7 Filed **ARC 5139C** 8/12/20
- Renewable chemical production tax credit program—definition of “building block chemical,” 81.2 Filed **ARC 5140C**..... 8/12/20

EDUCATION DEPARTMENT[281]

- General accreditation standards, rescind 12.10(8) Notice **ARC 5149C**..... 8/26/20
- Funding for children residing in state institutions or mental health institutes—removal of reference to Iowa juvenile home, 34.1, 34.2, 34.4(2), 34.6(3)“d” Notice **ARC 5150C**..... 8/26/20
- Special education—clearing classrooms, 41.320(7) Notice **ARC 5151C** 8/26/20
- Educator preparation program standards, 79.2, 79.14(7)“a,” 79.15(2), 79.16, 79.17, 79.21(2) Notice **ARC 5148C** 8/26/20
- School leadership standards for administrators, 83.10 Notice **ARC 5147C**..... 8/26/20
- Corporal punishment, physical restraint, seclusion, and other physical contact with students, ch 103 Notice **ARC 5146C** 8/26/20

ENVIRONMENTAL PROTECTION COMMISSION[567]

NATURAL RESOURCES DEPARTMENT[561]“umbrella”

- Water quality certification, 61.2 Notice **ARC 5134C** 8/12/20
- NPDES general permit no. 5, 64.15(5) Notice **ARC 5135C** 8/12/20
- NPDES general permit no. 7, 64.15(7) Notice **ARC 5136C** 8/12/20

HUMAN SERVICES DEPARTMENT[441]

- Family-centered services, amend chs 80, 133, 172, 175; rescind ch 186 Notice **ARC 5131C** 8/12/20
- Removal of healthy and well kids in Iowa third-party administrator, amendments to ch 86 Filed **ARC 5141C**..... 8/12/20
- Dependent adult abuse—personal degradation, 176.1, 176.3 Filed **ARC 5142C** 8/12/20
- Foster care placement and services—definition of “case permanency plan,” 202.1 Notice **ARC 5130C**..... 8/12/20

INSURANCE DIVISION[191]

COMMERCE DEPARTMENT[181]“umbrella”

- Licensing—producers, viatical settlement brokers, viatical settlement providers, public adjusters, amendments to chs 10, 48, 55, 58 Amended Notice **ARC 5162C**..... 8/26/20
- Licensing—producers, viatical settlement brokers, viatical settlement providers, public adjusters, amendments to chs 10, 48, 55, 58 Notice **ARC 5129C** 8/12/20

LABOR SERVICES DIVISION[875]

WORKFORCE DEVELOPMENT DEPARTMENT[871]“umbrella”

- Penalties for occupational safety and health citations, 3.11(1) Filed **ARC 5157C** 8/26/20
- Federal occupational safety and health standards—adoption by reference, 4.3(1)“j,” 10.20, 26.1 Filed **ARC 5158C**..... 8/26/20
- Debt collection—technical and conforming changes, amendments to chs 61, 71, 90, 155 Filed **ARC 5159C**..... 8/26/20

MEDICINE BOARD[653]

PUBLIC HEALTH DEPARTMENT[641]"umbrella"

Iowa physician health committee and program, amendments to ch 14 Notice **ARC 5132C**..... 8/12/20
Physician supervision of physician assistants, 21.1, 21.4 Notice **ARC 5133C** 8/12/20**PHARMACY BOARD[657]**

PUBLIC HEALTH DEPARTMENT[641]"umbrella"

Controlled substances, precursor substances, 10.30(2)"g," 10.38(3), 10.39, 10.42, 12.1
Notice **ARC 5155C** 8/26/20**PROFESSIONAL LICENSURE DIVISION[645]**

PUBLIC HEALTH DEPARTMENT[641]"umbrella"

Dietitians—licensure, telehealth visits, 81.4, 81.7, 81.17 Notice **ARC 5156C** 8/26/20
Optometrists—electronic transmission of prescriptions, 182.4(4) Filed **ARC 5160C** 8/26/20
Speech pathologists and audiologists—mandatory child abuse and dependent adult abuse
identification and reporting training, 300.11(4) Filed **ARC 5161C**..... 8/26/20**PUBLIC HEALTH DEPARTMENT[641]**Emergency medical services—providers, training programs, chs 131, 139 Filed **ARC 5143C** 8/12/20
Emergency medical services—service program authorization, ch 132 Filed **ARC 5144C** 8/12/20**PUBLIC SAFETY DEPARTMENT[661]**Standards for electrical work—2020 National Electrical Code (NEC), 504.1, amend ch 504
Notice **ARC 5152C** 8/26/20**REAL ESTATE APPRAISER EXAMINING BOARD[193F]**

Professional Licensing and Regulation Bureau[193]

COMMERCE DEPARTMENT[181]"umbrella"

Comprehensive review of rules, amendments to chs 1, 4 to 7, 9 to 12, 15, 17 Notice **ARC 5126C** 8/12/20**TRANSPORTATION DEPARTMENT[761]**Competition with private enterprise—removal of rest area sponsorship program, 25.2(8)
Notice **ARC 5122C** 8/12/20
Motorized bicycle rider education, 602.2(1), 636.1, 636.2, 636.4 to 636.9 Notice **ARC 5154C** 8/26/20**UTILITIES DIVISION[199]**

COMMERCE DEPARTMENT[181]"umbrella"

Inspection and maintenance plans—annual report, rescind 25.3(2) Notice **ARC 5153C**..... 8/26/20**WORKFORCE DEVELOPMENT DEPARTMENT[871]**Notification of availability of unemployment insurance, 22.19
Notice **ARC 5128C**, also Filed Emergency **ARC 5127C** 8/12/20

ADMINISTRATIVE RULES REVIEW COMMITTEE MEMBERS

Regular, statutory meetings are held the second Tuesday of each month at the seat of government as provided in Iowa Code section 17A.8. A special meeting may be called by the Chair at any place in the state and at any time.

Senator Waylon Brown
109 South Summer Street
St. Ansgar, Iowa 50472

Senator Mark Costello
37265 Rains Avenue
Imogene, Iowa 51645

Senator Robert Hogg
P.O. Box 1361
Cedar Rapids, Iowa 52406

Senator Pam Jochum
2368 Jackson Street
Dubuque, Iowa 52001

Senator Zach Whiting
P.O. Box 385
Spirit Lake, Iowa 51360

Jack Ewing
Administrative Code Editor
Capitol
Des Moines, Iowa 50319
Telephone: (515)281-6048
Fax: (515)281-8451
Email: Jack.Ewing@legis.iowa.gov

Representative Steven Holt
1430 Third Avenue South
Denison, Iowa 51442

Representative Megan Jones
4470 Highway 71
Sioux Rapids, Iowa 50585

Representative Joe Mitchell
Mount Pleasant, Iowa

Representative Amy Nielsen
168 Lockmoor Circle
North Liberty, Iowa 52317

Representative Rick Olson
3012 East 31st Court
Des Moines, Iowa 50317

Sam Langholz
Administrative Rules Coordinator
Governor's Ex Officio Representative
Capitol, Room 18
Des Moines, Iowa 50319
Telephone: (515)281-5211

NOTE: See also the Advisory Notice on page 434.

CORRECTIONS DEPARTMENT[201]

Community-based corrections; OWI program, 40.1, 40.2, 47.1(4), 47.2(3) IAB 8/26/20 ARC 5145C	Jessie Parker Building 510 East 12th St. Des Moines, Iowa	September 15, 2020 11 a.m. to 1 p.m.
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EDUCATION DEPARTMENT[281]

General accreditation standards, rescind 12.10(8) IAB 8/26/20 ARC 5149C	State Board Room, Second Floor Grimes State Office Bldg. Des Moines, Iowa Via video conference: idoe.zoom.us/j/98138678227?pwd=NE11VUVIdEtTd29QbnlsaVhhdytXZz09	September 15, 2020 2 to 2:15 p.m.
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Funding for children residing in state institutions or mental health institutes—removal of reference to Iowa juvenile home, 34.1, 34.2, 34.4(2), 34.6(3)“d” IAB 8/26/20 ARC 5150C	State Board Room, Second Floor Grimes State Office Bldg. Des Moines, Iowa Via video conference: idoe.zoom.us/j/98138678227?pwd=NE11VUVIdEtTd29QbnlsaVhhdytXZz09	September 15, 2020 2:15 to 2:30 p.m.
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Special education—clearing classrooms, 41.320(7) IAB 8/26/20 ARC 5151C	State Board Room, Second Floor Grimes State Office Bldg. Des Moines, Iowa Via video conference: idoe.zoom.us/j/98138678227?pwd=NE11VUVIdEtTd29QbnlsaVhhdytXZz09	September 15, 2020 3 to 4 p.m.
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Educator preparation program standards, 79.2, 79.14(7)“a,” 79.15(2), 79.16, 79.17, 79.21(2) IAB 8/26/20 ARC 5148C	State Board Room, Second Floor Grimes State Office Bldg. Des Moines, Iowa Via video conference: idoe.zoom.us/j/98138678227?pwd=NE11VUVIdEtTd29QbnlsaVhhdytXZz09	September 15, 2020 4 to 4:30 p.m.
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School leadership standards for administrators, 83.10 IAB 8/26/20 ARC 5147C	State Board Room, Second Floor Grimes State Office Bldg. Des Moines, Iowa Via video conference: idoe.zoom.us/j/98138678227?pwd=NE11VUVIdEtTd29QbnlsaVhhdytXZz09	September 15, 2020 2:30 p.m.
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Corporal punishment, physical restraint, seclusion, and other physical contact with students, ch 103 IAB 8/26/20 ARC 5146C	State Board Room, Second Floor Grimes State Office Bldg. Des Moines, Iowa Via video conference: idoe.zoom.us/j/98138678227?pwd=NE11VUVIdEtTd29QbnlsaVhhdytXZz09	September 15, 2020 3 to 4 p.m.
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ENVIRONMENTAL PROTECTION COMMISSION[567]

Water quality certification, 61.2 IAB 8/12/20 ARC 5134C	Via video/conference call Contact Christine Schwake Email: christine.schwake@dnr.iowa.gov	September 8, 2020 3 to 4 p.m.
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NPDES general permit no. 5, 64.15(5) IAB 8/12/20 ARC 5135C	Via video/conference call Contact David Schelling Email: david.schelling@dnr.iowa.gov	September 2, 2020 2 to 3 p.m.
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ENVIRONMENTAL PROTECTION COMMISSION[567](cont'd)

NPDES general permit no. 7,
64.15(7)
IAB 8/12/20 **ARC 5136C**

Via video/conference call
Contact Melinda McCoy
Email: melinda.mccoy@dnr.iowa.gov

September 1, 2020
2 to 3 p.m.

INSURANCE DIVISION[191]

Licensing—producers, viatical
settlement brokers, viatical
settlement providers, public
adjusters, amendments to chs
10, 48, 55, 58
IAB 8/26/20 **ARC 5162C**

Via conference call
Contact Tracy Swalwell
Email: tracy.swalwell@iid.iowa.gov

September 15, 2020
10 a.m.

MEDICINE BOARD[653]

Iowa physician health committee
and program, amendments to ch
14
IAB 8/12/20 **ARC 5132C**

Via Google Meet:
meet.google.com/teb-xwca-kgk
Via phone: +1 305.912.3978
PIN: 639 231 381#
Mute phones or microphones upon entering
the meeting

September 2, 2020
1 to 2 p.m.

Physician supervision of
physician assistants, 21.1,
21.4
IAB 8/12/20 **ARC 5133C**

Via Google Meet:
meet.google.com/zpn-yudi-jvb
Via phone: +1 502.382.4450
PIN: 756 685 379#
Mute phones or microphones upon entering
the meeting

September 2, 2020
2 to 3 p.m.

PROFESSIONAL LICENSURE DIVISION[645]

Dietitians—licensure, telehealth
visits, 81.4, 81.7, 81.17
IAB 8/26/20 **ARC 5156C**

Fifth Floor Board Conference Room 526
Lucas State Office Bldg.
Des Moines, Iowa

September 15, 2020
1 to 1:30 p.m.

PUBLIC SAFETY DEPARTMENT[661]

Standards for electrical
work—2020 National Electrical
Code (NEC), 504.1, amend ch
504
IAB 8/26/20 **ARC 5152C**

First Floor Public Conference Room 125
Oran Pape State Office Bldg.
Des Moines, Iowa

September 17, 2020
10 a.m.

REAL ESTATE APPRAISER EXAMINING BOARD[193F]

Comprehensive review of rules,
amendments to chs 1, 4 to 7, 9
to 12, 15, 17
IAB 8/12/20 **ARC 5126C**

Small Conference Room, Third Floor
200 E. Grand Ave.
Des Moines, Iowa

September 1, 2020
10 to 11 a.m.

TRANSPORTATION DEPARTMENT[761]

Competition with private
enterprise—removal of rest
area sponsorship program,
25.2(8)
IAB 8/12/20 **ARC 5122C**

Via conference call
Contact Tracy George
Email: tracy.george@iowadot.us

September 3, 2020
10 to 11 a.m.
(If requested)

Motorized bicycle rider education,
602.2(1), 636.1, 636.2, 636.4 to
636.9
IAB 8/26/20 **ARC 5154C**

Via conference call
Contact Tracy George
Email: tracy.george@iowadot.us

September 17, 2020
10 to 11 a.m.
(If requested)

UTILITIES DIVISION[199]

Rate cases, tariffs, and
rate-regulation election practice
and procedure, ch 26
IAB 7/29/20 **ARC 5107C**

Board Hearing Room
1375 E. Court Ave.
Des Moines, Iowa

October 20, 2020
9 a.m. to 12 noon

The following list will be updated as changes occur.

“Umbrella” agencies and elected officials are set out below at the left-hand margin in CAPITAL letters.

Divisions (boards, commissions, etc.) are indented and set out in lowercase type under their statutory “umbrellas.”

Other autonomous agencies are included alphabetically in SMALL CAPITALS at the left-hand margin.

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Building Resilient Infrastructure and Communities (BRIC) 2020

AGENCY	PROGRAM	ELIGIBLE APPLICANTS	TYPES OF PROJECTS
<p>Iowa Department of Homeland Security and Emergency Management (HSEMD)</p>	<p>Building Resilient Infrastructure and Communities (BRIC) Grant for Fiscal Year (FY) 2020 Authorized by §203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), 42 U.S.C. 5133, as implemented by Hazard Mitigation Assistance: Building Resilient Infrastructure and Communities.</p> <p>The BRIC program seeks to reduce damages and the loss of life and property from natural hazards through the development and implementation of mitigation actions.</p>	<ul style="list-style-type: none"> • State Agencies and Local Governments. • Federally recognized Indian Tribal governments, to include state recognized Indian Tribes, and Authorized Tribal Organizations. • Private non-profit organizations are not eligible to apply as sub-applicants; however, they may request a local government to submit an application for their proposed activity on their behalf. • All applicants must be participating in the NFIP if they have been identified as having a Special Flood Hazard Area. The Community must not be on probation, suspended or withdrawn from the NFIP. • All applicants for a project grant MUST have a FEMA-approved local hazard mitigation plan. <p>To learn more about the BRIC program, use the following link on HSEMD's website: www.fema.gov/grants/mitigation/building-resilient-infrastructure-communities</p> <p>Applicants must complete an application through FEMA's Grants Outcomes System (FEMA GO). Applications must be submitted for State review via e-grants by December 31, 2020. To learn more about the FEMA GO system use the following link:</p> <p style="text-align: center;">go.fema.gov/</p> <p>For additional information please contact:</p> <p style="text-align: center;">Aimee Bartlett 515-725-9364</p> <p style="text-align: center;">Iowa Homeland Security and Emergency Management Department 7900 Hickman Road; Suite 500 Windsor Heights, IA 50324</p> <p style="text-align: center;">TECHNICAL ASSISTANCE HELP DESK:</p> <p style="text-align: center;">Phone: (877) 611-4700 (toll free) E-mail: femago@fema.dhs.gov bchelp@fema.dhs.gov</p>	<p>Eligible Project Activities</p> <p>Mitigation projects must focus on natural hazards. Examples include (but not limited to):</p> <ul style="list-style-type: none"> • Acquisition or relocation of hazard-prone property for conversion to open space in perpetuity; • Construction of safe rooms (tornado and severe wind shelters); • Structural and non-structural retrofitting (e.g., storm shutters, hurricane clips, bracing systems) of existing structures to meet or exceed applicable building codes relative to hazard mitigation; • Hydrologic and hydraulic studies/analyses, engineering studies, and drainage studies for the purpose of project design and feasibility in conjunction with a project; • Protective measures for utilities; water and sanitary sewer systems and/or infrastructure; • Storm water management projects (e.g., culverts, floodgates, retention basins) to reduce or eliminate long-term risk from flood hazards; and • Localized flood control projects, such as certain ring levees and floodwall systems, that are designed specifically to protect critical facilities and do not constitute a section of a larger flood control system. <p>Planning Application</p> <p>The outcome of a mitigation planning grant award must be a FEMA-approved hazard mitigation plan that complies with the requirements of 44 CFR Part 201. The planning grant deliverable can be a new hazard mitigation plan or an update of an already FEMA-approved hazard mitigation plan.</p> <p>PROJECT TECHNICAL ASSISTANCE:</p> <p>Technical assistance for Engineering Feasibility, Benefit-Cost Analysis and Environmental/Historic Preservation compliance is available through FEMA.</p>

Flood Mitigation Assistance (FMA) 2020

AGENCY	PROGRAM	ELIGIBLE APPLICANTS	TYPES OF PROJECT
Iowa Homeland Security and Emergency Management Department (HSEMD)	<p>Flood Mitigation Assistance Competitive (FMA) Grant for Fiscal Year (FY) 2020</p> <p>Authorized by Section 1366 of the National Flood Insurance Act of 1968 as amended (Pub. L. No. 90-448) (42 U.S.C. §4104c).</p>	<ul style="list-style-type: none"> • State Agencies and Local Governments. • Federally recognized Indian Tribal governments, to include state recognized Indian Tribes, and Authorized Tribal Organizations. • Private non-profit organizations are not eligible to apply as sub-applicants; however, they may request a local government to submit an application for their proposed activity on their behalf. • All applicants must be participating in the NFIP if they have been identified as having a Special Flood Hazard Area. The Community must not be on probation, suspended or withdrawn from the NFIP. • All applicants for a project grant MUST have a FEMA-approved local hazard mitigation plan. <p>To learn more about the FMA program, use the following link on HSEMD's website: www.fema.gov/grants/mitigation/floods</p> <p>Applicants must complete an application through FEMA's Grants Outcomes System (FEMA GO). Applications must be submitted for State review via e-grants by December 31, 2020. To learn more about the FEMA GO system use the following link:</p> <p style="text-align: center;">go.fema.gov</p> <p style="text-align: center;">For additional information, please contact:</p> <p style="text-align: center;">Aimee Bartlett 515-725-9364</p> <p style="text-align: center;">Iowa Homeland Security and Emergency Management Department 7900 Hickman Road Windsor Heights, Iowa 50324</p> <p style="text-align: center;">FEMA TECHNICAL ASSISTANCE HELP DESK: Phone: (877) 611-4700 (toll free) E-mail: femago@fema.dhs.gov bchelpline@dhs.gov</p>	<p>Eligible Project Activities</p> <p>Mitigation projects must focus on natural hazards. Examples include (but not limited to):</p> <ul style="list-style-type: none"> • Acquisition or relocation of hazard-prone property for conversion to open space in perpetuity; • Structural and non-structural retrofitting (e.g., storm shutters, hurricane clips, bracing systems) of existing structures to meet or exceed applicable building codes relative to hazard mitigation; • Hydrologic and hydraulic studies/analyses, engineering studies, and drainage studies for the purpose of project design and feasibility in conjunction with a project; • Protective measures for utilities; water and sanitary sewer systems and/or infrastructure; • Storm water management projects (e.g., culverts, floodgates, retention basins) to reduce or eliminate long-term risk from flood hazards; and • Localized flood control projects, such as certain ring levees and floodwall systems, that are designed specifically to protect critical facilities and do not constitute a section of a larger flood control system. <p>Planning Application</p> <p>The outcome of a mitigation planning grant award must be a FEMA-approved hazard mitigation plan that complies with the requirements of 44 CFR Part 201. The planning grant deliverable can be a new hazard mitigation plan or an update of an already FEMA-approved hazard mitigation plan.</p> <p>PROJECT TECHNICAL ASSISTANCE: Technical assistance for Engineering Feasibility, Benefit-Cost Analysis and Environmental/Historic Preservation compliance is available through FEMA.</p>

ARC 5145C

CORRECTIONS DEPARTMENT[201]

Notice of Intended Action

Proposing rule making related to community-based corrections and OWI programs and providing an opportunity for public comment

The Corrections Department hereby proposes to amend Chapter 40, “Community-Based Corrections Administration,” and Chapter 47, “OWI Programs,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 904.108 and 905.7.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 904.513 and 905.8.

Purpose and Summary

The proposed amendments to Chapter 40 change the time frame from two years to five years for the Department review of a district community-based correctional program. This rule making provides for follow-up on areas designated as needing improvement based on corrective action plans, which may be conducted at any time during the five-year interim. This will allow the Department to do a more thorough review and follow-up on the district’s community-based correctional program corrective action plan.

The proposed amendments to Chapter 47 make a conforming change to align the Department’s rules with the Iowa Code regarding placement for operating while intoxicated (OWI) violators sentenced to the custody of the Department but awaiting placement in a community residential substance abuse program. The Iowa Code requires OWI violators to be placed in a prison substance abuse program within 60 days of admission or as soon as practical, unlike the current administrative rule language, which uses the date of sentencing.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 201—Chapter 7.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on September 15, 2020. Comments should be directed to:

CORRECTIONS DEPARTMENT[201](cont'd)

Michael Savala
 Department of Corrections
 Jessie Parker Building
 510 East 12th Street
 Des Moines, Iowa 50319
 Email: michael.savala@iowa.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

September 15, 2020
 11 a.m. to 1 p.m.

Jessie Parker Building
 510 East 12th Street
 Des Moines, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule ~~201~~**40.1(905)**, definitions of "Ongoing site visits" and "Team review," as follows:

"Ongoing site visits" ~~shall mean~~ means any visit by the deputy director, the deputy director's designee or representatives of the office of the state auditor which shall be to assure continuing compliance with the Code of Iowa and the Iowa Administrative Code or to follow up on areas designated as needing improvement based on corrective action plans from the previous accreditation review period, and which may be conducted at any time during the ~~two-year~~ five-year interim following the most recent team review.

"Team review" ~~shall mean~~ means a ~~biennial~~ five-year review of overall program, policies and procedures for compliance with the Code of Iowa and the Iowa Administrative Code by one or more persons designated by the deputy director.

ITEM 2. Amend subrule 40.2(2) as follows:

40.2(2) The deputy director shall conduct or assign staff the responsibility to conduct the ~~biennial~~ five-year team review for accreditation purposes.

ITEM 3. Amend subrule 40.2(3) as follows:

40.2(3) The deputy director shall make or assign staff to make ongoing site ~~reviews~~ visits during the ~~two-year~~ five-year interim following the most recent team review in order to follow up on areas designated as needing improvement based on corrective action plans from the previous accreditation review period.

ITEM 4. Amend subrule 40.2(4) as follows:

40.2(4) The ~~biennial~~ five-year team review shall include a complete review of the following:
 a. and b. No change.

CORRECTIONS DEPARTMENT[201](cont'd)

c. Programs mandated by the Code of Iowa and any special programs approved by the department of corrections. Programs shall comply with program-specific standards developed and approved by the department of corrections with collaborative input from the judicial districts and other affected stakeholders, i.e., domestic abuse, and sex offender treatment, and intensive supervision program.

d. No change.

e. Any regular or special evaluations of the services provided by the district department.

The ~~biennial~~ five-year team review shall be conducted as provided in the “accreditation standards for community-based corrections” and any program-specific standards, which shall be open for public inspection at the offices of the department of corrections. A proposed draft of these standards will be made available to the districts 180 days prior to the ~~biennial~~ five-year team review. The accreditation and program-specific final standards, and any changes in the standards, shall be made available to the district departments at least 90 days before the ~~biennial~~ five-year team review.

ITEM 5. Amend subrule 40.2(5) as follows:

40.2(5) The results of any ~~biennial~~ five-year team review will be reported to the deputy director, who shall review the results, and when a district is in adequate compliance with the Code of Iowa, the Iowa Administrative Code and the accreditation standards, the deputy director shall issue a certificate of accreditation for the following ~~two~~ five years. When a district is not in adequate compliance as provided in the accreditation standards, the deputy director will notify the chairperson of the district board and the district director of the specific deficiencies and allowable time frames for correcting the deficiencies. At the end of the period of time for bringing the deficiencies into compliance, the deputy director shall award a certificate of accreditation or shall notify the district board and proceed as provided in Iowa Code section 905.9.

ITEM 6. Amend subrule 40.2(6) as follows:

40.2(6) The ongoing site review shall include periodic assessments of the district departments and its programs as set out in 40.2(4) and shall be designed to provide evidence of continuing compliance. If at any time during the ~~two-year~~ five-year period, following the most recent team reviews, the deputy director, through information gathered in ongoing site reviews, concludes that the district department is no longer in adequate compliance may conduct or order an interim team review. If in the team review the evidence indicates serious noncompliance, the deputy director may proceed as provided in 40.2(5).

ITEM 7. Amend subrule 47.1(4) as follows:

47.1(4) All facilities and programs operated pursuant to this chapter shall be reviewed for approval by the department of corrections initially and ~~biennially~~ every five years thereafter. A district department which fails to maintain compliance with this chapter shall be subject to the provisions of Iowa Code section 905.9.

ITEM 8. Amend subrule 47.2(3) as follows:

47.2(3) Priority for placement in the treatment program shall be based on the date of ~~sentence~~ institution admission unless an exception is made by the department of corrections or district department for special circumstances.

ARC 5149C

EDUCATION DEPARTMENT[281]

Notice of Intended Action

Proposing rule making related to general accreditation standards and providing an opportunity for public comment

The State Board of Education hereby proposes to amend Chapter 12, “General Accreditation Standards,” Iowa Administrative Code.

EDUCATION DEPARTMENT[281](cont'd)

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 256.7(27).

State or Federal Law Implemented

This rule making implements, in whole or in part, 2016 Iowa Acts, House File 2459.

Purpose and Summary

This technical amendment removes the sunset provision from the rule on independent accreditation agencies, which was stricken by 2016 Iowa Acts, House File 2459, section 15. Prior to the enactment of House File 2459, the provision on independent accreditation agencies was due to expire on July 1, 2020. This technical amendment removes that sunset provision from rule.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

This rule provision is required by statute and is not waivable.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on September 15, 2020. Comments should be directed to:

Thomas Mayes
Department of Education
Grimes State Office Building, Second Floor
400 East 14th Street
Des Moines, Iowa 50319-0416
Phone: 515.242.5614
Fax: 515.242.5988
Email: thomas.mayes@iowa.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held in person and via video conference as follows:

September 15, 2020
2 to 2:15 p.m.

State Board Room, Second Floor
Grimes State Office Building
Des Moines, Iowa
Via video conference:
idoe.zoom.us/j/98138678227?pwd=NE11VUVVIdEtTd29QbnlsaVhhdytXZz09

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

EDUCATION DEPARTMENT[281](cont'd)

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs by calling 515.281.5294.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

Rescind and reserve subrule **12.10(8)**.

ARC 5150C

EDUCATION DEPARTMENT[281]

Notice of Intended Action

Proposing rule making related to funding for children residing in state institutions or mental health institutes and providing an opportunity for public comment

The State Board of Education hereby proposes to amend Chapter 34, "Funding for Children Residing in State Institutions or Mental Health Institutes," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 256.7(27).

State or Federal Law Implemented

This rule making implements, in whole or in part, 2019 Iowa Acts, House File 421.

Purpose and Summary

These technical amendments remove obsolete references to the Iowa Juvenile Home, as required by 2019 Iowa Acts, House File 421.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

By statute, no waiver is possible or permitted.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on September 15, 2020. Comments should be directed to:

EDUCATION DEPARTMENT[281](cont'd)

Thomas Mayes
 Department of Education
 Grimes State Office Building, Second Floor
 400 East 14th Street
 Des Moines, Iowa 50319-0416
 Phone: 515.242.5614
 Fax: 515.242.5988
 Email: thomas.mayes@iowa.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held in person and via video conference as follows:

September 15, 2020
 2:15 to 2:30 p.m.

State Board Room, Second Floor
 Grimes State Office Building
 Des Moines, Iowa
 Via video conference
idoe.zoom.us/j/98138678227?pwd=NE11VUVldEtTd29QbnlsaVhhdytXZz09

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs by calling 515.281.5295.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule 281—34.1(218) as follows:

281—34.1(218) Scope. These rules apply to the funding and provision of appropriate educational services to children residing in the following institutions under the jurisdiction of the director of human services: the Mental Health Institute, Cherokee, Iowa; the Mental Health Institute, Independence, Iowa; and the State Training School, Eldora, Iowa; ~~and the Iowa Juvenile Home, Toledo, Iowa.~~

ITEM 2. Amend rule **281—34.2(218)**, definition of "Institution," as follows:

"*Institution*" means the Mental Health Institute, Cherokee, Iowa; the Mental Health Institute, Independence, Iowa; and the State Training School, Eldora, Iowa; ~~and the Iowa Juvenile Home, Toledo, Iowa.~~

ITEM 3. Amend subrule 34.4(2) as follows:

34.4(2) ~~Students served at the State Training School at Eldora and the Iowa Juvenile Home at Toledo.~~ The State Training School at Eldora ~~and the Iowa Juvenile Home at Toledo~~ shall notify the AEA in which the institution is located and the district of residence of each child who on the date specified in Iowa Code section 257.6, subsection 1, is residing in ~~these institutions~~ the institution if the child's release date is known and the release date is within the current school year. The notification shall occur on or before October 10. For students served pursuant to an IEP, the State Training School at Eldora ~~and~~

EDUCATION DEPARTMENT[281](cont'd)

~~the Iowa Juvenile Home at Toledo~~ shall by the last Friday in October also notify the AEA in which the institution is located and the district of residence of each child residing in ~~these institutions~~ the institution if the child's release date is known and the release date is within the current school year. Notifications shall be in writing or in a printable electronic medium and shall include the child's name, birth date, and grade level and the names and addresses of the child's parents or guardians.

ITEM 4. Amend paragraph **34.6(3)“d”** as follows:

d. The State Training School at Eldora ~~and the Iowa Juvenile Home at Toledo~~ may include in ~~their budgets~~ its budget an amount that represents the difference between the amount established pursuant to Iowa Code (2003) section 282.28 and approved by the department for the 2003-2004 fiscal year included in the fiscal year beginning July 1, 2003, and the amount ~~each~~ the institution has budgeted under paragraph 34.6(3)“c.” The budget amount shall increase annually by the allowable growth rate established for that year.

ARC 5151C**EDUCATION DEPARTMENT[281]****Notice of Intended Action****Proposing rule making related to clearing classrooms
and providing an opportunity for public comment**

The State Board of Education hereby proposes to amend Chapter 41, “Special Education,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 256.7.

State or Federal Law Implemented

This rule making implements, in whole or in part, 2020 Iowa Acts, Senate File 2360.

Purpose and Summary

2020 Iowa Acts, Senate File 2360, added conditions to special education law regarding the use of room clears as a classroom safety technique. This proposed rule making adds the following two conditions related to room clears to Chapter 41: a prohibition on including room clears in an individualized education program and a procedure for classroom teachers to call for a team meeting after a room clear is used.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the State Board for a waiver of the discretionary provisions, if any, pursuant to 281—Chapter 4.

EDUCATION DEPARTMENT[281](cont'd)

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on September 15, 2020. Comments should be directed to:

Thomas Mayes
 Department of Education
 Grimes State Office Building, Second Floor
 400 East 14th Street
 Des Moines, Iowa 50319-0416
 Phone: 515.242.5614
 Fax: 515.242.5988
 Email: thomas.mayes@iowa.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held in person and via video conference as follows:

September 15, 2020
 3 to 4 p.m.

State Board Room, Second Floor
 Grimes State Office Building
 Des Moines, Iowa
 Via video conference
idoe.zoom.us/j/98138678227?pwd=NE11VUVIdEtTd29QbnlsaVhhdytXZz09

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs by calling 515.281.5295.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

Adopt the following **new** subrule 41.320(7):

41.320(7) Clearing classrooms. An IEP or a behavioral intervention plan shall not include provisions for clearing all other students out of the regular classroom in order to calm the child requiring special education or the child for whom a behavioral intervention plan has been implemented except as provided in Iowa Code section 279.51A as enacted by 2020 Iowa Acts, Senate File 2360.

If a student whose behavior caused a classroom clearance has an IEP or a behavioral intervention plan, the classroom teacher shall call for and be included in a review and potential revision of the student's IEP or behavioral intervention plan by the student's IEP team. The AEA, in collaboration with the school district, may, when the parent or guardian meets with the IEP team during the review or reevaluation of the student's IEP, inform the parent or guardian of individual or family counseling services available in the area. The public agencies must provide those services if those services are necessary for a FAPE.

ARC 5148C**EDUCATION DEPARTMENT[281]****Notice of Intended Action****Proposing rule making related to educator preparation program standards and providing an opportunity for public comment**

The State Board of Education hereby proposes to amend Chapter 79, “Standards for Practitioner and Administrator Preparation Programs,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 256.7(3) and 256.16(3).

State or Federal Law Implemented

This rule making implements, in whole or in part, 2020 Iowa Acts, Senate File 2360 and House File 2359.

Purpose and Summary

Chapter 79 outlines the standards and program requirements that all traditional educator preparation programs must meet in order to be approved to prepare educators in Iowa. Compliance with these standards is required and is evaluated during each educator preparation program’s approval review. The standards are also applied in an annual reporting system. This proposed rule making updates the standards to remain current with national standards for educator preparation and align with Board of Educational Examiners rules for licensure. This rule making also incorporates required elements of 2020 Iowa Acts, Senate File 2360 and House File 2359.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the State Board for a waiver of the discretionary provisions, if any, pursuant to 281—Chapter 4.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on September 15, 2020. Comments should be directed to:

EDUCATION DEPARTMENT[281](cont'd)

Thomas Mayes
 Department of Education
 Grimes State Office Building, Second Floor
 400 East 14th Street
 Des Moines, Iowa 50319-0416
 Phone: 515.242.5614
 Fax: 515.242.5988
 Email: thomas.mayes@iowa.gov

Public Hearing

A public hearing at which persons may present their views either orally or in writing will be held in person and via video conference as follows:

September 15, 2020
 4 to 4:30 p.m.

State Board Room, Second Floor
 Grimes State Office Building
 Des Moines, Iowa
 Via video conference:
idoe.zoom.us/j/98138678227?pwd=NE11VUVDIdEtTd29QbnlsaVhhdytXZz09

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs by calling 515.281.5295.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule **281—79.2(256)**, definitions of “College/university supervisors” and “Unit,” as follows:

“*College/university supervisors*” means qualified employees or individuals contracted by the college or university offering teacher educator preparation who provide guidance and supervision to teacher candidates during the candidates’ clinical experiences in the schools.

“*Unit*” means the organizational entity within an institution with the responsibility of administering and delivering the all practitioner preparation program(s) programs.

ITEM 2. Rescind the definition of “ELPS” in rule **281—79.2(256)**.

ITEM 3. Amend paragraph **79.13(4)“a”** as follows:

a. Entrance into the program ~~(for teacher education, this includes a preprofessional skills test offered by a nationally recognized testing service. Institutions must deny admission to any candidate who does not successfully meet the institution’s passing score requirement).~~ If a unit chooses to use a preprofessional skills test from a nationally recognized testing service for admission into the program, the unit must report passing rates and remediation measures annually to the department.

ITEM 4. Amend paragraph **79.14(7)“a”** as follows:

a. Includes a full-time experience for a minimum of 14 ~~consecutive~~ weeks in duration during the teacher candidate’s final year of the teacher preparation program.

EDUCATION DEPARTMENT[281](cont'd)

ITEM 5. Amend subrule 79.15(2) as follows:

79.15(2) Each teacher candidate receives dedicated coursework related to the study of human relations, cultural competency, and diverse learners, such that the candidate is prepared to work with students from diverse groups, as defined in rule 281—79.2(256). The unit shall provide evidence that teacher candidates develop the ability to identify and meet the needs of all learners, including:

- a. Students from diverse ethnic, racial and socioeconomic backgrounds.
- b. Students with disabilities. This will include preparation in developing and implementing individualized education programs and behavioral intervention plans, preparation for educating individuals in the least restrictive environment and identifying that environment, and strategies that address difficult and violent student behavior and improve academic engagement and achievement.
- c. Students who are struggling with literacy, including those with dyslexia.
- d. Students who are gifted and talented.
- e. English language learners.
- f. Students who may be at risk of not succeeding in school. This preparation will include classroom management addressing high-risk behaviors including, but not limited to, behaviors related to substance abuse.

ITEM 6. Amend rule 281—79.16(256) as follows:

281—79.16(256) Administrator preparation clinical practice standard. The unit and its school partners shall provide clinical experiences that assist candidates in becoming successful school administrators in accordance with the following provisions.

~~**79.16(1)** The unit ensures that clinical experiences occurring in all locations are well-sequenced, purposeful, supervised by appropriately qualified personnel, monitored by the unit, and integrated into unit standards. These expectations are shared with candidates, supervisors and cooperating administrators.:~~

a. Principal candidates successfully complete clinical experiences that provide candidates with opportunities to synthesize and apply the knowledge and skills identified in subrule 79.17(2) in ways that approximate the full range of responsibilities required of building-level leaders and enable them to promote the current and future success and well-being of each student and adult in their school.

b. Superintendent candidates successfully complete clinical experiences that provide candidates opportunities to synthesize and apply the knowledge and skills identified in subrule 79.17(3) in ways that approximate the full range of responsibilities required of district-level leaders and enable them to promote the current and future success and well-being of each student and adult in their district.

79.16(2) The unit ensures that clinical experiences occurring in all locations are coherent, authentic, sustained, and purposeful opportunities that are monitored by the unit. These expectations are shared with candidates, supervisors and cooperating administrators.

~~**79.16(3)**~~ **79.16(3)** Candidates are supervised by knowledgeable and qualified practitioners. The PK-12 school and the unit share responsibility for selecting, preparing, ~~evaluating,~~ supporting, evaluating, and retaining both:

- a. High-quality college/university supervisors, and
- b. High-quality cooperating administrators.

~~**79.16(3)**~~ **79.16(4)** Cooperating administrators and college/university supervisors share responsibility for evaluating the candidate's achievement of unit standards. Clinical experiences are structured to have multiple performance-based assessments at key points within the program to demonstrate candidates' attainment of unit standards.

~~**79.16(4)**~~ **79.16(5)** Clinical experiences include all of the following criteria:

- a. A minimum of 400 hours during the candidate's preparation program.
- b. Take place with appropriately licensed cooperating administrators in state-approved schools or educational facilities.
- c. Take place in multiple high-quality educational settings that include diverse populations and students of different age groups.

EDUCATION DEPARTMENT[281](cont'd)

d. Include ~~minimum~~ documented expectations and responsibilities for cooperating administrators, school districts, accredited nonpublic schools, or AEAs and for higher education supervising faculty members.

e. ~~Include prescribed minimum expectations and responsibilities of the candidate for ethical performance of both leadership and management tasks.~~ Provide opportunities for candidates to apply the knowledge, skills, and dispositions identified in subrules 79.17(2) and 79.17(3).

f. ~~The involvement of the administrator candidate in relevant responsibilities to include demonstration of the capacity to facilitate the use of assessment data in affecting student learning.~~

g. ~~Involve the candidate in professional meetings and other school-based activities directed toward the improvement of teaching and learning.~~

h. ~~Involve the candidate in communication and interaction with parents or guardians, community members, faculty and staff, and cooperating administrators in the school.~~

~~79.16(5)~~ **79.16(6)** The institution annually delivers one or more professional development opportunities for cooperating administrators to define the objectives of the field experience, review the responsibilities of the cooperating administrator, build skills in coaching and mentoring, and provide the cooperating administrator other information and assistance the institution deems necessary. The professional development opportunities incorporate feedback from participants and utilize appropriate delivery strategies.

~~79.16(6)~~ **79.16(7)** The institution shall enter into a written contract with the cooperating school districts that provide field experiences for administrator candidates.

ITEM 7. Amend rule 281—79.17(256) as follows:

281—79.17(256) Administrator knowledge, skills, and dispositions standard. Administrator candidates shall demonstrate the content, pedagogical, and professional knowledge, skills and dispositions necessary to help all students learn in accordance with the following provisions.

79.17(1) Each educational administrator program shall define program standards (aligned with current NELP standards) and embed them in coursework and clinical experiences at a level appropriate for a novice administrator.

79.17(2) Each principal candidate demonstrates the knowledge, skills, and dispositions necessary to:

a. Collaboratively lead, design, and implement a school mission, vision, and process for continuous improvement that reflects a core set of values and priorities that include data use, technology, equity, diversity, digital citizenship, and community. (Mission, Vision, and Improvement)

b. Advocate for ethical decisions and cultivate and enact professional norms. (Ethics and Professional Norms)

c. Develop and maintain a supportive, equitable, culturally responsive, and inclusive school culture. (Equity, Inclusiveness, and Cultural Responsiveness)

d. Evaluate, develop, and implement coherent systems of curriculum, instruction, data systems, supports, and assessment. (Learning and Instruction)

e. Strengthen student learning, support school improvement, and advocate for the needs of the school and community. (Community and External Leadership)

f. Improve management, communication, technology, school-level governance, and operation systems to develop and improve data-informed and equitable school resource plans and to apply laws, policies, and regulations. (Operations and Management)

g. Build the school's professional capacity, engage staff in the development of a collaborative professional culture, and improve systems of staff supervision, evaluation, support, and professional learning. (Building Professional Capacity)

79.17(3) Each superintendent candidate demonstrates competency in all of the following professional core curricula:

a. Collaboratively lead, design, and implement a district mission, vision, and process for continuous improvement that reflects a core set of values and priorities that include data use,

EDUCATION DEPARTMENT[281](cont'd)

technology, values, equity, diversity, digital citizenship, and community. (District Mission, Vision, and Improvement)

b. Advocate for ethical decisions and cultivate professional norms and culture. (Ethics and Professional Norms)

c. Develop and maintain a supportive, equitable, culturally responsive, and inclusive district culture. (Equity, Inclusiveness, and Cultural Responsiveness)

d. Evaluate, design, cultivate, and implement coherent systems of curriculum, instruction, data systems, supports, assessment, and instructional leadership. (Learning and Instruction)

e. Understand and engage families, communities, and other constituents in the work of schools and the district and to advocate for district, student, and community needs. (Community and External Leadership)

f. Develop, monitor, evaluate, and manage data-informed and equitable district systems for operations, resources, technology, and human capital management. (Operations and Management)

g. Cultivate relationships, lead collaborative decision making and governance, and represent and advocate for district needs in broader policy conversations. (Policy, Governance, and Advocacy)

~~79.17(2)~~ **79.17(4)** Each new administrator candidate successfully completes the appropriate evaluator training provided by a state-approved evaluator trainer.

~~79.17(3)~~ **79.17(5)** Each administrator candidate demonstrates the knowledge, skills, and dispositions necessary to support the implementation of the Iowa core.

~~79.17(4)~~ **79.17(6)** Each administrator candidate demonstrates, within specific coursework and clinical experiences ~~related to the study of human relations, cultural competency, and diverse learners, that the candidate is prepared, the ability to work~~ develop and maintain a supportive, equitable, culturally responsive, and inclusive district culture with students and staff from diverse groups, as defined in rule 281—79.2(256). The unit shall provide evidence that administrator candidates develop the ability to meet the needs of all learners, as well as ensuring teachers meet the needs of diverse learners, including:

a. Students from diverse ethnic, racial and socioeconomic backgrounds.

b. Students with disabilities. This will include preparation in developing and implementing individualized education programs and behavioral intervention plans, preparation for educating individuals in the least restrictive environment and identifying that environment, and strategies that address difficult and violent student behavior and improve academic engagement and achievement.

c. Students who are struggling with literacy, including those with dyslexia.

~~e.~~ d. Students who are gifted and talented.

~~d.~~ e. English language learners.

~~e.~~ f. Students who may be at risk of not succeeding in school. This preparation will include classroom management addressing high-risk behaviors including, but not limited to, behaviors related to substance abuse.

~~79.17(5)~~ **79.17(7)** Each administrator candidate meets all requirements established by the board of educational examiners for any endorsement for which the candidate is recommended. Programs shall submit curriculum exhibit sheets for approval by the board of educational examiners and the department.

ITEM 8. Amend subrule 79.21(2) as follows:

79.21(2) Each candidate demonstrates, within specific coursework and clinical experiences related to the study of human relations, cultural competency, and diverse learners, that the candidate is prepared to work with students from diverse groups, as defined in rule 281—79.2(256). The unit shall provide evidence that candidates develop the ability to meet the needs of all learners, including:

a. Students from diverse ethnic, racial and socioeconomic backgrounds.

b. Students with disabilities. This will include preparation in developing and implementing individualized education programs and behavioral intervention plans, preparation for educating individuals in the least restrictive environment and identifying that environment, and strategies that address difficult and violent student behavior and improve academic engagement and achievement.

c. Students who are struggling with literacy, including those with dyslexia.

EDUCATION DEPARTMENT[281](cont'd)

- ~~e. d.~~ Students who are gifted and talented.
- ~~e. e.~~ English language learners.
- ~~e. f.~~ Students who may be at risk of not succeeding in school. This preparation will include classroom management addressing high-risk behaviors including, but not limited to, behaviors related to substance abuse.

ARC 5147C

EDUCATION DEPARTMENT[281]

Notice of Intended Action

Proposing rule making related to school leadership standards for administrators and providing an opportunity for public comment

The State Board of Education hereby proposes to amend Chapter 83, “Teacher and Administrator Quality Programs,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 256.7(27).

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 284A.

Purpose and Summary

This chapter outlines the general standards and program requirements both administrator and teacher quality programs must meet to promote high student achievement and enhance educator quality. Compliance with these standards is required and is reported annually as part of the Department’s school improvement efforts. The current standards need updating because the national standards from which the current Iowa standards derive have been replaced by the Professional Standards for Educational Leaders, which better reflect the current context in education and the knowledge and skills needed by today’s educational leaders.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

By statute, no waiver is permitted.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on September 15, 2020. Comments should be directed to:

EDUCATION DEPARTMENT[281](cont'd)

Thomas Mayes
 Department of Education
 Grimes State Office Building, Second Floor
 400 East 14th Street
 Des Moines, Iowa 50319-0416
 Phone: 515.242.5614
 Fax: 515.242.5988
 Email: thomas.mayes@iowa.gov

Public Hearing

A public hearing at which time persons may present their views either orally or in writing will be held as follows:

September 15, 2020
 2:30 p.m.

State Board Room, Second Floor
 Grimes State Office Building
 Des Moines, Iowa
 Via video conference:
doe.zoom.us/j/98138678227?pwd=NE11VUVIdEtTd29QbnlsaVhhdytXZz09

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs by calling 515.281.5295.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

Rescind rule 281—83.10(284A) and adopt the following **new** rule in lieu thereof:

281—83.10(284A) Iowa school leadership standards for administrators. The Iowa school leadership standards for administrators are organized around the domains, qualities, and values of leadership work that research and practice indicate contribute to students' academic success and well-being. The standards provide a framework to guide leadership practice and how leaders are prepared, hired, developed, supervised and evaluated. A local school board may establish additional administrator standards and related criteria, but shall at a minimum utilize the following standards therefor:

83.10(1) Mission, vision, and core values. Educational leaders develop, advocate, and enact a shared mission, vision, and core values of high-quality education and academic success and well-being of each student.

83.10(2) Ethics and professional norms. Educational leaders act ethically and according to professional norms to promote each student's academic success and well-being.

83.10(3) Equity and cultural responsiveness. Educational leaders strive for equity of educational opportunity and culturally responsive practices to promote each student's academic success and well-being.

EDUCATION DEPARTMENT[281](cont'd)

83.10(4) Curriculum, instruction, and assessment. Educational leaders develop and support intellectually rigorous and coherent systems of curriculum, instruction, and assessment to promote each student's academic success and well-being.

83.10(5) Community of care and support for students. Educational leaders cultivate an inclusive, caring, and supportive school community that promotes the academic success and well-being of each student.

83.10(6) Professional capacity of school personnel. Educational leaders develop the professional capacity and practice of school personnel to promote each student's academic success and well-being.

83.10(7) Professional community for teachers and staff. Educational leaders foster a professional community of teachers and other professional staff to promote each student's academic success and well-being.

83.10(8) Meaningful engagement of families and communities. Educational leaders engage families and the community in meaningful, reciprocal, and mutually beneficial ways to promote each student's academic success and well-being.

83.10(9) Operations and management. Educational leaders manage school operations and resources to promote each student's academic success and well-being.

83.10(10) School improvement. Educational leaders act as agents of continuous improvement to promote each student's academic success and well-being.

ARC 5146C

EDUCATION DEPARTMENT[281]

Notice of Intended Action

**Proposing rule making related to corporal punishment
and providing an opportunity for public comment**

The State Board of Education hereby proposes to rescind Chapter 103, "Corporal Punishment Ban; Restraint; Physical Confinement and Detention," and to adopt a new Chapter 103, "Corporal Punishment, Physical Restraint, Seclusion, and Other Physical Contact with Students," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 256.7 and 280.21(1).

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 256B.3 and 280.21.

Purpose and Summary

The Iowa Department of Education received an amended petition for rule making, which was submitted on September 18, 2018, and filed pursuant to Iowa Code section 17A.7. That petition sought revisions to Chapter 103, the Department's administrative rules on corporal punishment, physical restraint, and physical confinement and detention, commonly known as the Department's "seclusion and restraint" rules. The amended petition was received after several meetings between the petitioners, other interested parties, and key Department staff regarding the content of the original petition. After reviewing the proposed rules, the Department recommended that the rules be submitted to the State Board of Education as a Notice of Intended Action to update the current rules to allow all interested parties an opportunity for public comment. After publication of the Notice (**ARC 4276C**, IAB 2/13/19) and receipt of public comment, the Department revised the rules to address public comments and presented the rules to the State Board for adoption. The State Board did not adopt the rules and instructed the Department to continue to collect feedback on three points of contention in the rules.

The three areas of contention in the rules were as follows: (1) commenters objected to the use of the term "serious physical" injury and felt the term would result in educators second-guessing their actions

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when situations may call for seclusion and restraint; (2) commenters objected to the requirement that educators contact parents within ten minutes of both the commencement and conclusion of the seclusion or physical restraint because the commenters felt this was not practical under the circumstances and that educators need to be able to handle the situation; and (3) commenters objected to the requirements on the size of seclusion rooms and requested that some rooms be grandfathered into use.

The Department conducted six meetings at six different area education agencies to collect more input on the rules. This rule making reflects changes made after input was received at the six meetings. (1) The term “serious physical” injury was replaced with “bodily” injury; (2) the ten-minute time frame for notifying parents was changed to “as soon as practical after the situation is under control but no later than one hour or the end of a school day, whichever occurs first”; and finally (3) room sizes were modified and districts were given more time to come into compliance with room requirements.

The State Board gave Notice of Intended Action to rescind and adopt a new Chapter 103, which was published in the December 18, 2019, Iowa Administrative Bulletin as **ARC 4816C**. The Department received several public comments and held a public hearing on January 7, 2020. Due to the public health disaster emergency associated with the COVID-19 pandemic, the Department was unable to present proposed final rules to the State Board and the Notice of Intended Action expired. Because the revisions of Iowa’s rules on seclusion and restraint are necessary, the State Board gives notice for a third time of its intent to rescind and adopt a new Chapter 103.

In drafting this Notice of Intended Action, the Department has considered the public comment previously received and has made some changes to the Notice of Intended Action that was published in December 2019.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

An agencywide waiver provision is provided in 281—Chapter 4.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on September 15, 2020. Comments should be directed to:

Thomas Mayes
Department of Education
Grimes State Office Building, Second Floor
400 East 14th Street
Des Moines, Iowa 50319-0416
Phone: 515.242.5614
Fax: 515.242.5988
Email: thomas.mayes@iowa.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held in person and via video conference as follows:

EDUCATION DEPARTMENT[281](cont'd)

September 15, 2020
3 to 4 p.m.

State Board Room, Second Floor
Grimes State Office Building
Des Moines, Iowa
Via video conference:
idoe.zoom.us/j/98138678227?pwd=NE11VUVIdEtTd29QbnlsaVhhdytXZz09

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs by calling 515.281.5295.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

Rescind 281—Chapter 103 and adopt the following **new** chapter in lieu thereof:

CHAPTER 103
CORPORAL PUNISHMENT, PHYSICAL RESTRAINT, SECLUSION, AND OTHER PHYSICAL
CONTACT WITH STUDENTS

281—103.1(256B,280) Purpose and objectives. The purpose of this chapter is to provide uniform definitions and policies for public school districts, accredited nonpublic schools, and area education agencies regarding the application of physical contact or force to enrolled students. These rules clarify that corporal punishment, prone restraint, and mechanical restraint are prohibited; explain the parameters and protocols for the use of physical restraint and seclusion; and describe other limits on physical contact with students. The applicability of this chapter to physical restraint, seclusion, or behavior management interventions does not depend on the terminology employed by the organization to describe the activity or space. These rules are intended to promote the dignity, care, safety, welfare, and security of each child and the school community; encourage the use of proactive, effective, and evidence- and research-based strategies and best practices to reduce the occurrence of challenging behaviors; increase meaningful instructional time for all students; ensure that seclusion and physical restraint are used only in specified circumstances and are subject to assessment, monitoring, documentation, and reporting by trained employees; and give clear guidance on whether a disciplinary or behavioral management technique is prohibited or may be used.

281—103.2(256B,280) Definitions. For the purposes of this chapter:

“*Bodily injury*” means physical pain, illness, or any impairment of physical condition.

“*Corporal punishment*” means the intentional physical punishment of a student. “Corporal punishment” includes the use of unreasonable or unnecessary physical force, or physical contact made with the intent to harm or cause pain.

“*Debriefings*” are meetings to collaboratively examine and determine what caused an incident or incidents resulting in the use of physical restraints or seclusion, how the incident or the use of physical restraints or seclusion or both could have been avoided and how future incidents could be avoided, and to plan for and implement positive and preventative supports. The debriefing process is intended to

EDUCATION DEPARTMENT[281](cont'd)

improve future outcomes by reducing the likelihood of future problem behavior and the subsequent use of physical restraint or seclusion.

“Mechanical restraint” means the use of a device as a means of restricting a student’s freedom of movement. “Mechanical restraint” does not mean a device used by trained school personnel, or used by a student, for the specific and approved therapeutic or safety purposes for which such a device was designed and, if applicable, prescribed, including restraints for medical immobilization, adaptive devices or mechanical supports used to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports, and vehicle safety restraints when used as intended during the transport of a student in a moving vehicle.

“Parent” means an individual included in the definition of “parent” in rule 281—41.30(256B,34CFR300), and also includes an individual authorized to make decisions for the child pursuant to a power of attorney for temporary delegation of custody or for making educational decisions.

“Physical restraint” means a personal restriction that immobilizes or reduces the ability of a child to move the child’s arms, legs, body, or head freely. “Physical restraint” does not mean a technique used by trained school personnel, or used by a student, for the specific and approved therapeutic or safety purposes for which such a technique was designed and, if applicable, prescribed. “Physical restraint” does not include instructional strategies, such as physically guiding a student during an educational task, hand-shaking, hugging, or other nondisciplinary physical contact.

“Prone restraint” means any restraint in which the child is held face down on the floor.

“Reasonable and necessary force” is that force, and no more, which a reasonable person would judge to be necessary under the circumstances that existed at the time, that is not intended to cause pain, and that does not exceed the degree or duration required to accomplish the purposes set forth in rule 281—103.5(256B,280).

“School” includes public school districts, accredited nonpublic schools, and area education agencies.

“Seclusion” means the involuntary confinement of a child in a seclusion room or area from which the child is prevented or prohibited from leaving; however, preventing a child from leaving a classroom or school building shall not be considered seclusion. “Seclusion” does not include instances when a school employee is present within the room and providing services to the child, such as crisis intervention or instruction.

“Seclusion room” means a room, area, or enclosure, whether within or outside the classroom, used for seclusion.

281—103.3(256B,280) Ban on corporal punishment and prone and mechanical restraints. An employee shall not inflict, or cause to be inflicted, corporal punishment upon a student or use prone restraints or mechanical restraints upon a student.

281—103.4(256B,280) Activities that are not considered corporal punishment. Corporal punishment does not include the following:

1. Verbal recrimination or chastisement directed toward a student;
2. Reasonable requests or requirements of a student engaged in activities associated with physical education class or extracurricular athletics;
3. Actions consistent with and included in an individualized education program (IEP) developed under the Individuals with Disabilities Education Act, as reauthorized, Iowa Code chapter 256B, and 281—Chapter 41; a behavior intervention plan (BIP); an individual health plan (IHP); or a safety plan. However, under no circumstance shall an IEP, BIP, IHP, or safety plan violate the provisions of this chapter;
4. Reasonable periods of detention, not in excess of school hours, or brief periods of detention before or after school, in a seat, classroom, or other part of a school facility;
5. Actions by an employee subject to these rules toward a person who is not a student of the school or receiving the services of a school employing or utilizing the services of the employee.

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281—103.5(256B,280) Use of reasonable and necessary force.

103.5(1) Notwithstanding the ban on corporal punishment in rule 281—103.3(256B,280), no employee subject to these rules is prohibited from:

a. Using reasonable and necessary force, not designed or intended to cause pain, in order to accomplish any of the following:

- (1) To quell a disturbance or prevent an act that threatens physical harm to any person.
- (2) To obtain possession of a weapon or other dangerous object within a student's control.
- (3) For the purposes of self-defense or defense of others as provided for in Iowa Code section 704.3.
- (4) To remove a disruptive student from class or any area of the school's premises or from school-sponsored activities off school premises.
- (5) To prevent a student from the self-infliction of harm.
- (6) To protect the safety of others.
- (7) To protect property as provided for in Iowa Code section 704.4 or 704.5.

b. Using incidental, minor, or reasonable physical contact to maintain order and control.

103.5(2) An employee subject to these rules is not privileged to use unreasonable force to accomplish any of the purposes listed above.

281—103.6(256B,280) Reasonable force.

103.6(1) In determining the reasonableness of the physical force used by a school employee, the following factors shall be applied:

- a.* The size and physical, mental, and psychological condition of the student;
- b.* The nature of the student's behavior or misconduct resulting in the use of physical force;
- c.* The instrumentality used in applying the physical force;
- d.* The extent and nature of resulting injury to the student, if any, including mental and psychological injury;
- e.* The motivation of the school employee using the physical force.

103.6(2) Reasonable physical force, privileged at its inception, does not lose its privileged status by reasons of an injury to the student, not reasonably foreseeable or otherwise caused by intervening acts of another, including the student.

281—103.7(256B,280) Reasonable and necessary force—use of physical restraint or seclusion.

103.7(1) Physical restraint or seclusion is reasonable and necessary only:

- a.* To prevent or terminate an imminent threat of bodily injury to the student or others; or
- b.* To prevent serious damage to property of significant monetary value or significant nonmonetary value or importance; or
- c.* When the student's actions seriously disrupt the learning environment or when physical restraint or seclusion is necessary to ensure the safety of the student and others; and
- d.* When less restrictive alternatives to seclusion or physical restraint would not be effective, would not be feasible under the circumstances, or have failed in preventing or terminating the imminent threat or behavior; and
- e.* When the physical restraint or seclusion complies with all the rules of this chapter.

103.7(2) If seclusion or physical restraint is utilized, the following provisions shall apply:

- a.* The seclusion or physical restraint must be imposed by an employee who:
 - (1) Is trained in accordance with rule 281—103.8(256B,280); or
 - (2) Is otherwise available and a trained employee is not immediately available due to the unforeseeable nature of the occurrence.
- b.* A school must attempt to notify the student's parent using the school's emergency contact system as soon as practicable after the situation is under control, but no later than one hour or the end of the school day, whichever occurs first.
- c.* The seclusion or physical restraint must only be used for as long as is necessary, based on research and evidence, to allow the student to regain control of the student's behavior to the point that

EDUCATION DEPARTMENT[281](cont'd)

the threat or behavior necessitating the use of the seclusion or physical restraint has ended, or when a medical condition occurs that puts the student at risk of harm.

Unless otherwise provided for in the student's written, approved IEP, BIP, IHP, or safety plan, if the seclusion or physical restraint continues for more than 15 minutes:

(1) The student shall be provided with any necessary breaks to attend to personal and bodily needs, unless doing so would endanger the child or others.

(2) An employee shall obtain approval from an administrator or administrator's designee to continue the seclusion or physical restraint beyond 15 minutes. After the initial approval, an employee must obtain additional approval every 30 minutes thereafter for the continuation of the seclusion or physical restraint. Approval must be documented in accordance with rule 281—103.8(256B,280).

(3) The student's parent and the school may agree to more frequent notifications than is required by this subrule.

(4) Schools and employees must document and explain in writing, as required by subrule 103.8(2), the reasons why it was not possible for them to obtain approval, notify parents, or take action under paragraphs 103.7(2) "b" and "c" within the prescribed time limits.

(5) Schools and employees who initiate and then end the use of nonapproved restraints must document and explain in writing the reasons why they had no other option but to use this type of behavioral intervention. This subparagraph is not intended to excuse or condone the use of nonapproved restraints.

d. The area of seclusion shall be a designated seclusion room that complies with the seclusion room requirements of rule 281—103.9(256B,280), unless the nature of the occurrence makes the use of the designated seclusion room impossible, clearly impractical, or clearly contrary to the safety of the student, others, or both; in that event, the school must document and explain in writing the reasons why a designated seclusion room was not used.

e. An employee must continually visually monitor the student for the duration of the seclusion or physical restraint.

f. An employee shall not use any physical restraint that obstructs the airway of the student.

g. If an employee restrains a student who uses sign language or an augmentative mode of communication as the student's primary mode of communication, the student shall be permitted to have the student's hands free of physical restraint, unless doing so is not feasible in view of the threat posed.

h. Seclusion or physical restraint shall not be used:

- As punishment or discipline;
- To force compliance or to retaliate;
- As a substitute for appropriate educational or behavioral support;
- To prevent property damage except as described in paragraph 103.7(1) "b";
- As a routine school safety measure; or
- As a convenience to staff.

103.7(3) An employee must document the use of the seclusion or physical restraint in accordance with rule 281—103.8(256B,280).

103.7(4) Nothing in this rule shall be construed as limiting or eliminating any immunity conferred by Iowa Code section 280.21, rule 281—103.11(256B,280), or any other provision of law.

103.7(5) An agency covered by this chapter shall investigate any complaint or allegation that one or more of its employees violated one or more provisions of this chapter. If an agency covered by this chapter determines that one or more of its employees violated one or more of the provisions of this chapter, the agency shall take appropriate corrective action. If any allegation involves a specific student, the agency shall transmit to the parents of the student the results of its investigation, including, to the extent permitted by law, any required corrective action.

103.7(6) If a child's IEP, BIP, IHP, or safety plan includes either or both physical restraint or seclusion measures, those measures must be individualized to the child; described with specificity in the child's IEP, BIP, IHP, or safety plan; and be reasonably calculated to enable the child to make progress appropriate in light of the child's circumstances.

EDUCATION DEPARTMENT[281](cont'd)

103.7(7) These rules must be complied with whether or not a parent consents to the use of physical restraint or seclusion for the child.

103.7(8) If any alleged violation of this chapter is also an allegation of “abuse” as defined in rule 281—102.2(280), the procedures in 281—Chapter 102 shall be applicable.

103.7(9) Schools must provide a copy of this chapter and any school-adopted or school-used related policies, procedures and training materials to any individual who is not an employee but whose duties could require the individual to participate in or be present when physical restraints are or seclusion is being used. Schools must invite these individuals to participate in training offered to employees pursuant to this chapter.

281—103.8(256B,280) Training, documentation, debriefing, and reporting requirements.

103.8(1) Training. An employee must receive training prior to using any form of physical restraint or seclusion. Training shall cover the following topics:

- a. The rules of this chapter;
- b. The school’s specific policies and procedures regarding the rules of this chapter;
- c. Student and staff debriefing requirements;
- d. Positive behavior interventions and supports, and evidence-based approaches to student discipline and classroom management;
- e. Research-based alternatives to physical restraint and seclusion;
- f. Crisis prevention, crisis intervention, and crisis de-escalation techniques;
- g. Duties and responsibilities of school resource officers and other responders, and the techniques, strategies and procedures used by responders; and
- h. Safe and effective use of physical restraint and seclusion.

103.8(2) Documentation and reporting. Schools must maintain documentation for each occurrence of physical restraint and seclusion. Documentation must contain at least the following information:

- a. The name of the student;
- b. The names and job titles of employees who observed, implemented, or were involved in administering or monitoring the use of seclusion or physical restraints, including the administrator or individual who approved continuation of the seclusion or physical restraint pursuant to subparagraph 103.7(2) “c”(2);
- c. The date of the occurrence;
- d. The beginning and ending times of the occurrence;
- e. The date the employees who observed, implemented, or were involved in administering or monitoring the use of seclusion or physical restraints last completed training required by subrule 103.8(1);
- f. A description of the actions of the student before, during, and after the seclusion or physical restraint;
- g. A description of the actions of the employee(s) involved before, during, and after the seclusion or physical restraint;
- h. Documentation of approvals for continuation of the seclusion or physical restraint period generated in accordance with subrule 103.7(2);
- i. A description of the less restrictive means attempted as alternatives to seclusion or physical restraint;
- j. A description of any injuries, whether to the student or others, and any property damage;
- k. A description of future approaches to address the student’s behavior, including any consequences or disciplinary actions that may be imposed on the student; and
- l. The time and manner by which the school notified the student’s parent of the use of physical restraint or seclusion.

Schools must provide the student’s parent with a written copy of the report by the end of the third school day following the occurrence. The report shall be accompanied by a letter inviting the parent to participate in a debriefing meeting, if necessary under subrule 103.8(3), to be held within five school days of the day the report and letter are mailed to or provided to the parent. The letter must include the

EDUCATION DEPARTMENT[281](cont'd)

date, time and place of the meeting and the names and titles of employees and other individuals who will attend the meeting. The parent may elect to receive the report and the letter via electronic mail or facsimile or by obtaining a copy at the school. If the parent does not provide instructions to the school or enter into an agreement with the school for alternate dates and methods of delivery, the school must mail the letter and report to the parent by first-class mail, postage prepaid, postmarked by end of the third school day after the occurrence.

103.8(3) Debriefing.

a. Schools must hold a debriefing meeting as soon as practicable whenever required by paragraph 103.8(3) “*f*,” but within five school days of the day the report and letter are mailed or provided to the parent, unless a parent who wants to participate personally or through a representative asks for an extension of time, or the parent and school agree to an alternate date and time. The student may attend the meeting with the parent’s consent. The parent may elect to be accompanied by other individuals or representatives. The meeting must include employees who administered the physical restraint or seclusion, an administrator or employee who was not involved in the occurrence, the individual or administrator who approved continuation of the physical restraint or seclusion, other relevant personnel designated by the school (such as principal, counselor, classroom teacher, special education teacher), and, if indicated by the student’s behavior in the instances prompting the debriefing, an expert in behavioral health, mental health, or another appropriate discipline. The meeting, and the debriefing report that is to be provided to the parent after the meeting, must include the following information and subjects:

- (1) The date and location of the meeting, and the names and titles of the participants;
- (2) The documentation and report completed in compliance with subrule 103.8(2);
- (3) A review of the student’s BIP, IHP, safety plan, and IEP as applicable;
- (4) Identification of patterns of behavior and proportionate response, if any, in the student and the employees involved;
- (5) Determination of possible alternative responses to the incident/less restrictive means, if any;
- (6) Identification of additional resources that could facilitate those alternative responses in the future;
- (7) Planning for follow-up actions, such as behavior assessments, revisions of school intervention plans, medical consultations, and reintroduction plans.

b. Schools must complete the debriefing report and provide a copy of the report to the parent of the student within three school days of the debriefing meeting. The parent may elect to receive the report via electronic mail, or facsimile, or by obtaining a copy at the school. If the parent does not provide instructions to the school or enter into an agreement with the school for alternate dates and methods of delivery, the school must mail the debriefing report to the parent by first-class mail, postage prepaid, postmarked no later than three school days after the debriefing meeting.

c. If the debriefing session results in a recommendation that a child might be eligible for a BIP, IHP, safety plan, or IEP, the public agencies shall promptly determine the child’s eligibility in accordance with the procedures required for determining eligibility.

d. Any recommended change to a student’s BIP, IHP, safety plan, or IEP, or a student’s educational placement, shall be made in accordance with the procedures required for amending said plan or changing said placement.

e. Nothing in this subrule shall be construed to require employers to include information about employees that would be legally protected personnel information, including employee disciplinary information under Iowa Code chapters 279 and 284, or to allow discussion of that personnel information, in debriefing meetings.

f. For purposes of this subrule, a debriefing session is required:

- (1) Upon the first instance of seclusion or physical restraint during a school year;
- (2) Whenever any personal injury occurs as a part of the use of seclusion or physical restraint;
- (3) Whenever a reasonable educator would determine a debriefing session is necessary;
- (4) Whenever suggested by a student’s IEP team (if any);
- (5) Whenever agreed by the parent and the school officials.

EDUCATION DEPARTMENT[281](cont'd)

However, in any case a debriefing session shall occur after seven instances of seclusion or physical restraint. Nothing in this paragraph shall be construed to prevent a school from offering more debriefing meetings.

103.8(4) Confidentiality. Schools must comply with the requirements of the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99), Iowa Code chapter 22, “Examination of Public Records (Open Records),” and other applicable federal and state laws, when taking action pursuant to this rule.

103.8(5) Reporting to department. Schools shall report to the Iowa department of education, in a manner prescribed by the department, an annual count of all instances of seclusion or restraint, an annual count of the number of students who were subjected to seclusion or restraint, and any other data required for the department to implement the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act, Public Law 114-95.

281—103.9(256B,280) Seclusion room requirements. Schools must meet the following standards for the structural and physical requirements for rooms used for seclusion:

103.9(1) The room must meet and comply with all applicable building, fire, safety, and health codes and standards and with the other requirements of this rule.

103.9(2) The dimensions of the room shall be of adequate width, length, and height to allow the student to move about and recline safely and comfortably, considering the age, size, and physical and mental condition of the student being secluded. The interior of the room must be no less than 56 square feet, and the distance between opposing walls must be no less than 7 feet across.

103.9(3) The room must not be isolated from school employees or the facility.

103.9(4) Any wall that is part of the room must be part of the structural integrity of the room (not free-standing cells or portable units attached to the existing wall or floor).

103.9(5) The room must provide a means of continuous visual and auditory monitoring of the student.

103.9(6) The room must be adequately lighted with switches to control lighting located outside the room.

103.9(7) The room must be adequately ventilated with switches to control fans or other ventilation devices located outside the room.

103.9(8) The room must maintain a temperature within the normal human comfort range and consistent with the rest of the building with temperature controls located outside of the room.

103.9(9) The room must be clean and free of objects and fixtures that could be potentially dangerous to a student, including protruding, exposed, or sharp objects, exposed pipes, electrical wiring, or other objects in the room that could be used by students to harm themselves or to climb up a wall.

103.9(10) The room must contain no free-standing furniture.

103.9(11) The room must be constructed of materials safe for its intended use, including wall and floor coverings designed to prevent injury to the student. Interior finish of the seclusion room shall comply with the state and local building and fire codes and standards.

103.9(12) Doors must open outward. The door shall not be fitted with a lock unless it releases automatically when not physically held in the locked position by personnel on the outside of the door and permits the door to be opened from the inside. Doors, when fully open, shall not reduce the required corridor width by more than seven inches. Doors in any position shall not reduce the required width by more than one-half.

103.9(13) The room must be able to be opened from the inside immediately upon the release of a security mechanism held in place by constant human contact.

103.9(14) Windows, if any, must be transparent and made of unbreakable or shatterproof glass or plastic.

103.9(15) By July 1, 2021, schools must consult with appropriate state and local building, fire, safety, and health officials to ensure the room complies with all applicable codes and standards (for example, heating, ventilation, lighting, accessibility, dimensions, access, entry and exit, fire suppression, etc.), and maintain documentation of such consultation.

EDUCATION DEPARTMENT[281](cont'd)

103.9(16) Assuming approval pursuant to subrule 103.9(15), a school may continue to use a room that otherwise complies with this rule but for subrule 103.9(2) for a period of five years from [the effective date of this chapter], or whenever the portion of the school containing the room is renovated or remodeled, whichever occurs first.

281—103.10(256B,280) Department responsibilities. The department shall develop, establish, and distribute to all school districts evidence-based standards, guidelines, and expectations for the appropriate and inappropriate responses to behavior in the classroom that presents an imminent threat of bodily injury to a student or another person and for the reasonable, necessary, and appropriate physical restraint of a student, consistent with these rules.

The director of the department shall consult with the area education agencies to create comprehensive and consistent standards and guidance for professional development relating to successfully educating individuals in the least restrictive environment, and for evidence-based interventions consistent with the standards established pursuant to this subsection.

281—103.11(256B,280) Other provisions.

103.11(1) To prevail in a civil action alleging a violation of Iowa Code section 280.21 or this chapter, the party bringing the action shall prove the violation by clear and convincing evidence. Any school employee determined in a civil action to have been wrongfully accused under Iowa Code section 280.21 or this chapter shall be awarded reasonable monetary damages, in light of the circumstances involved, against the party bringing the action.

103.11(2) A school employee's employer and the board of educational examiners shall not engage in reprisal or retaliation against a school employee who, in the reasonable course of the employee's employment responsibilities, comes into physical contact with a student in accordance with Iowa Code section 280.21 or this chapter.

These rules are intended to implement Iowa Code section 280.21.

ARC 5162C

INSURANCE DIVISION[191]

Amended Notice of Intended Action

Providing for a public hearing on rule making related to licensing

The Notice of Intended Action published in the Iowa Administrative Bulletin on August 12, 2020, as **ARC 5129C**, proposes to amend Chapter 10, "Insurance Producer Licenses and Limited Licenses," Chapter 48, "Viatical and Life Settlements," Chapter 55, "Licensing of Public Adjusters," and Chapter 58, "Third-Party Administrators," Iowa Administrative Code. The public comment deadline is extended until September 15, 2020. In addition, in order to receive oral comments concerning **ARC 5129C**, the Insurance Division hereby gives notice that the public hearing previously scheduled for September 7, 2020, will now be held as follows:

September 15, 2020
10 a.m.

Via conference call
Contact Tracy Swalwell
Email: tracy.swalwell@iid.iowa.gov

Persons wishing to attend the conference call hearing should contact Tracy Swalwell. A conference call number will be provided prior to the hearing. Persons who wish to make oral comments at the conference call public hearing must submit a request to Tracy Swalwell prior to the hearing to facilitate an orderly hearing. Persons may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

INSURANCE DIVISION[191](cont'd)

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Division and advise of specific needs.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 508E.19, 510.9, 522B.18 and 522C.3.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapters 508E, 510, 522B and 522C and 2020 Iowa Acts, House File 426.

Purpose and Summary

The Division proposes to amend Chapters 10, 48, 55, and 58 as part of the Division's review of rules and to implement 2020 Iowa Acts, House File 426, which allows for the Commissioner to require producers, viatical settlement brokers, viatical settlement providers, and public adjusters applying for an initial license or applying for renewal, reinstatement or reissuance of a suspended or revoked license to submit fingerprints for a criminal history check.

Fiscal Impact, Jobs Impact, Waivers

Statements related to the fiscal impact, jobs impact, and waiver of this rule making may be found in the preamble of **ARC 5129C**.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

ARC 5155C

PHARMACY BOARD[657]

Notice of Intended Action

Proposing rule making related to controlled substances and precursor substances and providing an opportunity for public comment

The Board of Pharmacy hereby proposes to amend Chapter 10, "Controlled Substances," and Chapter 12, "Precursor Substances," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 124.201 and 124B.2 and 2020 Iowa Acts, Senate File 2119.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 124.201 and 124B.2 and 2020 Iowa Acts, Senate Files 2119 and 2357.

Purpose and Summary

The proposed amendments:

PHARMACY BOARD[657](cont'd)

- Temporarily place into the Iowa Controlled Substances Act five substances (one fentanyl precursor into Schedule II, an FDA-approved treatment for insomnia into Schedule IV, an FDA-approved treatment for seizures into Schedule V, and two chemicals used in the manufacturer of illicit fentanyl as precursor substances),
 - Remove the names of prior substances temporarily scheduled by rule in response to the permanent scheduling of those substances by 2020 Iowa Acts, Senate File 2119,
 - Amend subrule 10.38(3) to incorporate updated language from 2020 Iowa Acts, Senate File 2119, and
 - Rescind paragraph 10.30(2)“g” in response to 2020 Iowa Acts, Senate File 2357, section 1, which removes the requirement that the name of a supervising physician be included on a prescription issued by a physician assistant.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 657—Chapter 34.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Board no later than 4:30 p.m. on September 15, 2020. Comments should be directed to:

Sue Mears
Board of Pharmacy
400 S.W. 8th Street, Suite E
Des Moines, Iowa 50309
Email: sue.mears@iowa.gov

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

PHARMACY BOARD[657](cont'd)

ITEM 1. Rescind paragraph **10.30(2)“g.”**

ITEM 2. Amend subrule 10.38(3) as follows:

10.38(3) ~~Cannabidiol—investigational—product~~ *Cannabis-derived products*. If a ~~cannabidiol~~ ~~investigational~~ cannabis-derived product or investigational product approved as a prescription drug medication by the United States Food and Drug Administration is added to, eliminated from or revised in the federal schedule of controlled substances by the DEA and notice of the addition, elimination or revision is given to the board, the board shall similarly add, eliminate or revise the prescription drug medication in the schedule of controlled substances. Such action by the board shall be immediately effective upon the date of publication of the final regulation containing the addition, elimination or revision in the Federal Register.

ITEM 3. Rescind rule 657—10.39(124) and adopt the following new rule in lieu thereof:

657—10.39(124) Temporary designation of controlled substances.

10.39(1) Amend Iowa Code section 124.206(6) “c” to read as follows:

c. Immediate precursors to fentanyl:

- (1) 4-anilino-N-phenethyl-4-piperidine (ANPP).
- (2) N-phenyl-N-(piperidin-4-yl)propionamide (norfentanyl).

10.39(2) Amend Iowa Code section 124.210(3) by adding the following new paragraph:

be. Lemborexant.

10.39(3) Amend Iowa Code section 124.212(5) by adding the following new paragraph:

e. ([1(R)-1-(2-chlorophenyl)-2-(tetrazol-2-yl)ethyl] carbamate; 2H-tetrazole-2-ethanol, alpha-(2-chlorophenyl)-, carbamate (ester), (alphaR)-; carbamic acid (R)-(+)-1-(2-chlorophenyl)-2-(2H-tetrazol-2-yl)ethyl ester. Other name: cenobamate.

ITEM 4. Rescind and reserve rule **657—10.42(124B)**.

ITEM 5. Adopt the following new subrules 12.1(1) and 12.1(2):

12.1(1) Amend Iowa Code section 124B.2(1) by adding the following new paragraphs:

- a. N-(1-benzylpiperidin-4-yl)-N-phenylpropionamide (benzylfentanyl) and its salts.
- b. N-phenylpiperidine-4-amine(4-anilinopiperidine; N-phenyl-4-piperidinamine; 4—AP), its amides, its carbamates, and its salts.

12.1(2) Reserved.

ARC 5156C

PROFESSIONAL LICENSURE DIVISION[645]

Notice of Intended Action

**Proposing rule making related to license application procedures
and providing an opportunity for public comment**

The Board of Dietetics hereby proposes to amend Chapter 81, “Licensure of Dietitians,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 147.76.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 152A.2.

Purpose and Summary

This proposed rule making revises the license application procedures to make them consistent with the online licensing process. This rule making eliminates requirements for written verification

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

statements from didactic and internship programs or from the Commission on Dietetic Registration (CDR) to confirm completion of the academic and preprofessional practice requirements. It also adds requirements for telehealth practice.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

A waiver provision is not included in this rule making because all administrative rules of the professional licensure boards in the Professional Licensure Division are subject to the waiver provisions accorded under 645—Chapter 18.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Board no later than 4:30 p.m. on September 15, 2020. Comments should be directed to:

Sharon Dozier
Professional Licensure Division
Iowa Department of Public Health
Lucas State Office Building
321 East 12th Street
Des Moines, Iowa 50319
Email: sharon.dozier@idph.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

September 15, 2020
1 to 1:30 p.m.

Fifth Floor Board Conference Room 526
Lucas State Office Building
Des Moines, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making. In an effort to ensure accuracy in memorializing a person's comments, a person may provide written comments in addition to or in lieu of oral comments at the hearing.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Board and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

ITEM 1. Amend rule 645—81.4(152A) as follows:

645—81.4(152A) Requirements for licensure. The following criteria shall apply to licensure:

81.4(1) The applicant shall complete a board-approved application ~~packet~~. ~~The applicant may complete the application online at ibplicense.iowa.gov. Application forms may be obtained from the board office or the board's website (www.idph.iowa.gov/licensure) or directly from the board office.~~ All Mailed applications shall be sent to: Board of Dietetics, Professional Licensure Division, Fifth Floor, Lucas State Office Building, Des Moines, Iowa 50319-0075.

81.4(2) The applicant shall complete the application ~~form~~ according to the instructions contained in the application. If the application is not completed according to the instructions, the application will not be reviewed ~~by the board~~.

81.4(3) Each application shall be accompanied by the appropriate fees payable by check or money order to the Board of Dietetics. Online applications shall be paid with a debit card or credit card. The fees are nonrefundable.

81.4(4) No application will be considered by the board until:

a. Official copies of academic transcripts have been sent directly from the school to the board; ~~and~~
~~*b.* Official verification statements have been sent to the board from the didactic and internship or preprofessional practice programs or from the Commission on Dietetic Registration (CDR) to verify completion of the academic and preprofessional practice requirements; and~~

~~*e. b.* The applicant satisfactorily completes the registration examination for dietitians administered by the Commission on Dietetic Registration (CDR). The board will accept the passing score set by CDR. Verification of satisfactory completion may be established by one of the following:~~

(1) to (3) No change.

81.4(5) and **81.4(6)** No change.

ITEM 2. Amend rule 645—81.7(152A) as follows:

645—81.7(152A) Licensure by endorsement. An applicant who has been a licensed dietitian under the laws of another jurisdiction shall file an application for licensure by endorsement with the board office. The board may receive by endorsement any applicant from the District of Columbia or another state, territory, province or foreign country who:

1. to 4. No change.

5. Provides a ~~notarized~~ copy of the Commission on Dietetic Registration (CDR) registration card or an alternate form of verification of passing the registration examination, as stated in ~~81.4(4)“e”~~ 81.4(4)“b”; and

6. No change.

ITEM 3. Adopt the following new rule 645—81.17(152A,272C):

645—81.17(152A,272C) Telehealth visits. A licensee may provide dietetic services to an individual or a group utilizing a telehealth visit if the dietetic services are provided in accordance with all the requirements of this chapter.

81.17(1) “Telehealth visit” means the provision of dietetic services by a licensee to an individual or a group using technology where the licensee and the individual or group are not at the same physical location for the therapy session.

81.17(2) A licensee engaged in a telehealth visit shall utilize technology that is secure and HIPAA-compliant and that includes, at a minimum, audio and video equipment that allows two-way real-time interactive communication between the licensee and the individual or group. A licensee may use non-real-time technologies to prepare for a session or to communicate with an individual or a group between sessions.

81.17(3) A licensee engaged in a telehealth visit shall be held to the same standard of care as a licensee who provides in-person dietetic services. A licensee shall not utilize a telehealth visit if the standard of care for the particular services cannot be met by using technology.

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

81.17(4) Any licensee who provides a telehealth visit to an individual or a group located in Iowa shall be licensed in Iowa.

81.17(5) Prior to the first telehealth visit, a licensee shall obtain informed consent from the individual or group specific to the services that will be provided in a telehealth visit. At a minimum, the informed consent shall specifically inform the individual or group of the following:

- a. The risks and limitations of the use of technology to provide dietetics services;
- b. The potential for unauthorized access to protected health information; and
- c. The potential for disruption of technology during a telehealth visit.

81.17(6) A licensee shall identify in the clinical record when dietetic services are provided utilizing a telehealth visit.

ARC 5152C**PUBLIC SAFETY DEPARTMENT[661]****Notice of Intended Action****Proposing rule making related to standards for electrical work
and providing an opportunity for public comment**

The Electrical Examining Board hereby proposes to amend Chapter 504, “Standards for Electrical Work,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 103.6.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 103.6.

Purpose and Summary

The purpose of this proposed amendment is to update the Standards for Electrical Work to the National Electrical Code, 2020 edition. Consistent with rule making in this chapter, the entire National Electrical Code (NEC) is adopted, with the amendments included in this chapter. It is the intention of the Department and the Board to not make further amendments, regardless of new additions to the NEC, until it is necessary for the state of Iowa. A significant effect of the adoption of the 2020 edition of the NEC would have been the requirement for 250-volt receptacles, but the Board, in addition to adopting the 2020 edition of the NEC by reference, is amending the 2020 edition to remove that requirement. Although the ground fault circuit interrupter requirement for 250-volt receptacles is removed, it is possible that future NEC amendments will return this provision to the administrative rules.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any. Pursuant to the provisions of rule 661—10.222(17A), the Department does not have authority to waive requirements established by statute.

PUBLIC SAFETY DEPARTMENT[661](cont'd)

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on September 15, 2020. Comments should be directed to:

Brian Young
 Department of Public Safety
 Oran Pape State Office Building
 215 East 7th Street
 Des Moines, Iowa 50319
 Email: byoung@dps.state.ia.us

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

September 17, 2020
 10 a.m.

First Floor Public Conference Room 125
 Oran Pape State Office Building
 Des Moines, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

Amend **661—Chapter 504** as follows:

CHAPTER 504
 STANDARDS FOR ELECTRICAL WORK

661—504.1(103) Installation requirements. The provisions of the National Electrical Code, ~~2017~~ 2020 edition, published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02169-7471, are adopted as the requirements for electrical installations performed by persons licensed pursuant to 661—Chapters 500 through 503 and to installations subject to inspection pursuant to Iowa Code chapter 103 with the following amendments:

504.1(1) ~~Delete section 210.12(D).~~ Delete section 210.8(A) and insert in lieu thereof the following new section:

210.8(A) Dwelling Units.

All 125-volt receptacles installed in locations specified in 210.8(A)(1) through 210.8(A)(11) shall ground-fault circuit-interrupter protection for personnel.

(1) Bathrooms

(2) Garages and also accessory buildings that have a floor located at or below grade level not intended to be habitable rooms and limited to storage areas, work areas or similar use

(3) Outdoors

PUBLIC SAFETY DEPARTMENT[661](cont'd)

Exception to (3): Receptacles that are not readily accessible and are supplied branch circuit dedicated to electrical snow-melting, deicing, or pipeline and vessel heating equipment shall be permitted to be installed in accordance with 426.28 or 427.22, as applicable.

(4) Crawl spaces – at or below grade level

(5) Basements

Exception to (5): A receptacle supplying only a permanently installed fire alarm or burglar alarm system shall not be required to have ground-fault circuit-interrupter protection.

Informational Note: See 760.41B and 760.121(B) for power supply requirements for fire alarm systems.

Receptacles installed under the exception to 210.8(A)(5) shall not be considered as meeting the requirements of 210.52(G)

(6) Kitchens – where the receptacles are installed to serve the countertop surfaces

(7) Sinks – where receptacles are installed within 1.8 m (6 ft) from the top inside edge of the bowl of the sink

(8) Boathouses

(9) Bathtubs or shower stalls – where receptacles are installed within 1.8 m (6 ft) of the outside edge of the bathtub or shower stall

(10) Laundry areas

Exception to (1) through (3), (5) through (8), and (10): Listed locking support and mounting receptacles utilized in combination with compatible attachment fittings installed for the purpose of serving a ceiling luminaire or ceiling fan shall not be required to be ground-fault circuit-interrupter protected. If a general-purpose convenience receptacle is integral to the ceiling luminaire or ceiling fan, GFCI protection shall be provided.

(11) Indoor damp and wet locations

504.1(2) ~~Delete section 406.4(D)(4).~~ ~~Delete section 210.8(F).~~

This rule is intended to implement Iowa Code chapter 103.

TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION, IOWA

Public Notice

NOTICE OF OFFICIAL CONTRACT LIMITATION AMOUNT ADJUSTMENT FOR THE PERIOD COMMENCING SEPTEMBER 1, 2020, AND ENDING AUGUST 31, 2021

In accordance with Iowa Code section 8D.11, subsection 1, paragraph “c,” the Iowa Telecommunications and Technology Commission’s (Iowa Communications Network) Executive Director hereby publishes the official adjusted contract limitation amount for the period commencing on September 1, 2020, and ending on August 31, 2021, of \$2,476,610.60.

The adjusted contract limitation amount becomes effective on September 1, 2020. The amount was determined by applying the formula specified in the statute. According to the federal Department of Labor, Bureau of Labor Statistics, the consumer price index for all urban consumers increased 0.6 percent from June 2019 to June 2020.

Pursuant to Iowa Code section 8D.11, subsection 1, paragraph “c,” this notice is exempt from the rule-making process in Iowa Code chapter 17A.

Questions with respect to this notice should be directed to:

TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION, IOWA(cont'd)

ICN Executive Director
 Iowa Telecommunications and Technology Commission
 400 E. 14th Street
 Des Moines, Iowa 50319
 Telephone: 515.725.4692

ARC 5154C**TRANSPORTATION DEPARTMENT[761]****Notice of Intended Action****Proposing rule making related to motorized bicycle education
and providing an opportunity for public comment**

The Department of Transportation hereby proposes to amend Chapter 602, “Classes of Driver’s Licenses,” and Chapter 636, “Motorized Bicycle Rider Education,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 307.12.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 321.189.

Purpose and Summary

This proposed rule making relates to motorized bicycle (moped) rider education and aligns with existing legal authority and Department practice, eliminates outdated or irrelevant requirements or options, and accommodates modern electronic procedures and terminology.

Rule 761—636.4(321) is amended to consolidate instructor and course approval requirements into a single rule because those requirements are the same for all programs seeking to provide a motorized bicycle rider education course, regardless of whether the provider is a school district or a private/commercial sponsor. However, an application fee only pertains to private/commercial sponsors. The proposed amendments to this rule also specify the length of validity of the course approval and renewal procedures.

This proposed rule making includes a conforming change to subrule 602.2(1) to provide that a certificate of completion of an approved course may be submitted electronically through the Department’s online reporting system by a participating Iowa-approved motorized bicycle rider education provider. **ARC 5102C**, which was published in the Iowa Administrative Bulletin as a Notice of Intended Action on July 29, 2020, also proposed an amendment to subrule 602.2(1). The proposed amendment included in this rule making will supersede the proposed amendment within **ARC 5102C**. This proposed rule making also includes an amendment to update the implementation sentence for rule 761—602.26(321).

Current terminology within Chapter 636 is amended to refer to program approval rather than a license, and an instructor rather than a teacher, and further specifies that the instructor must be listed on the program application to be approved.

Finally, the proposed amendments incorporate the clear driving record standards used by the Department for behind-the-wheel driver education instructors and motorcycle rider instructors and clarify the Department’s current practice of either canceling or denying the instructor’s approval if the instructor does not meet the instructor qualifications under the chapter.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

TRANSPORTATION DEPARTMENT[761](cont'd)

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the person's circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

Public Comment

Any interested person may submit written comments concerning this proposed rule making or may submit a written request to make an oral presentation at a public hearing. Written comments or requests to present oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on September 15, 2020. Comments should be directed to:

Tracy George
Department of Transportation
DOT Rules Administrator, Strategic Communications and Policy Bureau
800 Lincoln Way
Ames, Iowa 50010
Email: tracy.george@iowadot.us

Public Hearing

If requested, a public hearing to hear requested oral presentations will be held via conference call. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on September 15, 2020, to facilitate an orderly hearing. A conference call number will be provided to participants prior to the hearing.

September 17, 2020
10 to 11 a.m.

Department of Transportation
Motor Vehicle Division
6310 SE Convenience Boulevard
Ankeny, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact Tracy George, the Department's rules administrator, and advise of specific needs.

The public hearing will be canceled without further notice if no oral presentation is requested.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend subrule 602.2(1), introductory paragraph, as follows:

602.2(1) Certificate of completion. Proof of successful completion of an Iowa-approved course in driver education, motorcycle rider education, or motorized bicycle education shall be submitted to the department on Form 430036 shall be used to submit proof of successful completion of an Iowa-approved

TRANSPORTATION DEPARTMENT[761](cont'd)

~~course in driver education, motorcycle rider education or motorized bicycle education, except that proof of successful completion of an Iowa approved course in driver education may instead be submitted or through an online reporting system used by participating Iowa-approved driver education schools, motorcycle rider education, or motorized bicycle rider education providers.~~

ITEM 2. Amend rule ~~761—602.26(321)~~, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321.177₂, 321.180B₂, 321.189₂, 321.194 as amended by 2019 Iowa Acts, Senate File 140, sections 1 and 2; and 321.196.

ITEM 3. Amend rule 761—636.1(321) as follows:

761—636.1(321) Information and location. Applications, forms and information regarding this chapter are available by mail from the ~~Office of Driver and Identification Services Bureau~~, Iowa Department of Transportation, P.O. Box 9204, Des Moines, Iowa 50306-9204; in person at 6310 SE Convenience Blvd., Ankeny, Iowa; by telephone at ~~(515)237-3153~~ (515)244-8725; or by facsimile at ~~(515)237-3071~~ (515)239-1837.

ITEM 4. Adopt the following new definitions of “Instructor” and “Program approval” in rule **761—636.2(321)**:

“*Instructor*” means a person approved by the department to instruct a motorized bicycle rider education course.

“*Program approval*” means department approval of an entity’s motorized bicycle rider education course and instructors.

ITEM 5. Amend rule 761—636.4(321) as follows:

761—636.4(321) Agencies or institutions Approved program in motorized bicycle rider education.

636.4(1) Program approval. ~~Any school district, area education agency, merged area school, other agency or individual entity planning to offer a motorized bicycle rider education course must receive course program approval from the department prior to the beginning of the first class that is offered and annually thereafter. The agency or institution or individual shall complete a form provided by the department to apply for course approval. Course approval will be issued for a calendar year or remainder of a calendar year. The approval expires on December 31 and must be renewed annually.~~

636.4(2) Application and fees. Application for initial program approval or annual program approval renewal shall be made to the department in a manner determined by the department. The application fee is \$25 for a private or commercial sponsor. The fee must be paid by cash, money order or check unless the department approves payment of the fee by electronic means. A money order or check must be for the exact amount and should be made payable to the Treasurer, State of Iowa, or the Department of Transportation.

636.4(3) Initial program approval and annual renewal. Program approval to provide motorized bicycle rider education shall be issued for a calendar year or remainder of a calendar year. The program approval expires on December 31 but remains valid for an additional 30 days after the expiration date. The application for renewal shall be submitted to the department within 60 days of the expiration date, unless otherwise approved by the department.

636.4(4) Cancellation and denial. The department shall cancel or deny program approval if the course or instructors are no longer approved.

ITEM 6. Rescind rule ~~761—636.5(321)~~.

ITEM 7. Renumber rules ~~761—636.7(321)~~ to ~~761—636.9(321)~~ as ~~761—636.5(321)~~ to **761—636.7(321)**.

ITEM 8. Amend renumbered subrule 636.5(1) as follows:

636.5(1) Classroom instruction. An approved course shall consist of a minimum of six clock hours of classroom instruction which includes the instructional components contained in subrule ~~636.7(3)~~ 636.5(3).

TRANSPORTATION DEPARTMENT[761](cont'd)

ITEM 9. Amend renumbered rule 761—636.6(321) as follows:

761—636.6(321) ~~Teacher qualifications~~ Instructor approval. ~~A teacher~~ An instructor of an approved motorized bicycle rider education course must be listed on the application for program approval as provided in subrules 636.4(1) and 636.4(2) and approved by the department.

636.6(1) ~~Instructor qualifications.~~ An instructor of an approved course shall possess a valid driver’s license allowing unaccompanied driving other than a temporary restricted license and shall be able to operate a motorized bicycle. ~~A teacher~~ An instructor must also have a clear driving record for the previous two years. A clear driving record means the ~~teacher~~ instructor has:

636.6(1) a. Not been identified as a candidate for driver’s license suspension under the habitual violator provisions of rule 761—615.13(321) or the serious violation provisions of rule 761—615.17(321).

636.6(2) b. No driver’s license suspensions, revocations, denials, cancellations, disqualifications or bars.

636.6(3) c. Not committed an offense that would result in driver’s license suspension, revocation, denial, cancellation, disqualification or bar.

636.6(4) d. No record of ~~an accident for which the individual was convicted of a moving traffic violation~~ a law enforcement investigative report indicating a contributive motor vehicle accident that caused the death or serious injury of another person.

e. No record of a law enforcement investigative report indicating two or more contributive motor vehicle accidents in a two-year period.

636.6(2) ~~Cancellation and denial.~~ When an instructor of an approved program does not meet the qualifications under this chapter, the department shall remove the instructor from the approved program and cancel or deny the approval of the program unless the entity has submitted an application for or secured approval of an alternate instructor from the department.

ITEM 10. Amend renumbered rule 761—636.7(321) as follows:

761—636.7(321) Evaluation. Each student shall be evaluated by the instructor to determine successful completion of the course.

TREASURER OF STATE

Notice—Public Funds Interest Rates

In compliance with Iowa Code chapter 74A and section 12C.6, the committee composed of Treasurer of State Michael L. Fitzgerald, Superintendent of Credit Unions Katie Averill, Superintendent of Banking Jeff Plagge, and Auditor of State Rob Sand has established today the following rates of interest for public obligations and special assessments. The usury rate for August is 2.75%.

INTEREST RATES FOR PUBLIC OBLIGATIONS AND ASSESSMENTS

74A.2 Unpaid Warrants	Maximum 6.0%
74A.4 Special Assessments	Maximum 9.0%

RECOMMENDED Rates for Public Obligations (74A.3) and School District Warrants (74A.7). A rate equal to 75% of the Federal Reserve monthly published indices for U.S. Government securities of comparable maturities. All Financial Institutions as defined by Iowa Code section 12C.1 are eligible for public fund deposits as defined by Iowa Code section 12C.6A.

The rate of interest has been determined by a committee of the state of Iowa to be the minimum interest rate that shall be paid on public funds deposited in approved financial institutions. To be eligible to accept deposits of public funds of the state of Iowa, a financial institution shall demonstrate a commitment to serve the needs of the local community in which it is chartered to do business. These

TREASURER OF STATE(cont'd)

needs include credit services as well as deposit services. All such financial institutions are required to provide the committee with a written description of their commitment to provide credit services in the community. This statement is available for examination by citizens.

New official state interest rates, effective August 11, 2020, setting the minimums that may be paid by Iowa depositories on public funds are listed below.

TIME DEPOSITS

7-31 days	Minimum .05%
32-89 days	Minimum .05%
90-179 days	Minimum .05%
180-364 days	Minimum .05%
One year to 397 days	Minimum .05%
More than 397 days	Minimum .05%

These are minimum rates only. All time deposits are four-tenths of a percent below average rates. Public body treasurers and their depositories may negotiate a higher rate according to money market rates and conditions.

Inquiries may be sent to Michael L. Fitzgerald, Treasurer of State, State Capitol, Des Moines, Iowa 50319.

USURY

In accordance with the provisions of Iowa Code section 535.2, subsection 3, paragraph "a," the Superintendent of Banking has determined that the maximum lawful rate of interest shall be:

September 1, 2019 — September 30, 2019	4.00%
October 1, 2019 — October 31, 2019	3.75%
November 1, 2019 — November 30, 2019	3.75%
December 1, 2019 — December 31, 2019	3.75%
January 1, 2020 — January 31, 2020	3.75%
February 1, 2020 — February 29, 2020	3.50%
March 1, 2020 — March 31, 2020	3.75%
April 1, 2020 — April 30, 2020	3.50%
May 1, 2020 — May 31, 2020	2.75%
June 1, 2020 — June 30, 2020	2.75%
July 1, 2020 — July 31, 2020	2.75%
August 1, 2020 — August 31, 2020	2.75%
September 1, 2020 — September 30, 2020	2.50%

ARC 5153C

UTILITIES DIVISION[199]

Notice of Intended Action

Proposing rule making related to review of rules and providing an opportunity for public comment

The Utilities Board hereby proposes to amend Chapter 25, "Iowa Electrical Safety Code," Iowa Administrative Code.

UTILITIES DIVISION[199](cont'd)

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 476.2.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 476.

Purpose and Summary

The Board is conducting a comprehensive review of its administrative rules in accordance with Iowa Code section 17A.7(2) and rule 199—3.11(17A,474). The purpose of the comprehensive review is to identify and update or eliminate rules that are outdated, redundant, or inconsistent or incompatible with statutes and other administrative rules.

In reviewing Chapter 25, the Board found subrule 25.3(2) to be outdated and proposes to rescind it. On August 7, 2020, the Board issued an order commencing rule making. The order is available on the Board's electronic filing system, efs.iowa.gov, under Docket No. RMU-2020-0025.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

No waiver provision is included in the proposed amendment because the Board has a general waiver provision in rule 199—1.3(17A,474,476) that provides procedures for requesting a waiver of the rules in this chapter.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Board no later than 4:30 p.m. on September 15, 2020. Comments should be directed to:

Iowa Utilities Board
Electronic Filing System (EFS) efs.iowa.gov
Phone: 515.725.7337
Email: efshelpdesk@iub.iowa.gov

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

UTILITIES DIVISION[199](cont'd)

The following rule-making action is proposed:

Rescind and reserve subrule **25.3(2)**.

ARC 5157C

LABOR SERVICES DIVISION[875]

Adopted and Filed

Rule making related to penalties for occupational safety and health citations

The Labor Commissioner hereby amends Chapter 3, “Posting, Inspections, Citations and Proposed Penalties,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 88.14.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 88.

Purpose and Summary

This amendment makes mandatory, annual cost-of-living adjustments in order to align Iowa’s penalties for occupational safety and health citations with the corresponding federal penalties.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on February 26, 2020, as **ARC 4938C**. No public comments were received. One change from the Notice has been made to the effective date in the introductory paragraph of subrule 3.11(1).

Adoption of Rule Making

This rule making was adopted by the Commissioner on July 29, 2020.

Fiscal Impact

The penalty increases may result in a small increase in penalties deposited in the general fund.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Commissioner for a waiver of the discretionary provisions, if any.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on October 3, 2020.

The following rule-making action is adopted:

LABOR SERVICES DIVISION[875](cont'd)

Amend subrule 3.11(1) as follows:

3.11(1) The civil penalties proposed by the labor commissioner on or after ~~May 29, 2019~~ October 3, 2020, are as follows:

a. Willful violation. The penalty for each willful violation under Iowa Code section 88.14(1) shall not be less than ~~\$9,472~~ \$9,639 and shall not exceed ~~\$132,598~~ \$134,937.

b. Repeated violation. The penalty for each repeated violation under Iowa Code section 88.14(1) shall not exceed ~~\$132,598~~ \$134,937.

c. Serious violation. The penalty for each serious violation under Iowa Code section 88.14(2) shall not exceed ~~\$13,260~~ \$13,494.

d. Other-than-serious violation. The penalty for each other-than-serious violation under Iowa Code section 88.14(3) shall not exceed ~~\$13,260~~ \$13,494.

e. Failure to correct violation. The penalty for failure to correct a violation under Iowa Code section 88.14(4) shall not exceed ~~\$13,260~~ \$13,494 per day.

f. Posting, reporting, or record-keeping violation. The penalty for each posting, reporting, or record-keeping violation under Iowa Code section 88.14(9) shall not exceed ~~\$13,260~~ \$13,494.

[Filed 7/31/20, effective 10/3/20]

[Published 8/26/20]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 8/26/20.

ARC 5158C

LABOR SERVICES DIVISION[875]

Adopted and Filed

Rule making related to federal occupational safety and health standards

The Labor Commissioner hereby amends Chapter 4, "Recording and Reporting Occupational Injuries and Illnesses," Chapter 10, "General Industry Safety and Health Rules," and Chapter 26, "Construction Safety and Health Rules," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 88.5.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 88.

Purpose and Summary

The Labor Commissioner is required to adopt by reference federal occupational safety and health standards. These amendments adopt by reference minor corrections to the construction and general industry standards and to the recording and reporting rules.

The standard changes relate to nationally recognized testing laboratories; the definition of "hazardous atmosphere" in the context of general industry electrical power generation, transmission, and distribution; lead and cadmium in general industry; asbestos, cadmium, and lead in construction; hazardous waste operations and emergency response in construction; construction personnel hoists; construction excavations; steel erection in construction; and the use of cranes and derricks to hoist construction personnel.

LABOR SERVICES DIVISION[875](cont'd)

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on March 25, 2020, as **ARC 4996C**. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Commissioner on July 29, 2020.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Commissioner for a waiver of the discretionary provisions, if any, pursuant to 875—Chapter 5.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on September 30, 2020.

The following rule-making actions are adopted:

ITEM 1. Adopt the following **new** paragraph **4.3(1)“j”**:

j. 85 Fed. Reg. 8731 (February 18, 2020)

ITEM 2. Amend rule **875—10.20(88)** by inserting the following at the end thereof:
85 Fed. Reg. 8731 (February 18, 2020)

ITEM 3. Amend rule **875—26.1(88)** by inserting the following at the end thereof:
85 Fed. Reg. 8735 (February 18, 2020)

[Filed 7/29/20, effective 9/30/20]

[Published 8/26/20]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 8/26/20.

ARC 5159C**LABOR SERVICES DIVISION[875]****Adopted and Filed****Rule making related to debt collection**

The Labor Commissioner hereby amends Chapter 61, “Administration of Iowa Code Chapter 88A,” Chapter 71, “Administration of the Conveyance Safety Program,” Chapter 90, “Administration of the Boiler and Pressure Vessel Program,” and Chapter 155, “Asbestos Removal and Encapsulation,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 88A.3, 88B.3, 89.7(2) and 89A.3(8).

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapters 88A, 88B, 89 and 89A.

Purpose and Summary

These are technical and conforming amendments relating to debt collection by the College Student Aid Commission, the Child Support Recovery Unit, and the Department of Revenue. Agencies such as the Division of Labor Services that issue permits, licenses and similar authorizations must stand ready to assist in debt collection. These amendments include updates and corrections relating to these duties. Several amendments remove references to the College Student Aid Commission due to 2019 Iowa Acts, Senate File 304, which prohibited licensing sanctions against individuals who default or are delinquent on student loan debt or on a related service obligation.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on February 26, 2020, as **ARC 4940C**. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Commissioner on July 30, 2020.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Commissioner for a waiver of the discretionary provisions, if any.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or

LABOR SERVICES DIVISION[875](cont'd)

group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on September 30, 2020.

The following rule-making actions are adopted:

ITEM 1. Amend rule ~~875—61.2(88A)~~, definition of “Certificate of noncompliance,” as follows:
“Certificate of noncompliance” means:

1. A certificate of noncompliance issued by the child support recovery unit, department of human services, pursuant to Iowa Code chapter 252J; or
- ~~2. A certificate of noncompliance issued by the college student aid commission pursuant to Iowa Code chapter 261; or~~
- ~~3.~~ 2. A certificate of noncompliance issued by the centralized collection unit, department of revenue, pursuant to Iowa Code chapter 272D.

ITEM 2. Amend rule ~~875—61.6(88A,252J,261,272D)~~, parenthetical implementation statute, as follows:

~~875—61.6(88A,252J,261,272D)~~ Termination, denial, suspension, or revocation of an operating permit.

ITEM 3. Amend rule ~~875—61.7(17A,88A,252J,261,272D)~~, parenthetical implementation statute, as follows:

~~875—61.7(17A,88A,252J,261,272D)~~ Procedures for revocation, suspension, or denial of an operating permit or amusement inspection sticker.

ITEM 4. Amend subrule 61.7(1) as follows:

61.7(1) If the commissioner initiates revocation, suspension or denial due to the receipt of a certificate of noncompliance, the applicable procedures of Iowa Code chapter 252J, ~~261~~, or 272D shall apply.

ITEM 5. Amend ~~875—Chapter 61~~, implementation sentence, as follows:

These rules are intended to implement Iowa Code chapters 17A, 88A, 252J, ~~261~~, and 272D.

ITEM 6. Amend rule ~~875—71.12(89A,252J,261,272D)~~, parenthetical implementation statute, as follows:

~~875—71.12(89A,252J,261,272D)~~ Special inspector commissions.

ITEM 7. Amend subrule 71.12(1) as follows:

71.12(1) Definition. As used in this rule, “certificate of noncompliance” means:

- a. A certificate of noncompliance issued by the child support recovery unit, department of human services, pursuant to Iowa Code chapter 252J; or
- ~~b. A certificate of noncompliance issued by the college student aid commission pursuant to Iowa Code chapter 261; or~~
- ~~e.~~ b. A certificate of noncompliance issued by the centralized collection unit of the department of revenue pursuant to Iowa Code chapter 272D.

ITEM 8. Amend subrule 71.12(11), introductory paragraph, as follows:

71.12(11) Procedures. The following procedures shall apply except in the event of revocation or suspension due to receipt of a certificate of noncompliance. In instances involving receipt of a certificate of noncompliance, the applicable procedures of Iowa Code chapter 252J, ~~261~~, or 272D shall apply.

LABOR SERVICES DIVISION[875](cont'd)

ITEM 9. Amend **875—Chapter 71**, implementation sentence, as follows:

These rules are intended to implement Iowa Code chapters 89A, 252J, ~~261~~ and 272D.

ITEM 10. Amend rule 875—90.2(89,261,252J,272D), parenthetical implementation statute, as follows:

875—90.2(89,261,252J,272D) Definitions.

ITEM 11. Amend rule **875—90.2(89,261,252J,272D)**, definition of “Certificate of noncompliance,” as follows:

“*Certificate of noncompliance*” means:

1. A certificate of noncompliance issued by the child support recovery unit, department of human services, pursuant to Iowa Code chapter 252J; or
- ~~2. A certificate of noncompliance issued by the college student aid commission pursuant to Iowa Code chapter 261; or~~
3. 2. A certificate of noncompliance issued by the centralized collection unit of the department of revenue pursuant to Iowa Code chapter 272D.

ITEM 12. Amend rule 875—90.9(89,252J,261), parenthetical implementation statute, as follows:

875—90.9(89,252J,261 272D) Special inspector commissions.

ITEM 13. Amend subrule 90.9(10), introductory paragraph, as follows:

90.9(10) Procedures. The following procedures shall apply except in the event of revocation or suspension due to receipt of a certificate of noncompliance. In instances involving receipt of a certificate of noncompliance, the applicable procedures of Iowa Code chapter 252J, ~~261~~, or 272D shall apply.

ITEM 14. Amend **875—Chapter 90**, implementation sentence, as follows:

These rules are intended to implement Iowa Code chapters 17A, 89, 252J, ~~261~~, and 272D.

ITEM 15. Amend subrule 155.2(2) as follows:

155.2(2) Action on application. A new permit shall be valid for one year from the date of issuance. A renewal permit shall be valid for one year from the expiration date of the applicant’s prior permit. A permit may be denied for the reasons set forth in rule ~~875—155.8(17A,88B,252J,261 272D)~~ or if the application package is incomplete. Within 60 days of receiving a completed application package for a new permit, the division will issue a permit or deny the application. Within 30 days of receiving a completed application package for a permit renewal, the division will issue a permit or deny the application. Applications received after expiration of a prior permit will be considered applications for new permits rather than renewals.

ITEM 16. Amend subrule 155.6(9) as follows:

155.6(9) Action on application. Within 30 days of receiving a completed application, the division will issue a license or deny the application. If a license is issued, it will expire one year from the date the training was completed. An application may be denied for the reasons set forth in rule ~~875—155.8(17A,88B,252J,261 272D)~~ or if the application package is incomplete.

ITEM 17. Amend rule 875—155.8(17A,88B,252J,261), parenthetical implementation statute, as follows:

875—155.8(17A,88B,252J,261 272D) Denial, suspension and revocation.

ITEM 18. Amend paragraph **155.8(1)“e”** as follows:

e. The division received a certificate of noncompliance from the ~~college student aid commission~~ centralized collection unit of the department of revenue or the child support recovery unit of the department of human services.

ITEM 19. Amend subrule 155.9(2) as follows:

155.9(2) Procedures. The labor commissioner shall serve a notice of intended action by restricted certified mail, return receipt requested, or by other service as permitted by Iowa Code section 17A.18. A

LABOR SERVICES DIVISION[875](cont'd)

notice of contest must be received by the labor commissioner within 20 days after service of the notice of intended action. If a notice of contest is not timely filed, the action stated in the notice of intended action shall automatically be effective. Hearing procedures for asbestos contested cases are set forth in 875—Chapter 1, Division V. However, if a contested case is based on receipt by the division of a certificate of noncompliance, procedures outlined in Iowa Code chapter 252J or ~~264~~ 272D shall apply.

ITEM 20. Amend ~~875—Chapter 155~~, implementation sentence, as follows:

These rules are intended to implement Iowa Code chapters 17A, 88B, 252J, and ~~264~~ 272D.

[Filed 7/29/20, effective 9/30/20]

[Published 8/26/20]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 8/26/20.

ARC 5160C

PROFESSIONAL LICENSURE DIVISION[645]

Adopted and Filed

Rule making related to electronic transmission of prescriptions

The Board of Optometry hereby amends Chapter 182, "Practice of Optometrists," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 147.76.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 124.308 and 155A.27.

Purpose and Summary

Pursuant to Iowa Code sections 124.308 and 155A.27, beginning January 1, 2020, every prescription issued for a prescription drug is to be transmitted electronically as an electronic prescription to a pharmacy or a pharmacy's agent unless exempted by statute. A practitioner who violates this mandate is subject to an administrative penalty of \$250 per violation, up to a maximum of \$5,000 per calendar year. Optometrists are prescribers subject to this electronic prescription mandate, and thus the Board may assess administrative penalties against its licensees for violations of the electronic prescription mandate beginning January 1, 2020. This rule making incorporates the electronic prescription mandate within the Board's existing rules governing prescription requirements.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on March 25, 2020, as **ARC 5003C**. Although a public hearing was scheduled, one was not held due to the COVID-19-related shutdown. The public was allowed to submit comments in writing. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Board on July 9, 2020.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

A waiver provision is not included in this rule making because all administrative rules of the professional licensure boards in the Professional Licensure Division are subject to the waiver provisions accorded under 645—Chapter 18.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on September 30, 2020.

The following rule-making action is adopted:

Adopt the following **new** subrule 182.4(4):

182.4(4) Beginning January 1, 2020, every prescription issued for a prescription drug shall be transmitted electronically unless exempted pursuant to Iowa Code sections 124.308 or 155A.27. Beginning January 1, 2020, a licensee who fails to comply with the electronic prescription mandate may be subject to a nondisciplinary administrative penalty of \$250 per violation, up to a maximum of \$5,000 per calendar year.

[Filed 7/29/20, effective 9/30/20]

[Published 8/26/20]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 8/26/20.

ARC 5161C

PROFESSIONAL LICENSURE DIVISION[645]

Adopted and Filed

Rule making related to child abuse and dependent adult abuse identification and reporting training

The Board of Speech Pathology and Audiology hereby amends Chapter 300, "Licensure of Speech Pathologists and Audiologists," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 232.69(3)"e," 235B.16(5)"f" and 272C.2.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections and 232.69 and 235B.16.

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

Purpose and Summary

2019 Iowa Acts, House File 731, amended Iowa Code sections 232.69 and 235B.16, which govern mandatory training in child and dependent adult abuse identification and reporting for certain professionals. This rule making amends the Board's requirements for mandatory training in child and dependent adult abuse identification and reporting to reflect the statutory changes and requires that licensees who must report child or dependent adult abuse comply with the requirements for training every three years, as provided in the amended Iowa Code sections 232.69 and 235B.16. This rule making also updates subrule 300.11(4) to correct a reference to a rescinded chapter.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on February 12, 2020, as **ARC 4913C**. A public hearing was held on March 4, 2020, at 9 a.m. in the Fifth Floor Board Conference Room 526, Lucas State Office Building, Des Moines, Iowa. No one attended the public hearing. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Board on August 5, 2020.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

A waiver provision is not included in this rule making because all administrative rules of the professional licensure boards in the Professional Licensure Division are subject to the waiver provisions accorded under 645—Chapter 18.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on October 1, 2020.

The following rule-making action is adopted:

Amend subrule 300.11(4) as follows:

300.11(4) Mandatory reporter training requirements.

a. A licensee who, in the scope of professional practice or in the licensee's employment responsibilities, examines, attends, counsels or treats children in Iowa shall indicate on the renewal application completion of ~~two hours~~ of training in child abuse identification and reporting as required by Iowa Code section 232.69(3) "*b*" in the previous ~~five~~ three years or condition(s) for waiver of this ~~requirements requirement~~ as identified in paragraph "*f*." 300.11(4) "*e*."

b. A licensee who, in the course of employment, examines, attends, counsels or treats adults in Iowa shall indicate on the renewal application completion of ~~two hours~~ of training in dependent adult

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

abuse identification and reporting as required by Iowa Code section 235B.16(5) "b" in the previous ~~five~~ three years or condition(s) for waiver of this requirement as identified in paragraph "~~f~~" 300.11(4) "e."

~~e.~~—A licensee who, in the scope of professional practice or in the course of employment, examines, attends, counsels or treats both adults and children in Iowa shall indicate on the renewal application completion of training in abuse identification and reporting for dependent adults and children in the previous five years or condition(s) for waiver of this requirement as identified in paragraph "~~f~~."

~~d. c.~~ Training may be completed through separate courses as identified in paragraphs "~~a~~" and "~~b~~" or in one combined two-hour course that includes curricula for identifying and reporting child abuse and dependent adult abuse. The ~~course~~ course(s) shall be a the curriculum approved provided by the Iowa department of ~~public health abuse education review panel~~ human services.

~~e. d.~~ The licensee shall maintain written documentation for ~~five~~ three years after mandatory training as identified in paragraphs "~~a~~" to "~~e~~," 300.11(4) "a" and "~~b~~," including program date(s), content, duration, and proof of participation.

~~f. e.~~ The requirement for mandatory training for identifying and reporting child and dependent adult abuse shall be suspended if the board determines that suspension is in the public interest or that a person at the time of license renewal:

(1) Is engaged in active duty in the military service of this state or the United States.

(2) Holds a current waiver by the board based on evidence of significant hardship in complying with training requirements, including an exemption of continuing education requirements or extension of time in which to fulfill requirements due to a physical or mental disability or illness as identified in ~~645—Chapter 303 rule 645—4.14(272C)~~.

~~g. f.~~ The board may select licensees for audit of compliance with the requirements in paragraphs "~~a~~" 300.11(4) "a" to "~~f~~" "e."


[Filed 8/5/20, effective 10/1/20]

[Published 8/26/20]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 8/26/20.

**PUBLIC HEARINGS: POSSIBLE USE OF TELEPHONIC OR
ELECTRONIC FORMAT DUE TO COVID-19**

To protect public health and promote efficient government operations during the COVID-19 outbreak, the format of a public hearing on a notice of intended action (NOIA) scheduled and published in the Iowa Administrative Bulletin (IAB) may be changed, without further publication in the IAB, from an in-person hearing at a physical location to a hearing conducted solely via telephonic or electronic means. For information on whether the format of a public hearing as published in the IAB has changed and how to participate telephonically or electronically in such a hearing, see the Internet site of the relevant agency or contact the agency directly using the contact information published in the NOIA. See also section 110 of the Governor's proclamation of disaster emergency issued August 21, 2020: [governor.iowa.gov/sites/default/files/documents/Public%20Health%20Proclamation%20-%202020.08.21_0.pdf](https://www.governor.iowa.gov/sites/default/files/documents/Public%20Health%20Proclamation%20-%202020.08.21_0.pdf).



State of Iowa
Executive Department

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF IOWA

EXECUTIVE ORDER NUMBER SEVEN

- WHEREAS,** the Bill of Rights set forth in Article I of the Constitution of the State of Iowa recognizes that the political power of the State of Iowa is inherent in the people, and the government is instituted for the protection, security, and benefit of its people; and
- WHEREAS,** the Constitution of the State of Iowa demonstrates the significance of the right to vote by devoting all of Article II to protecting the right of suffrage; and
- WHEREAS,** a person convicted of any infamous crime forfeits the right to vote and hold office pursuant to Article II, section 5, of the Constitution of the State of Iowa; and
- WHEREAS,** the Iowa Supreme Court has interpreted infamous crime to mean a felony criminal conviction; and
- WHEREAS,** Article IV, section 16, of the Constitution of the State of Iowa grants the Governor of the State of Iowa the power to restore the rights of citizenship that were forfeited by such a conviction; and
- WHEREAS,** restoring the right to vote of Iowans who have discharged their felony sentences will make our communities safer because those who are welcomed back as full members of society are less likely to recidivate; and
- WHEREAS,** restoring the right to vote of Iowans who have discharged their felony sentences recognizes that path to redemption following a felony conviction necessarily includes reintegration into our political process; and
- WHEREAS,** restoring the right to vote of Iowans who have discharged their felony sentence will reduce unnecessary burdens on Iowans who wish to obtain their rights back and conserve limited taxpayer resources currently used to review applications for restoration of voting rights; and
- WHEREAS,** two years ago in my Condition of the State address, I proposed an amendment to the Constitution of the State of Iowa to ensure that Iowans who have completed their felony sentences have their right to vote restored without relying on the discretion of the Governor of the State of Iowa; and
- WHEREAS,** a constitutional amendment continues to be the only permanent solution to this issue, but the process for proposing and ratifying such an amendment will likely take several additional years during which time Iowans would be deprived of these advantages; and
- WHEREAS,** the people of Iowa will benefit now from the restoration of the right to vote for Iowans who have completed their sentences and a clear and consistent process that continues to restore the right to vote immediately to Iowans who discharge their sentences.

NOW, THEREFORE, I, Kim Reynolds, Governor of the State of Iowa, do hereby restore the rights of citizenship, including that of voting and qualification to hold public office, to any person who forfeited those rights by conviction of an infamous crime, except for a violation of chapter 707 of the Iowa Code, and who has discharged his or her sentence on or before August 5, 2020. I further order the following:

- I. **Discharge of sentence.** For purposes of this Executive Order, a person has discharged his or her sentence upon completion of any term of confinement, parole, probation, or other supervised release for all felony convictions, and completion of any special sentence imposed pursuant to chapter 903B.
- II. **Convictions in other jurisdictions.** This restoration of citizenship rights shall apply to convictions of an infamous crime in any jurisdiction, including felony convictions in federal court or the court of another state, to the extent that the conviction has resulted in the forfeiture of citizenship rights in Iowa.
- III. **Limitations of restoration.** The provisions of this Executive Order do not restore rights with respect to firearms as provided in chapter 724 of the Iowa Code, do not grant an absolute pardon, do not relieve an individual from paying fines, costs, restitution, or other monetary obligations resulting from a criminal conviction, and do not operate as a bar to greater penalties for second offenses, subsequent convictions, or conviction as a habitual offender. This Executive Order does not restore the rights of citizenship in another jurisdiction unless the other jurisdiction requires the restoration of citizenship rights in Iowa because of a person's Iowa felony conviction.
- IV. **Ongoing restoration.** I will restore the rights of citizenship, including that of voting and qualification to hold public office, to any person who has forfeited those rights by conviction of an infamous crime, except for a violation of chapter 707 of the Iowa Code, and who discharges his or his sentence, on a daily basis beginning on August 6, 2020. Such restorations shall be effective immediately upon the discharge of a person's sentence.
- V. **Proof of restoration.** This Executive Order shall serve as evidence of the restoration of citizenship rights for any person who forfeited those rights by conviction of an infamous crime, except for a violation of chapter 707 of the Iowa Code, and who has discharged his or her sentence, as defined above, on or before August 5, 2020. The certificate of restoration of citizenship issued daily, and available from the Office of the Governor, shall serve as evidence of the restoration of citizenship rights for any such person who discharges his or her sentence after August 5, 2020.
- VI. **Records of discharge of sentence.** The Iowa Department of Corrections shall provide the Iowa Secretary of State records necessary to assist in updating the database of disqualified persons to reflect the restoration of citizenship rights in this Executive Order. The Department shall also continue to provide a record of all additional persons convicted of a felony, except for a violation of chapter 707 of the Iowa Code, in Iowa court who discharge their sentences directly from prison or after completing a term of parole or probation to the Iowa Secretary of State on at least a weekly basis.
- VII. **Registration and exercise of the right to vote.** I strongly encourage all Iowans whose citizenship rights are restored by the Executive Order or who are otherwise eligible to vote in this state, to register to vote by submitting a voter registration form to their county auditor or completing the online voter registration. And I strongly encourage all these Iowans to begin participating fully as a citizen in our local, state, and national elections.
- VIII. **Applications for restoration of citizenship rights.** Nothing in this Executive Order prohibits an Iowan from submitting an application for restoration of citizenship rights to the Office of the Governor.

- IX. **Interpretation and severability.** This Executive Order shall be interpreted in accordance with all applicable laws and regulations and shall not supersede any laws or regulations in place as of its effective date. The provisions of paragraphs III through X of this Executive Order do not create any right or benefit, substantive or procedural, enforceable at law or in equity, by any party against the State of Iowa, its departments, agencies, or political subdivisions, or its officers, employees, agents, or any other persons. If any provision of this Executive Order is found to be invalid, unenforceable, or otherwise contrary to applicable law, then the remaining provisions of this Executive Order, as applied to any person or circumstance, in shall continue in full force and effect and shall not be affected by such finding of invalidity or unenforceability.

- X. **Effective date and expiration.** This Executive Order shall apply prospectively only as of its effective date and it shall expire upon the ratification of any future amendment to Article II, section 5, of the Constitution of the State of Iowa. The expiration of this Executive Order shall not affect the validity of any restoration of citizenship rights granted while this Executive Order is in effect.



IN TESTIMONY WHEREOF, I HAVE
 HEREUNTO SUBSCRIBED MY NAME AND
 CAUSED THE GREAT SEAL OF IOWA TO BE
 AFFIXED TO THIS EXECUTIVE ORDER.
 DONE IN DES MOINES, IOWA THIS 5TH DAY
 OF AUGUST IN THE YEAR OF OUR LORD
 TWO THOUSAND AND TWENTY.

Kim Reynolds

 KIM REYNOLDS
 GOVERNOR OF IOWA

ATTEST:

Paul D. Pate

 PAUL D. PATE
 SECRETARY OF STATE

AGENCY	RULE	DELAY
Utilities Division[199]	ch 11 [IAB 7/29/20, ARC 5121C]	Effective date of September 2, 2020, delayed 70 days by the Administrative Rules Review Committee at its meeting held August 11, 2020. [Pursuant to §17A.4(7)]
Human Services Department[441]	amendments to chs 78, 79 [IAB 7/29/20, ARC 4899C]	Effective date of March 18, 2020, delayed until the adjournment of the 2021 session of the General Assembly by the Administrative Rules Review Committee at its meeting held March 6, 2020. [Pursuant to §17A.8(9)] Delay lifted: At its meeting held August 11, 2020, the Committee lifted the delay, effective August 11, 2020, except with respect to amendments to subrule 78.2(6). Effective date of amendments to subrule 78.2(6) remains delayed until the adjournment of the 2021 session of the General Assembly.