

EDUCATIONAL EXAMINERS BOARD[282]

Adopted and Filed Emergency

Rule making related to paraeducator substitute authorization

The Educational Examiners Board hereby amends Chapter 24, “Paraeducator Certificates,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 272.2.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 272.2.

Purpose and Summary

This amendment will allow the Director of the Board to grant permission for a paraeducator to serve as a substitute teacher outside of the paraeducator’s assigned special education classroom based on documented need.

*Reason for Adoption of Rule Making Without
Prior Notice and Opportunity for Public Participation*

Pursuant to Iowa Code section 17A.4(3), the Board finds that notice and public participation are unnecessary or impractical because emergency adoption was approved by the Administrative Rules Review Committee. This emergency adoption also provides a benefit, since it will have a positive impact on schools that are currently utilizing paraeducators in this manner under the public emergency proclamation.

In compliance with Iowa Code section 17A.4(3)“a,” the Administrative Rules Review Committee at its February 15, 2022, meeting reviewed the Board’s determination and this rule making and approved the emergency adoption.

Reason for Waiver of Normal Effective Date

Pursuant to Iowa Code section 17A.5(2)“b”(1)(b), the Board also finds that the normal effective date of this rule making, 35 days after publication, should be waived and the rule making made effective on February 16, 2022, because the Governor’s Emergency Proclamation expires and the new rule confers a benefit, since it will have a positive impact on schools that are currently utilizing paraeducators in this manner under the public emergency proclamation.

Adoption of Rule Making

This rule making was adopted by the Board on February 14, 2022. This rule making was adopted by the Board to be effective upon the expiration of the Governor’s Emergency Proclamation on February 16, 2022, and after approval of the Administrative Rules Review Committee.

Concurrent Publication of Notice of Intended Action

In addition to its adoption on an emergency basis, this rule making has been initiated through the normal rule-making process and is published herein under Notice of Intended Action as **ARC 6228C** to allow for public comment.

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 282—Chapter 6.

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 became effective on February 16, 2022.

The following rule-making action is adopted:

Amend subrule 24.4(9) as follows:

24.4(9) *Paraeducator substitute authorization.* An individual who holds a paraeducator certificate and completes the substitute authorization requirements set forth in rule 282—22.2(272) but who does not meet the degree requirement in 282—subparagraph 22.2(1)“a”(2) is authorized to substitute only in the special education classroom in which the individual paraeducator is employed, unless emergency permission is granted by the executive director or designee based on documented need provided by the employer.

[Filed Emergency 2/15/22, effective 2/16/22]

[Published 3/9/22]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/9/22.