ARC 5240C

VOLUNTEER SERVICE, IOWA COMMISSION ON[817]

Adopted and Filed

Rule making related to Iowa national service corps program

The Iowa Commission on Volunteer Service hereby adopts new Chapter 14, "Iowa National Service Corps Program," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 15H.9.

State or Federal Law Implemented

This rule making implements, in whole or in part, 2018 Iowa Acts, House File 2420.

Purpose and Summary

This rule making implements Iowa Code section 15H.9 regarding the National Service Corps rules. The Iowa National Service Corps Program provides a process for the creation of national service programs so that more Iowans can serve their country. These rules outline the process to apply for and receive approval as an Iowa National Service Corps program.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on July 29, 2020, as **ARC 5120C**. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Commission on September 22, 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 Commission 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 November 25, 2020.

The following rule-making action is adopted:

Adopt the following **new** 817—Chapter 14:

CHAPTER 14
IOWA NATIONAL SERVICE CORPS PROGRAM

817—14.1(15H) Purpose and program description. The Iowa commission on volunteer service certifies national service programs that meet the standards established in Iowa Code section 15H.9. The Iowa commission on volunteer service also provides training, resources, and support services to Iowa national service corps programs. In partnership with approved programs, the Iowa commission on volunteer service strives to provide opportunities for state agencies, political subdivisions of the state, and private, nonprofit organizations to create national service programs outside of existing state and federal programs to meet state and local needs and to provide more opportunities for Iowans to serve their state and country and foster a cultural expectation of service in Iowa through a unified service corps.

817—14.2(15H) Definitions. For purposes of this chapter, unless the context otherwise requires:

"Approval" means the process for identifying service programs as meeting the criteria to become eligible for Iowa national service corps program benefits and technical assistance.

"Commission" means the Iowa commission on volunteer service.

"Host site" means the physical location where an Iowa national service corps member is based for the period of service in the Iowa national service corps program. The sponsoring organization may be the host site.

"Iowa national service corps approval application" means the application used to determine an applicant's designation as an approved Iowa national service program. The application contains information that can be used to determine an applicant's designation as an approved Iowa national service corps program.

"Iowa national service corps member" or *"corps member"* means a participant in an approved Iowa national service corps program.

"Iowa national service corps program" or *"national service corps program"* means a program that provides meaningful service opportunities to individuals, provided that the program meets the following requirements:

1. The program is approved via the automatic approval, reciprocal approval, or regular approval process.
2. The program is located in this state or has sites operating in the state.
3. The program is operated by one of the following entities: a state agency, a political subdivision of the state, or a private, nonprofit organization (state agencies or political subdivisions of the state may establish Iowa national service corps programs or contract with a third-party vendor to assist the agency or political subdivision in establishing such programs).
4. The program is developed to meet state and local needs and to provide more opportunities for Iowans to serve their state and country and foster a cultural expectation of service in Iowa through a unified service corps.

"Sponsoring organization" means the entity operating the Iowa national service corps program, which is responsible for submitting the Iowa national service corps approval application and meeting requirements for approved programs.

817—14.3(15H) Approval. Before a national service corps program can access the benefits of the Iowa national service corps, it must be approved by the commission.

14.3(1) *Automatic approval.* Existing programs and service positions in the following categories are automatically approved: AmeriCorps programs in Iowa created pursuant to 42 U.S.C. §12501, Senior Corps and AmeriCorps VISTA in Iowa created pursuant to 42 U.S.C. §4950 et seq., the Iowa summer youth corps program created pursuant to Iowa Code section 15H.5, the Iowa green corps program created pursuant to Iowa Code section 15H.6, the Iowa reading corps program created pursuant to Iowa Code section 15H.7, the RefugeeRISE AmeriCorps program created pursuant to Iowa Code section 15H.8, and the Iowa conservation corps created pursuant to Iowa Code section 84A.7.

14.3(2) *Reciprocal approval.* Existing programs and service positions recognized by another service year certifying body may request reciprocal approval by following the process outlined on the commission's website.

14.3(3) *Regular approval.* All other entities seeking approval for their service programs or positions should follow the regular approval process by completing an Iowa national service corps approval application.

a. Applications for national service corps program approval are available from the Iowa commission on volunteer service's website.

b. A review team designated by the commission shall review applications from national service corps programs to determine whether the national service corps programs or positions are eligible to participate in the program.

c. Applicants shall receive written notification of the commission's decision. Written notification will also be provided regarding the due dates and process for submission of program reports.

d. Full approval means the commission has determined that the national service corps program has met the established standards.

e. Conditional approval means the commission has temporarily approved the national service corps program before the program becomes fully operational or before the program has met the standards for full approval.

f. Any program that is denied approval or decertified for any reason bears the burden of proving that all deficiencies previously cited have been corrected. Corrections shall be in accordance with requirements of the Iowa commission on volunteer service.

14.3(4) *Documentation.* Additional documentation may be required to verify elements of the application. Documentation verifying a program's compliance with approval standards may be required by the commission during the approval process. Each program shall provide relevant information upon the commission's request in order to be considered for approval. National service corps programs may be requested to provide documentation of continued eligibility at any time during and after approval.

14.3(5) *Duration of approval.*

a. Automatic approval will be in effect as long as the program is recognized as one of the automatically approved programs listed in subrule 14.3(1).

b. Reciprocal approval will be in effect as long as the program is recognized by the other certifying body.

c. Regular approval.

(1) Full approval may be in effect for three years, as long as the program continues to meet the approval standards.

(2) Conditional approval may be in effect for six months and may be used for the purpose of applying for program benefits and technical assistance available to approved national service corps programs. The commission may grant an extension of conditional approval if it is determined that significant progress is being made toward meeting the requirements for full approval. It shall be the responsibility of the national service corps program to notify the commission when the program believes it has met the full approval criteria.

(3) A national service corps program may renew its approval. Programs whose full approval has expired should reapply using the application form available on the commission's website.

817—14.4(15H) Approval standards. The commission has established standards to certify national service corps programs. These standards are based on a combination of factors established by the

Corporation for National and Community Service, the Service Year Alliance, and the existing rules for the Iowa summer youth corps program created pursuant to Iowa Code section 15H.5, the Iowa green corps program created pursuant to Iowa Code section 15H.6, the Iowa reading corps program created pursuant to Iowa Code section 15H.7, the RefugeeRISE AmeriCorps program created pursuant to Iowa Code section 15H.8, and the Iowa conservation corps created pursuant to Iowa Code section 84A.7.

14.4(1) *Program design.* The national service corps program should have a program design defining the impact the program will have on the community, sponsor organization, and service corps members. The program design must identify how the national service program will address a state or local need and how the program will promote a sense of civic engagement in program participants.

14.4(2) *Corps member position description.* The national service corps program shall have written descriptions/plans for high-quality service activities. National service corps member activities must be clearly delineated from those of employees of the sponsoring organization and host site.

14.4(3) *Orientation.* The national service corps program shall have an orientation for national service corps members, including clarification on how the member service activities differ from employee responsibilities.

14.4(4) *Eligibility.* The national service corps program shall have eligibility screening for national service corps members, commensurate to the service activities to be conducted and the population to be served. National service corps programs shall set and meet minimum requirements for checking the criminal history of national service corps member applicants and considering the following results when selecting corps members:

a. Criminal background and sex offender registry checks for corps members over the age of 18.

b. Reference checks for corps members under the age of 18.

14.4(5) *Training and professional development.* The national service corps program shall provide ongoing training and professional development to the national service corps members.

14.4(6) *Member supervision.* The national service corps program shall demonstrate the ability to effectively supervise the national service corps members.

14.4(7) *Certification of member service.* Upon successful completion of the term of service by the Iowa national service corps member, the sponsor organization shall issue a certification of service letter to the corps member. The letter should include, at a minimum, the name of the corps member, whether the corps member served in a full-time or less than full-time capacity, the dates of service (if the corps member served in a full-time capacity) or the hours of service (if the corps member served in a less than full-time capacity), the name of the sponsor organization, and a contact person at the sponsor organization.

14.4(8) *Compliance process.* The national service corps program shall have a process for ensuring compliance with program standards.

14.4(9) *Program impact.* The national service corps program should have a method for tracking progress towards the established goals of the program.

14.4(10) *Organizational capacity.* The sponsoring organization shall have an established history and demonstrate the staff capacity and experience to effectively oversee the national service corps program.

14.4(11) *Financial capacity, cost effectiveness and budget adequacy.* The sponsoring organization should demonstrate the financial capacity to administer the national service corps program, including any living allowances or stipends provided to national service corps members. The national service corps program budget should be sufficient to provide the national service corps member(s) with the tools needed to be effective in the assigned tasks.

14.4(12) *Risk management.* The national service corps program should practice appropriate risk management strategies for the approved national service corps positions.

817—14.5(15H) Application process.

14.5(1) *Sponsor organization approval process.* Eligible organizations may request approval using the application materials available through the commission's website.

14.5(2) *Iowa national service corps member process.* Prospective national service corps members should apply directly to an approved Iowa national service corps program. Prospective corps members must meet the approved program's eligibility requirements and agree to the program standards.

817—14.6(15H) Special consideration. In addition to the standards set forth in rule 817—14.4(15H), the commission may consider other factors to determine approval status to ensure that only high-quality national service corps programs are approved.

14.6(1) *On-site audits.* At the discretion of the commission, on-site audits may be conducted to determine approval.

14.6(2) *Reporting.* Programs that fail to submit required documentation are at risk of decertification and may be deemed ineligible to receive the benefits of approval, including complimentary training registration and inclusion on the Iowa commission on volunteer service website.

817—14.7(15H) Decertification. A national service corps program shall be decertified by the commission if it is determined that the program no longer meets the approval standards identified herein for a high-quality national service corps program, if program personnel cannot be contacted by the commission, if the program fails to provide documents requested by the commission or if the program fails to complete any required Iowa national service corps annual report.

14.7(1) Written notice of the intent to revoke approval shall be provided to a national service corps program when the commission determines that there is reasonable cause to believe the program does not comply with these rules. Notice shall be sent at least 30 days before decertification becomes effective.

14.7(2) Decertification procedures may be initiated by the commission, by the program, or following investigation of a complaint filed by the general public. A request for an investigation from the public must be in written form and shall specify the reason(s) why the approved national service corps program no longer meets the approval standards. Supporting documentation may be attached to the request. The identity of the complainant is confidential pursuant to Iowa Code section 22.7(18).

14.7(3) Benefits and designation as an approved national service corps program will continue until the final decision is issued by the commission.

817—14.8(15H) Fraudulent practices in connection with approved national service corps programs. A person is considered to be guilty of a fraudulent practice if the person knowingly falsifies information on an application for the purpose of obtaining approval and any other potential benefits, including those offered through the Iowa commission on volunteer service or other state contracts and grants available only to approved national service corps programs. The commission may investigate allegations or complaints of fraudulent practices and will take action to decertify a national service corps program upon concluding that a violation has occurred. A violation under this rule is grounds for decertification of the national service corps program responsible for the violation. Decertification shall be in addition to any penalty otherwise authorized.

817—14.9(15H) Appeal procedure. Commission decisions regarding approved national service corps programs may be contested by an adversely affected party as detailed in 817—Chapter 5.

817—14.10(15H) Intergovernmental agreements. Approved Iowa national service corps programs are considered governmental entities in accordance with rule 11—118.4(8A). As such, state agencies or political subdivisions of the state may enter into an agreement for services with any approved Iowa national service corps program directly or through an agreement with the commission and are not required to use competitive selection.

817—14.11(15H) Program administration. State agencies or political subdivisions of the state may establish Iowa national service corps programs or contract with a third-party vendor to assist the agency or political subdivision in establishing such programs. In the case that a vendor is utilized, the program is still considered a governmental entity for the purposes of intergovernmental agreements pursuant to rule 11—118.4(8A).

817—14.12(15H) Funding priority. State agencies or political subdivisions of the state may give priority to grants or projects funded that utilize Iowa national service corps programs.

817—14.13(15H) Hiring preferences.

14.13(1) State agencies or political subdivisions of the state may establish hiring preferences for any Iowa national service corps or AmeriCorps participant who has successfully completed a year of full-time service or 1,700 hours over a period extending beyond a year.

14.13(2) Iowa national service corps members may request a letter verifying their eligibility for a hiring preference from the program in which they served or agencies may independently verify upon application.

817—14.14(15H) Participant employment status. A person participating in the Iowa national service corps program is not an employee of the organization in which the person is enrolled regardless of whether a stipend is provided; shall be exempt from the merit system requirements of Iowa Code chapter 8A, subchapter IV; and is not eligible to receive unemployment compensation benefits under Iowa Code chapter 96 upon completion of service.

These rules are intended to implement Iowa Code chapter 15H.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 10/21/20.