
LEGAL UPDATE

Legal Services Division



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ADMINISTRATIVE RULES REVIEW COMMITTEE MEETING — FEBRUARY 7, 2020

Purpose. *Legal updates are prepared by the nonpartisan Legal Services Division of the Legislative Services Agency. A legal update is intended to provide legislators, legislative staff, and other persons interested in legislative matters with summaries of recent meetings, court decisions, Attorney General Opinions, regulatory actions, federal actions, and other occurrences of a legal nature that may be pertinent to the General Assembly's consideration of a topic. Although an update may identify issues for consideration by the General Assembly, it should not be interpreted as advocating any particular course of action.*

BOARD OF EDUCATIONAL EXAMINERS, *Teaching Endorsements*, 1/15/20 IAB, ARC 4870C, NOTICE.

Background. This rulemaking reduces the credit hours needed in order to obtain certain teaching endorsements, including endorsements for business, language arts, science, and social sciences, and for teacher librarians.

Commentary. Committee members asked if the board had discussed the rulemaking with institutions of higher education. Ms. Joanne Tubbs, speaking on behalf of the board, explained that the board made the institutions aware of the rulemaking but did not discuss the rulemaking with them. She explained that the institutions would not need to adjust their course offerings based on the rulemaking and that rulemaking of this nature typically does not merit detailed discussion with the institutions.

Committee members asked why the board was pursuing the rulemaking. Ms. Tubbs explained that the rulemaking was prompted by significant feedback from school administrators, including data on issuance of conditional licenses. Such data show that teachers who need to obtain conditional licenses while they continue to take classes to qualify for a full license tend to have high turnover. She stated she could obtain information regarding how many school districts might be affected by the rulemaking. She stated that the board pursued the reduced credit hours instead of allowing some candidates to pass a single test in lieu of taking additional courses. She explained that the reduced credit hours were as far as the board wants to go at present, but the board may consider the testing option in the future.

Committee members asked for more information regarding a teacher shortage in Iowa. Ms. Tubbs explained that the board can look at the number of licenses compared to the number of job openings to calculate shortages. She explained that school districts are having difficulty attracting job applicants. She was unsure of the exact cause of the shortage, but stated that it can be difficult for some communities to attract young applicants for teaching positions and that teacher preparation programs are seeing fewer applicants. She explained that part of her job is to fill out forms for teachers moving to other states, and that Iowa is producing fewer teachers than in the past and losing more of them to other states. She stated that she has filled out more of those forms in the last year than in the previous seven years combined. Committee members asked how Iowa's credit hour requirements compare to other states, and she stated that Iowa's requirements are similar to Nebraska's while other surrounding states were closer to the requirements in the rulemaking.

Some committee members stated that the rulemaking could be beneficial to their local school districts and to rural school districts in general while others expressed concern about lowering the standards expected for teacher training.

Ms. Rachel Boon spoke on behalf of the Board of Regents. She stated she was unaware of any outreach to regents institutions by the board. She expressed two concerns with the rulemaking: the impact on students, particularly in rural areas, and the lack of input by stakeholders such as regents faculty who teach courses affected by the rulemaking. She acknowledged that the regents institutions would not be required to change their course offerings based on the rulemaking. She stated that teacher candidates must be well-prepared to teach and that the board should be aware of the course content that would be lost if the credit hours are reduced under the rulemaking. She expressed support for school districts having more flexibility to recruit teachers, but expressed hope that regents intuitions could be involved in discussions on that subject. In response to a question, she said the rulemaking would not have a financial impact on regents institutions.

Public comments opposed to the rulemaking were made by Ms. Joan Bessman Taylor speaking on behalf of teacher librarians in Iowa, Ms. Katy Kauffman on behalf of the Iowa Association of Colleges for Teacher Education, Ms. Jodi Grover on behalf of the Iowa Association of School Librarians, and Dr. Lindsay Grow on behalf of the Grand View University Education Department. They asserted that the rulemaking amounted to a lowering of standards for teacher training that would have a negative impact on students. They particularly expressed concern regarding the changes to the teacher librarian endorsement, including the removal of a required practicum. They asserted the changes would result in the loss of crucial content and knowledge for teacher librarians, whose unique training compared to other teachers is significant for promoting reading skills in students. They also questioned whether Iowa has a teacher shortage, as opposed to a lack of desirable teaching positions. They urged that the rulemaking be delayed.

Public comments in support of the rulemaking were made by Mr. David Wilkerson and Mr. Matt Carver on behalf of School Administrators of Iowa and Mr. D.T. Magee on behalf of the Norwalk Community School District. They asserted that there is a significant teacher shortage throughout Iowa and that many school districts are struggling to hire teachers and are receiving fewer applications for teaching positions. They asserted that the rulemaking will increase flexibility for school districts in hiring and will help school districts attract teachers from out of state. In response to a question from committee members, Mr. Magee was unsure when the teacher shortage may have begun or what exactly may be causing it, although he cited as possible reasons teacher candidates returning to home states, changes in Iowa's collective bargaining laws, and lack of competitive teacher wages.

Action. Committee members discussed the committee's options for acting on a notice of intended action with Mr. Jack Ewing, Administrative Code Editor. A motion for a general referral of ARC 4870C failed on a 5-2 record roll call vote.

DEPARTMENT OF PUBLIC HEALTH, *Emergency Medical Services—Providers, Training Programs, 1/15/20, ARC 4857C, NOTICE.*

Background. This rulemaking revises rules on training, certification, renewal, and compliance for emergency medical care providers as well as the regulation of emergency medical services (EMS) training programs. The rulemaking rewrites existing rules and divides them into two chapters: chapter 131 on the initial certification, renewal, reactivation, and compliance of emergency medical care providers, and chapter 139 on the standards and requirements for the authorization of EMS training programs.

Commentary. Ms. Susan Dixon, speaking on behalf of the department, explained that the department will wait to adopt ARC 4857C and 4858C pending the possible enactment of legislation concerning EMS during the 2020 Legislative Session.

Committee members noted that based on local feedback, state EMS standards have been making it difficult to recruit EMS volunteers in rural areas.

Public comment was received from Mr. Brian Helland, Assistant Chief at the Clive Fire Department; Mr. Matthew Imming, EMS Supervisor/Educator at the Buena Vista Regional Medical Center; and Mr. Tony Sposeto, Fire Lieutenant at the Des Moines Fire Department. They expressed support for the rulemaking, asserting that the rulemaking will benefit EMS providers by encouraging program renewal, lowering costs, allowing providers to enter into affiliation agreements, and adopting national standards for ambulances. Mr. Imming asserted that concerns raised about affiliation agreements leading to closing of EMS services or other negative effects are based on a misunderstanding of such agreements, which do not change the key characteristics of an EMS provider.

Action. No action taken.

DEPARTMENT OF PUBLIC HEALTH, *Emergency Medical Services—Service Program Authorization, 1/15/20, ARC 4858C, NOTICE.*

Background. This rulemaking revises rules relating to the authorization of EMS programs by the department. Revisions include establishment of EMS programs that receive a low volume of calls as service program affiliates, clarification of minimum staffing levels, and ambulance inspection standards.

Commentary. Public comment was received from Ms. Kerrie Hull, Director of Calhoun County EMS; Mr. Christopher Hill, Vice Chair of the EMS Advisory Council and Medical Director at the Iowa EMS Association; Mr. Chris Perrin, Emergency Management Coordinator at Mary Greeley Medical Center; and Ms. Linda Frederiksen, Executive Director at MEDIC EMS. They expressed support for the rulemaking and appreciation for the department's work on it. They emphasized the importance of EMS programs and described challenges faced by EMS programs in certain areas as a result of past program closures when neighboring programs had to take over the affected service areas. They asserted that the rulemaking will reduce closures of smaller, rural EMS programs.

Committee members expressed appreciation for EMS programs and emergency medical technicians and the work they do saving lives.

Action. No action taken.

Next Meeting. The next committee meeting will be held in Room 116, Statehouse, on Friday, March 6, 2020, beginning at 9:00 a.m.

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